

## LAW &amp; POLICY GROUP

**GRIST**

## NEW YORK BANS DISCRIMINATION BASED ON RELIGIOUS CLOTHING, FACIAL HAIR

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Starting Oct. 8, New York employers can't refuse to hire, retain, promote or take other discriminatory action against a person for wearing attire or facial hair in accordance with the tenets of their religion, under legislation (2019 Ch. 154, [S 4037](#) and [A 4204](#)) [signed](#) by the governor on Aug 11. The new measure amends the [New York State Human Rights Law](#), which already prohibits employers from treating applicants or employees differently because of their religious beliefs and requires reasonable accommodation for an employee's religious practices.

In February, the New York City Commission on Human Rights issued [guidance](#) stating that employer policies on appearance and grooming that ban natural hair or hairstyles constitute unlawful discrimination under the city's Human Rights Law. California became the first state to enact a similar [law](#). The federal Equal Employment Opportunity Commission (EEOC) maintains that some workplace grooming policies may run afoul of the protection against [racial](#) or [religious](#) discrimination under Title VII of the Civil Rights Act of 1964.

### RELATED RESOURCES

#### Non-Mercer Resources

- 2019 Ch. 154 ([S 4037](#) and [A 4204](#)), Discrimination Against Religious Attire (New York Legislature, Aug. 9, 2019)
- [Press Release](#) (New York Governor's Office, Aug. 9, 2019)
- [New York State Human Rights Law](#) (New York Division of Human Rights)
- [2019 Ch. 58](#), An Act Relating to Discrimination (California Legislature, July 3, 2019)
- [Legal Enforcement Guidance on Race Discrimination on the Basis of Hair](#) (New York City Commission on Human Rights, Feb. 26, 2019)

- [Religious Garb and Grooming in the Workplace: Rights and Responsibilities](#) (EEOC, March 6, 2014)
- [Compliance Manual on Race and Color Discrimination, Section 15.VII.B5](#) (EEOC, April 19, 2006)

#### **Mercer Law & Policy Resources**

- [New York Expands Protection Against Discrimination, Harassment](#) (Aug. 15, 2019)
- [US: California Employers Can't Discriminate Based on Hair](#) (July 11, 2019)
- [Employee Hairstyles Protected Under NYC Human Rights Law](#) (March 18, 2019)

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