

## **Alert** | Labor & Employment



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### **NY State Bans Discrimination Based on Religious Attire, Clothing, and Facial Hair**

On August 9, 2019, New York state amended its Human Rights Law (NYSHRL) to expressly include the workplace protection of religious attire, clothing, and facial hair. The law becomes effective in sixty (60) days, on October 8, 2019.

While religious discrimination has long been outlawed under both state and federal law, this amendment makes clear that the definition of religion in New York state's existing anti-discrimination statute includes bias against any employee's religious clothing, facial hair, or attire. The law does not define the terms "attire," "clothing," or "facial hair," but is based, in part, on an employee who was required to remove his turban or affix a company logo to it. Clearly, the new protections would include turbans, headscarves, hijabs, burqas, yarmulkes, and beards worn for religious purposes. The law would also prohibit employers from requiring employees to affix company logos to religious attire or clothing. It is unclear whether the new protections would extend to jewelry, body piercings, or tattoos with religious significance.

An employer engages in an unlawful discriminatory practice when it requires an employee to violate or forego the wearing of attire, clothing, or facial hair in accordance with the requirements of his or her religion unless the employer demonstrates that it is unable to reasonably accommodate the employee's religious practice without undue hardship on the conduct of its business.

Private employers with appearance or grooming policies are encouraged to review their policies with counsel to ensure there are appropriate accommodation procedures in place in order to avoid running afoul of the NYSHRL protections.

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