



New York Governor Signs Law Prohibiting Hairstyle Discrimination

Insights

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New York Governor Andrew Cuomo recently signed legislation amending state law to explicitly prohibit discrimination based on hair texture or protective hairstyles as race-based discrimination. The new law took effect immediately upon signing in July 2019. What do New York employers need to know about this new law?

The Basics: The New Law

The legislation amends the definition of race under the New York State Human Rights Law (NYSHRL) to include “traits historically associated with race, including, but not limited to, hair texture and protective hairstyles,” including braids, locks, and twists.

The law piggybacks off guidance issued by the New York City Commission on Human Rights in February 2019, which advised that workplace grooming or appearance policies that ban, limit, or restrict natural hair or hairstyles associated with Black people violate the New York City Human Rights Law, the City’s anti-discrimination laws.

What Do Employers Need To Know?

The new law does not mean that you cannot have grooming policies in the workplace. However, the grooming rules must not directly target hairstyles traditionally associated with persons of color or have a disparate impact on certain races. Your grooming policies should have a valid, non-discriminatory basis and be uniformly applied to all employees.

Employers in New York should review their handbooks and any other policies related to employee grooming to ensure they do not conflict with the new law. Grooming standards should be neutral, applied uniformly and must not result in a disparate impact.

Employers outside of New York should pay attention to this development as well. California passed a similar measure a few days before New York, and no doubt other states and local jurisdictions will seek to mirror these efforts and introduce similar workplace restrictions.

We will continue to monitor further developments and provide updates on this issue and other labor and employment issues affecting New York employers, so make sure you are subscribed to Fisher Phillips’ alert system to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, or any attorney in our New York City office.

This Legal Alert provides an overview of a new state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation

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