

New York Bans “Hair Discrimination” in the Workplace

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New York State has banned hair discrimination in the workplace. The law, which was signed by Gov. Andrew Cuomo on July 12 (taking effect immediately), amends the state human rights law by including “traits historically associated with race, including but not limited to, hair texture and protective hairstyles” in the definition of “race.” The term “protective hairstyles” includes hairstyles such as braids, locks, and twists.

Companies with New York employees and operations should immediately review their appearance and hair polices to make sure they comply with the new law. Those policies should use neutral, generally-applicable language and should not single out hair textures or hairstyles that are associated with African-Americans or any other racial group.

New York City has issued its own guidance on hair discrimination, which is more detailed and broader in scope than its state counterpart: it applies not only to hairstyles associated with race, but also to hairstyles associated with ethnicity and culture. The New York City guidance also provides a litany of unlawful appearance and grooming policies and practices.

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