

New York Amends the Human Rights Law to Prohibit Discrimination Based on Traits Historically Associated With Race (Such As Hair Texture and Protective Hairstyles)

On July 12, Governor Cuomo signed [a bill amending the New York Human Rights Law](#) to prohibit employment discrimination based on “traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.” The term “protective hairstyles” includes, but is not limited to, “such hairstyles as braids, locks, and twists.” This amendment took effect immediately upon the Governor’s signature.

Employers in New York City should also be aware that the New York City Human Rights Law has been interpreted by the New York City Commission on Human Rights to prohibit race discrimination based on hairstyles even prior to this amendment to the State Human Rights Law. In February 2019, the New York City Commission on Human Rights issued a [Legal Enforcement Guidance on Race Discrimination on the Basis of Hair](#), and specified in the Guidance that the New York City Human Rights Law “protects the rights of New Yorkers to maintain natural hair or hairstyles that are closely associated with their racial, ethnic, or cultural identities.”

Although hair texture and protective hairstyles are specifically mentioned in the amendment to the New York Human Rights Law as examples of traits that may be historically associated with race, employers in New York should keep in mind that the amendment is not limited to just hair texture and protective hairstyles. Employers should review their dress code and grooming policies to make sure that those policies do not contain any prohibitions that discriminate against a particular racial group.

If you have any questions about this Information Memo, please contact [Subhash Viswanathan](#), any of the [attorneys](#) in our [Labor and Employment Law Practice](#), or the attorney in the firm with whom you are regularly in contact.

