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## New York Expands Workplace Protections for Religious Attire, Clothing, and Facial Hair

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*A new amendment to the New York State Human Rights Law expressly prohibits workplace discrimination based on religious attire, clothing, and facial hair. New York employers should review their current policies and work with counsel to ensure compliance by the October 8, 2019 effective date.*

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Governor Cuomo recently signed legislation (S.4037/A.4204) that amends the New York State Human Rights Law to expand religious protections for employees and applicants in the workplace. The New York State Human Rights Law already prohibits employers from imposing upon employees and applicants “a condition of obtaining or retaining employment” that would require them “to violate or forego a sincerely held practice of [their] religion.” N.Y. EXEC. LAW § 296(10)(a). The new law ensures that those same protections now encompass an employee’s or applicant’s religious attire, clothing, and facial hair.

The new law does not define the terms “attire,” “clothing,” or “facial hair,” but the legislation’s sponsors provided an instructive example, involving a company that required an individual to either remove his turban in favor of a

company hat or affix a company badge to it. See Sponsor’s Memorandum for Bill S.4037 (2019 Sess.), *available at [nysenate.gov/legislation/bills/2019/s4037](https://nysenate.gov/legislation/bills/2019/s4037)*. The individual’s religious beliefs prevented him from complying with either of the company’s demands. Such demands by New York employers are now prohibited.

### **WHAT IS THE IMPACT ON EMPLOYERS?**

New York employers cannot impose grooming or dress policies that limit an individual’s ability to follow the attire, clothing, and facial hair requirements of their religion.

New York employers are further obligated to engage in a bona fide effort to reasonably accommodate an individual’s ability to wear their religious attire, clothing, and facial hair.

## **WHAT SHOULD EMPLOYERS DO NOW?**

New York employers should review and update their appearance and grooming policies in advance of the October 8, 2019 effective date to ensure compliance with the new amendment.

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