



AUGUST 13, 2019

## **New York Increases Religious Protections Under the Human Rights Law**

On August 9, 2019, Governor Cuomo signed Senate Bill S4037, which amended the New York State Human Rights law to include protections for an individual’s right to “wear any attire, clothing, or facial hair in accordance with the requirements of his or her religion.”

Under the new law, Employers may not refuse to hire or promote individuals or take other discriminatory action against an individual because of his or her religious attire, clothing, or facial hair. Employers must make a bona fide reasonable effort to accommodate an employee’s or a prospective employee’s sincerely held religious observances or practices. An employer who does not reasonably accommodate a person’s religious practices must demonstrate undue hardship on the conduct of the employer's business.

In explaining the need for this amendment, the bill provides an example where an MTA employee, who was a member of the Sikh religion, was ordered to remove his turban and wear an MTA hat. When the employee objected because his turban was religious attire, he was told he must affix an MTA logo to his turban, which would not have been religiously proper. The amendment aims to ensure that expressions of religious duties do not result in employees being discriminated against in their place of work. The amendment takes effect on the 60th day after it becomes law.

## **Takeaway for Employers**

Employers should review their dress code and appearance policies to ensure that the policies do not violate the Human Rights Law. Employers should also keep in mind that they must engage in a bona fide effort to reasonably accommodate employee's or prospective employee's religious practices.

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If you have any questions regarding the new changes in the law, please do not hesitate to contact us.

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