

## **CLIENT ALERT**

### **New York City Issues Guidance On Hair Discrimination**

The New York City Commission on Human Rights recently issued enforcement guidance that specifically prohibits race discrimination on the basis of hair. The guidance specifically prohibits anti-black racism based on characteristics and cultural practices associated with being Black, including prohibitions on natural hair or hairstyles most closely associated with Black people.

New York City employers with 4 or more employees may face liability for race discrimination based on hair, including for the following:

- Enacting grooming or appearance policies that ban or require the alteration of natural hair or hair styled into twists, braids, cornrows, Afros, Bantu knots, fades, and/or locs;
- Enacting discriminatory policies that force Black employees to straighten, relax, or otherwise manipulate their hair to conform to employer expectations;
- Enacting facially neutral grooming policies related to characteristics that are discriminatorily applied, such as enforcing a grooming policy banning the use of color/dye, extensions, and/or patterned or shaved hairstyles against Black employees only;
- Harassing, imposing unfair conditions, or otherwise discriminating against Black employees by, among other things, forcing Black people to obtain supervisory approval prior to changing hairstyles, but not imposing the same requirement on other people, requiring only Black employees to alter or cut their hair or risk losing their jobs, and mandating that Black employees hide their hair or hairstyle with a hat or visor; and
- Banning, limiting or otherwise restricting natural hair or hairstyles associated with Black communities to promote a certain corporate image, because of customer preference, or under the guise of speculative health or safety concerns.

Finally, employers who have legitimate health or safety concerns with regards to an employee's hairstyle must consider alternative ways to meet that concern prior to imposing a ban or restriction on the employee's hairstyle. Alternatives include use of hair nets, hair ties, head coverings, or other safety equipment.

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If you have questions or would like additional information, please contact EGS' Employment Law Practice Group Leader Amanda M. Fugazy ([afugazy@egsllp.com](mailto:afugazy@egsllp.com)) or the primary EGS attorney with whom you work.



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