

New York Expands Harassment Laws, Protections of Religious Attire, Clothing, or Facial Hair

By Richard I. Greenberg and Christopher M. Valentino

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New York state has enacted sweeping new workplace harassment protections for employees, including lowering the standard for when harassment is actionable.

It also has adopted new law prohibiting employment discrimination based on religious attire, clothing, or facial hair.

Workplace Sexual Harassment

On August 12, 2019, Governor Andrew Cuomo signed legislation (S. 6577/A. 8421) to strengthen New York's anti-discrimination laws. One provision of the enactment eliminates the requirement that harassment be "severe or pervasive" to be actionable. The new standard of review for sexual harassment cases imposes greater potential liability on employers and goes into effect 60 days after enactment, on *October 11, 2019*.

Under this change, and consistent with New York City law, it will be an unlawful discriminatory practice for an employer to subject an employee to harassment based on the individual's membership in any protected class, or because the individual has opposed any harassment claim or participated in a harassment proceeding, "regardless of whether the harassment would be considered severe or pervasive under precedent applied to harassment claims." This change comports New York law with the current standard under the New York City Human Rights Law.

Another provision extends the statute of limitations to file sexual harassment claims with the New York State Division of Human Rights from one year to three years. The new statute of limitation goes into effect one year after enactment, on *August 12, 2020*.

For more on these and other provisions of the legislation, see our article, [New York Expands Harassment Laws](#).

Religious Attire, Clothing, Facial Hair

On August 9, 2019, Governor Cuomo signed legislation (S. 4037 /A. 4204) that prohibits employment discrimination based on religious attire, clothing, or facial hair. The new law, which is similar to existing New York City law, goes into effect 60 days after enactment, on *October 8, 2019*. (For details of the New York City law, see our article, [New York City Releases Enforcement Guidance on Race Discrimination on Basis of Hair](#).)

The new law amends the New York State Human Rights Law to make clear that employers cannot refuse to hire, retain, promote, or take other discriminatory action against an individual for wearing attire or facial hair in accordance with the tenets of their religion.

Further, employers are prohibited from treating applicants or employees differently because of that person's religious beliefs.

For more on New York's legislative activity, see our articles:

- [New York Governor Signs Bills Aimed at Combating Salary Inequality](#)
- [New York Enacts SHIELD Act, Adding Data Security Requirements and Strengthening Data Breach Requirements](#)
- [New York Expands Telemedicine Regulations](#)

Please contact a Jackson Lewis attorney with any questions about the new laws or assistance related to

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harassment policies, training for management and employees, and other preventive practices.

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