

NYC Council Passes Ordinance Amending NYCHRL to Add Weight & Height as Protected Characteristics

On May 11, 2023, the New York City Council approved an ordinance that is set to amend the New York City Human Rights Law ("NYCHRL") to add weight and height to the list of protected categories once it is signed by the NYC mayor and subsequently enacted. In other words, this ordinance, if enacted, would prohibit discrimination against employees based on their weight or height.

However, the legislation does include exceptions for certain circumstances, including for jobs where height or weight impacts the essential functions of the job.

In addition to the exceptions, the law also permits an affirmative defense when (a) height or weight prevents the person from performing the essential requisites of the job, and there is no reasonable alternative that would allow the person to perform the essential requisites of the job; or (b) the height or weight criteria is reasonably necessary for the execution of the normal operations of the employer.

Notably, the ordinance permits covered entities to offer incentives "that support weight management as part of a voluntary wellness program."

While the mayor has not yet signed the bill, he has openly supported it, and it is expected that he will sign it into law. Once signed, the bill is scheduled to take effect 180 days after the date it becomes law. This bill does not come as a surprise since similar bills have been introduced and considered in Massachusetts, New Jersey, and New York state legislatures, but have not yet gained any movement. Additionally, such protections currently exist in other jurisdictions, including Michigan and Washington State, and the cities of Washington, D.C. and San Francisco.

Once the law takes effect, employers will likely need to update their anti-discrimination and harassment policies to incorporate these new protected characteristics. We will keep you apprised of any subsequent developments relating to this law.

For questions relating to this client alert, please contact:



Amory McAndrew
212.689.8808
amcandrew@hnrklaw.com

Amory represents employers and executives in all aspects of the employment relationship with a focus on counseling, litigation avoidance and, when necessary, litigation. Her counseling experience on behalf of a broad range of employers includes advice on issues ranging from discrimination and retaliation to wage-and-hour issues to compensation. She also regularly drafts, updates, and negotiates agreements and policies on behalf of clients concerning executive employment agreements, separation agreements, and other business arrangements.



Rose Nankervis
212.689.8808
rnankervis@hnrklaw.com

Rose is an employment lawyer whose practice primarily focuses on two main areas (advice and counseling, and employment law and related litigation) that use a wide-range of skills from employment law to assist clients in navigating complex employment matters in the workplace.

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