

THE  
NATIONAL LAW REVIEW

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## The NYCCHR Issues New Enforcement Guidance on Appearance and Grooming Policies

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Wednesday, February 20, 2019

On February 19, 2019, the New York City Commission on Human Rights (“NYCCHR”) issued new enforcement guidance on appearance and grooming policies that ban or restrict naturally curly hair, dreadlocks, braids, cornrows and other hairstyles. Such policies constitute a violation of the New York City Human Rights Law (“NYCHRL”) because, according to the City Commission, prohibitions on “natural hair or hairstyles closely associated with Black people are often rooted in white standards of appearance and perpetuate racist stereotypes that Black hairstyles are unprofessional.”

In its guidance, the NYCCHR makes clear that the NYCHRL “protects the rights of New Yorkers to maintain natural hair or hairstyles that are closely associated with their racial, ethnic or cultural identities.” Accordingly, employers may not enact policies that force Black employees to straighten, relax, or otherwise manipulate their hair to conform to employer expectations, as this “constitutes direct evidence of disparate treatment based on race and/or other relevant protected classes under the NYCHRL.” Examples of violations may include, among other things, a policy that prohibits “twists, locs, braids, cornrows, Afros, Bantu knots, or fades which are commonly associated with Black people.”

While the guidance specifically details protections for Black people – who, according to the NYCCHR, are frequent targets of race discrimination based on hair – it also cites as unlawful “any grooming or appearance policies that generally target communities of color, religious minorities, or other communities” that are protected under applicable law. Examples of such policies may include:

- a Sikh job applicant turned down for religiously maintained uncut hair kept under a turban;
- an Orthodox Jewish employee ordered to shave his beard and cut his payot (sidelocks or sideburns) to keep his job;
- a 60-year-old employee with gray hair told to color their hair or lose their job; or
- a male server ordered to cut his ponytail while similar grooming policies are not imposed on female servers.

The enforcement guidance applies to employers as well as operators of restaurants, fitness clubs, stores, schools, libraries and other areas of public accommodation.

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Employers in New York City should review their current grooming and/or appearance policies to ensure compliance with these new guidelines.

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**Source URL:** <https://www.natlawreview.com/article/nycchr-issues-new-enforcement-guidance-appearance-and-grooming-policies>



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