

## New York City Legislation Prohibiting Discrimination on the Basis of Height or Weight Effective November 22, 2023

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*Labor and Employment Alert*

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New York City passed legislation amending the New York City Human Rights Law (NYCHRL) to prohibit discrimination on the basis of height or weight. The new law prohibits employment, housing, and public accommodation discrimination on the basis of a person's actual or perceived height or weight. New York City joins the growing list of jurisdictions which provide protection to individuals based on their height, weight, and body size.<sup>1</sup>

The new law generally prohibits New York City employers from discriminating against applicants and employees on the basis of their actual or perceived height or weight in all employment decisions.

The legislation provides the following exceptions:

- Where preferential treatment on the basis of height or weight is required by federal, state, or local law or regulation; or
- Where an individual's height or weight could prevent them from performing the essential functions of the job with or without accommodation, or
- Where a certain height or weight is reasonably necessary for the normal operation of the business.

**New York City employers should ensure their handbooks and policies are revised to include these new protected categories to be compliant with the new law.**

Members of the Labor and Employment Group at White and Williams LLP are available to assist employers with guidance under the amendment and litigation related to the NYCHRL.

If you have questions, please contact Laura Corvo, Counsel (corvol@whiteandwilliams.com; 201.368.7226), Andrea Moss, Senior Counsel (mossa@whiteandwilliams.com; 212.242.6152) or Joseph M. Carr, Associate (carrj@whiteandwilliams.com; 610.782.4907), or another member of the Labor and Employment Group.

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<sup>1</sup> The Labor and Employment attorneys at White and Williams LLP are monitoring similar proposed legislation in New York State, New Jersey, and Massachusetts.

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