

# 08.12.19

Weber   
Gallagher

## New Jersey Bill Seeks to Prohibit Race Discrimination Based on Hairstyles

New Jersey joins California and New York in seeking to prohibit race discrimination based on hairstyle and texture. Closely tracking a new California law, the New Jersey Senate recently introduced a bill that prohibits race discrimination on the basis of an individual's hairstyle and texture under the Law Against Discrimination (LAD).

NJ Senate Bill S3945 seeks to amend the LAD so that the definition of "race" is "inclusive of traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles." According to the bill, the term "protective hairstyles" includes, but is not limited to, "hairstyles such as braids, locks and twists."

Recently, the New York State amended its Human Rights Law (NYHRL) was amended to further define "race" to include "traits historically associated with race, including but not limited to hair texture and protective hairstyles." This would prohibit race discrimination based on natural hairstyles.

**Comment:** New York employers should be mindful of the amendment to the NYHRL and revise their anti-discrimination policies accordingly. The potential amendment to the New Jersey LAD should be closely monitored by New Jersey employers so that if it is signed into law, policies are updated. These changes in anti-discrimination laws can affect hiring and uniform or personal appearance policies, as well as workplace anti-harassment policies.

For more information, please contact Tracy A. Walsh at [twalsh@wglaw.com](mailto:twalsh@wglaw.com) or 215.825.7224.