

NEW YORK STATE PROHIBITS DISCRIMINATION BASED ON RELATIONSHIP OR ASSOCIATION

Labor & Employment Alert
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On May 18, 2016, the New York State Division of Human Rights (SDHR) adopted new regulations that prohibit discrimination based on a relationship or association with members of a protected class. The purported purpose of the regulations is to ensure that all individuals are able to gain and retain employment regardless of the race, color, creed, national origin, sexual orientation, gender identity, disability, or other protected characteristic of their family members or associates.

The new regulations now define the term “unlawful discriminatory practice” to include workplace discrimination and harassment on the basis of an individual’s known relationship or association with a member or members of a protected category covered under the Human Rights Law. In order to prove a claim of discrimination in the employment context, a complainant need only establish that he or she was subjected to an adverse employment action because of his or her known relationship or association with a member or members of a protected class.

According to the SDHR, the new regulations reflect long-standing federal case law that provides anti-discrimination protection to individuals who are associated with members of a protected class. Still, the adoption of the regulations further emphasizes the importance of maintaining non-discriminatory policies or practices with regard to both members of protected classes and family members or associates of members of a protected class. Accordingly, employers in New York State should revisit and review their recruiting, hiring, and employment practices and equal employment opportunity policies to ensure compliance with the adopted regulations. Further, in considering terminations or other adverse employment actions, employers should be more sensitive to the possibility of a discrimination claim under the Human Rights Law based on the employee’s relationship or association with a member of a protected class.

Should you have any questions about the newly adopted regulations, please contact any one of our labor and employment attorneys.

Attorneys

Joseph Braccio
Ryan Everhart
Andrew Freedman
Peter Godfrey
John Godwin
Karl Kristoff
Elizabeth McPhail
Jeffrey Swiatek

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