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May 22, 2023

May Tip of the Month: NYC Council Adds Height and Weight as Protected Characteristics Under Human Rights Law



On May 11, 2023, the New York City Council passed a bill to add **height** and **weight** to the list of protected characteristics under the New York City Human Rights Law (NYCHRL). If enacted, employers will, subject to limited exceptions, be prohibited from discriminating against individuals in employment decisions based on their "actual or perceived" height or weight. The bill also charges the New York City Commission on Human Rights with identifying particular jobs or categories of jobs for which consideration of an individual's height or weight is reasonably necessary for the execution of the employer's normal operations. If signed by the mayor, the law will go into effect 180 days thereafter. Once enacted, employers found to have discriminated against an individual on the basis of their height or weight could be liable for applicable damages under the NYCHRL, including reinstatement, back pay, front pay, and civil penalties. Employers should prepare to update their policies, procedures, and trainings to ensure compliance with these anticipated changes.

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