

NEW YORK CITY COUNCIL PASSES BILL TO PROHIBIT RELIGIOUS DISCRIMINATION IN THE WORKPLACE

On August 17, 2011, the New York City Council unanimously passed the Workplace Religious Freedom Act, [Int. No. 632-A](#). The law seeks to amend New York City's Human Rights Law as it pertains to unlawful discriminatory practices motivated by religious animus. Pursuant to the new bill, both public and private employers will be required to foster environments that are supportive of religious practices.

Democratic councilman, Mark Weprin of Queens, co-sponsored and advocated for the legislation. Weprin introduced the anti-religious discrimination legislation more than a year ago to extinguish concerns brought by Sikh constituents in his home district, particularly with respect to New York City Police Department policy prohibiting beards and requiring a hat.

Under the current bill, employers must accommodate various aspects of religion including observance of religious practices, allowing traditional, religious attire in the workforce, allotting time off for observance of religious holidays, and allowing for prayer throughout the workday. The employers' burden, in order to prohibit a particular religious practice, is also heightened under the new bill. As the Human Rights Law currently reads, employers can prohibit a religious practice with a simple showing that such observance will cause an "inconvenience." The proposed legislation will raise the bar and require a showing of "undue hardship" that takes into account many factors such as financial resources, any effect the observance will have on business expenses and resources, size of the business, number of employees, and the nature of the accommodation. Violators will be subject to civil penalties ranging up to \$125,000 and awards to the aggrieved employee of back pay, compensatory damages, and reinstatement. In cases of willful, wanton, and malicious discriminatory acts, violators may be subject to penalties ranging up to \$250,000.

The new bill requires the signature of New York City Mayor Michael R. Bloomberg, before it becomes law. If passed, the New York City Human Rights Commission would be able to bring an enforcement action in any court of competent jurisdiction.

This post was authored by [Matt Lampe](#), [Joseph Bernasky](#), and [Michele Bradley of Jones Day](#).

The views and opinions expressed herein are those of the authors and do not necessarily reflect the views of Jones Day or the New York State Bar Association.

Posted by Matt Lampe on August 26, 2011 5:33 PM | [Permalink](#)

SEARCH

Search this blog:

ABOUT

This page contains a single entry from the blog posted on **August 26, 2011 5:33 PM**.

The previous post in this blog was [Lack Of Work-Life Balance At Bloomberg L.P. Did Not Constitute Discrimination](#).

The next post in this blog is [Wage & Hour Claims Are Independent Statutory Rights Not Preempted By LMRA](#).

Many more can be found on the [main index page](#) or by looking through [the archives](#).

[Subscribe to this blog's feed](#)
[\[What is this?\]](#)

Powered by
[Movable Type Pro 5.11](#)