# Employment and Public Accommodations Discrimination Scenarios

**1** Jeff applies for a sales position with a multinational corporation headquartered in New York City. He meets all qualifications for the role and was told he would be a "great fit" for the company, but is denied employment after a credit check showed Jeff had a low credit score.

**2** One day, Priya, a Muslim woman who wears a hijab and works in the customer service department of a major department store, is called a "terrorist" by an irate customer. After Priya reports the incident, Priya's boss decides it is "too difficult to have a Muslim in customer service" and moves her to a back office function where she is not in contact with customers.

**3** During an interview at an accounting firm, an HR representative asks Craig if he has ever been convicted of a felony. Craig discloses that he was arrested more than 20 years ago for possession of marijuana. He is told that the company has a policy not to hire people who have had issues with law enforcement and the interview ends abruptly.

**4** Sandra is legally blind and uses a service animal. After ordering lunch at a cafe, the manager approaches her and tells her that "animals are not allowed" and asks her to take her "pet" outside or to leave the restaurant.

**5** Ximena returns to work after having a baby, and informs her supervisor that she needs space and time to express milk in the office. Her supervisor tells her she can use a bathroom stall, and expresses concern that all that time away from her desk to pump could impact her productivity.

If you would like more information or to RSVP to attend a free workshop on the NYC Human Rights Law, call **(212) 416-0197** or visit **NYC.gov/HumanRights**.

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## Businesses and Discrimination Protections
## Under the NYC Human Rights Law

**NYC** Commission on Human Rights

# BUSINESSES AND NYC HUMAN RIGHTS LAW

The NYC Human Rights Law, one of the most extensive anti-discrimination laws in the country, is enforced by the NYC Commission on Human Rights and protects New Yorkers against discrimination and harassment in employment, housing, and public accommodations. Every business employing people and/or selling goods and services in New York City has responsibilities under the Law both as an employer and as a provider of public accommodations, and must comply with those responsibilities to avoid breaking the law. Helping businesses comply with the NYC Human Rights Law is our priority.

## 5 Things to Know as an EMPLOYER

**All employers in NYC with four or more employees must comply with the NYC Human Rights Law regardless of whether their employees are full-time or part-time, permanent or temporary, paid on the books or off the books, or are paid or unpaid interns. Some provisions of the Law protect employees regardless of the size of the businesses. Employers cannot discriminate against job applicants and employees based on their age, immigration status, arrest or conviction record, caregiver status, color, credit history, salary history, disability, gender, gender identity or expression, marital or partnership status, national origin, pregnancy, race, religion/creed, sexual orientation, status as a current or former military service member, status as victim of domestic violence, sexual violence, or stalking, and unemployment status.**

1. You cannot make statements, ask questions during interviews, advertise, or circulate job announcements that suggest a bias against job candidates related to any protected category under the Law. You also cannot discriminate in employment decisions such as hiring, promoting, demoting, or firing, among others, based on any protected category under the Law.

2. You must work with your employees to provide reasonable accommodations, such as changing their work schedule or duties to accommodate specific needs based on an employee's disability, pregnancy, religion, or status as a victim of domestic violence, sex offenses, or stalking, unless the accommodation creates an "undue hardship" on your business.

3. You cannot ask about the criminal record of job applicants in ads, on applications, or in interviews—before making a conditional offer of employment. You cannot ask about or rely on an applicant's salary history during the hiring process.

4. For most jobs in NYC, employers cannot run credit reports; ask employees about debt, child support, foreclosures, loans, and bankruptcies; use a consumer reporting agency to obtain an employee's consumer credit history; or use the employee's credit history in an employment decision.

5. It is illegal to retaliate against an employee for opposing an action they believe is discriminatory, filing a complaint, or testifying, assisting, or participating in an investigation, proceeding, or hearing.

## 5 Things to Know as a PUBLIC ACCOMMODATIONS PROVIDER

**All businesses that offer goods or services to the public have responsibilities under the NYC Human Rights Law. This means that businesses cannot discriminate against patrons, members, participants, or customers based on the following categories: age, immigration status, color, disability, gender, gender identity or expression, marital or partnership status, national origin, pregnancy, race, religion/creed, sexual orientation, and status as a current or former military service member.**

1. You must provide full and equal enjoyment of your goods or services to all patrons of your business.

2. You must provide reasonable accommodations to people with disabilities, which may include structural changes to your space or changes to existing policies.

3. If you operate a business such as a store or restaurant, service animals must be permitted to accompany people with disabilities into your establishment.

4. Policies and practices intended to prevent shoplifting must not be discriminatory and employees responsible for implementing such policies must be trained to ensure they are not targeting customers based on discriminatory reasons.

5. Customers must be able to access the bathroom consistent with their gender identity or expression without providing "proof" of gender.