



## Guidance on New Protections for Domestic Workers Under the New York State Human Rights Law

### **DOMESTIC WORKERS NOW HAVE FULL PROTECTIONS OF THE HUMAN RIGHTS LAW**

On December 31, 2021, Governor Hochul signed into law Chapter 830 of the Laws of New York, amending the Human Rights Law to expand protections for individuals employed as domestic workers. Prior to this amendment, domestic workers were only covered by the Human Rights Law's anti-discrimination protections in certain circumstances. Now, domestic workers are considered "employees" for all purposes under the Human Rights Law (HRL) and have the full protections of the HRL's employment provisions.

#### **Who are domestic workers?**

Domestic workers are individuals employed at a home or residence as housekeepers, nannies, home healthcare aides, or similar positions. A person does not need to live with their employer to be considered a domestic worker. Additionally, the law does not cover any individual employed by their parents, spouse, or child.

#### **What conduct is prohibited under the new law?**

Employers are prohibited from discriminating against domestic workers due to age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, favorably resolved arrest record, or because the individual has opposed any practices forbidden under the HRL or because the individual has filed a complaint.

#### **Are there any exceptions?**

In some situations, the employee's sex might be considered a bona fide occupational qualification. If something is a bona fide occupational qualification, it means it is essential to performing a job. For example, if an employment position requires personal care for an individual, including bathing, toileting, dressing or similar activities, an employer might be able to show that a hiring decision based on sex is necessary because of privacy concerns.

#### **Where do I get more information?**

For more information, visit NYSDHR's website at <http://dhr.ny.gov>. If you believe you have been discriminated against, you may file a complaint with NYSDHR. To file a complaint download a complaint form from NYSDHR's website. Completed complaints should be signed and returned by email, fax, mail or in person. You can also contact one of NYSDHR's offices to obtain a complaint form and/or other assistance in filing a complaint.

