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TO: Hotel Association of New York City, Inc.
Labor Relations Members
General Managers, Human Resources Directors and Controllers

FROM: Kane Kessler, P.C.
[Labor and Employment Practice Group](#)

RE: [NYC Council Passes Legislation Protecting Caregivers From Discrimination in the Workplace](#)

On January 5, 2016, New York City Mayor Bill de Blasio signed legislation into law that expands the New York City Human Rights Law (“NYCHRL”) by prohibiting employers from discriminating against individuals who are, or are perceived as, caregivers.

A caregiver is a person who provides “direct and ongoing” care for a minor child or a care recipient. A “care recipient” is defined as a person with a disability who is (i) a covered relative or (ii) a person who resides in the caregiver’s household. A “covered relative” is broadly defined and includes a caregiver’s child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver’s spouse or domestic partner, or any other individual in a familial relationship with the caregiver as designated by the rules of the NYC Commission on Human Rights. The legislation does not protect non-family caregivers or home companions that are employed to work or live in the home of a disabled person to whom they provide ongoing care.

The NYCHRL applies to employers with four (4) or more employees in its employ and the new law prohibits such employers from treating anyone with caregiver status unfavorably with respect to hiring and/or the terms and conditions of employment. The legislation becomes effective May 4, 2016.

Clients are advised to update their employment practices and policy manuals accordingly. Employers should also refrain from inquiring during the hiring process into an individual’s perceived or actual caregiver status.

If you have any questions, please do not hesitate to contact [David R. Rothfeld](#), [Robert L. Sacks](#), [Lois M. Traub](#), [Alexander Soric](#), [Michael C. Lydak](#), [Michael C. Lydak](#), [Jaelyn Ruocco](#) or [Jennifer Schmalz](#).

cc: Joseph E. Spinnato, President
Vijay Dandapani, Chairman

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It is not intended as legal advice and readers should consult counsel to discuss how these matters relate to their individual circumstances.*