

New Jersey Senate Passes Bill to Bar Discrimination Based on Height and Weight

If Signed into Law, New Jersey Will Become the Second State to Ban Discrimination Based on Height & Weight, Behind Michigan

February 16, 2024

Source: Saiber Employment Law Alert

The New Jersey State Senate recently voted 22-14 to approve [Bill S1602](#), which expands the state's Law Against Discrimination to include weight and height as protected characteristics. The current Law Against Discrimination includes, as protected classes, race, origin, religion, age, gender identity, marital status, disability, and nationality in areas of employment, education, housing, and places of public accommodation.

The bill was sponsored by Senator Andrew Zwicker (D-Middlesex) and Angela McKnight (D-Hudson). Senator Zwicker stated, "Roughly 40 percent of adults struggle with obesity and their weight, and about 20 percent of children, but this sort of discrimination and bias goes well beyond societal impacts of what we have imposed as a norm.... With this needed change, we will make our laws specific to weight and height discrimination and will provide protections for a specific number of New Jerseyans."

The bill provides exceptions for employment and public accommodation for *bona fide* occupational qualifications and safety reasons, including instances where someone's height or weight prevents them from performing the required work. The Senate bill does not have a companion bill in the Assembly, which would be a prerequisite to the legislation being presented to Governor Murphy.

Although the future of the bill is uncertain, employers should closely monitor new developments in the area of discrimination based on height and weight. If you have any questions concerning the above bill, or any other federal or state employment laws, please contact Jennifer O'Connor of Saiber LLC's Employment and Labor Law practice.