

August 26, 2021

CHARLOTTE PASSES NEW NONDISCRIMINATION ORDINANCE

On August 9, 2021, Charlotte passed a new nondiscrimination ordinance (“NDO”). The NDO, which will begin going into effect on January 1, 2022, prohibits Charlotte employers from discriminating against employees or applicants based on race, color, gender, religion, national origin, ethnicity, age, familial status, sex (including sexual orientation or gender identity), veteran status, pregnancy, natural hairstyle, or disability. The most significant impact of the NDO is that it applies to *all* **employers**, not just those with more than fifteen employees as with most other non-discrimination statutes. Private clubs and religious organizations are exempt from some elements of the ordinance.

The NDO mirrors the current status of federal law regarding sex discrimination. Last year the U.S. Supreme Court construed this as including not merely gender-based discrimination and harassment, but also sexual orientation and gender identity. The NDO expands upon federal non-discrimination law by adding a protected class for “natural hairstyle”.

What the NDO means for Employers

Employers must now be prepared for the possibility of having to respond to and defend federal, state, and local discrimination claims. This makes it all the more important for employers to make sure that their personnel policies and employee handbooks are up to date, and that they continue to train employees and managers about their rights and obligations under these laws, including the obligation not to tolerate discrimination and to promptly report and address claims of discrimination.

The JAH **Employment Practices Group** is here to help employers prepare. JAH can answer specific questions about the NDO. For example, what constitutes natural hairstyle discrimination, and how NDO claims are prosecuted and defended. If you are the subject of a claim of discrimination under the NDO, or any other laws, call us.

Additional Information

Fortunately, the City of Charlotte has published a helpful flow chart describing the NDO claims process [here](#). Employers should anticipate changes and clarifications to this process, particularly since there is no mechanism for levying fines or penalties.

Click [here](#) to learn more about Charlotte’s new nondiscrimination ordinance from the City of Charlotte Newsroom.