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## Out-of-State Remote Workers are Protected by the New Jersey Law Against Discrimination

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In May, the New Jersey Division of Civil Rights issued guidance regarding the applicability of the Law Against Discrimination (“LAD”) to Out-of-State Remote Workers.

The LAD provides that “all persons shall have the opportunity to obtain employment . . . without discrimination”. The LAD prohibits employers from discriminating on the basis of actual or perceived sexual orientation, gender, gender identity, gender expression, age, race, color, national origin, ancestry, religion, disability, and other protected characteristics.

The LAD definition of “person” is expansive, it includes “one or more individuals, partnerships, associations, organizations, labor organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and fiduciaries,” and it contains no geographic restriction on its scope.

The LAD’s employment provisions, meanwhile, also prohibit employers, because of a protected characteristic “of any individual,” “to refuse to hire or employ or to bar or to discharge or require to retire . . . from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.” That provision applies broadly to discrimination against “any individual,” no matter where the employee is located.

Whether an employee working for a New Jersey employer lives in New Jersey, commutes to work from another state, or works remotely from outside New Jersey, the LAD protects the right to a workplace free from discrimination and bias-based harassment. Thus, **any aggrieved employee, regardless of their residency or where they physically work, including those who work remotely full-time or part-time on a hybrid schedule, may seek redress for violations of the LAD by New Jersey employers.**

Employers based in New Jersey should ensure they understand and comply with the expansive reach of the Law Against Discrimination (LAD). This includes maintaining a discrimination-free workplace environment for all employees, regardless of their location or remote work arrangement. Understanding these legal obligations helps create a workplace culture aligned with the principles of the LAD.

If you have any questions regarding the LAD’s employment provisions, please reach out to [Tracy Armstrong](#) or any member of the [Wilentz Employment Law Team](#).

### Attorney

- Tracy Armstrong

### Practice

- Employment Law