

Governor Phil Murphy

Governor Murphy, Acting AG Platkin Announce Publication of Division on Civil Rights FAQs to Prevent Discrimination Related to hMPXV (“Monkeypox”)

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DCR FAQs Detail Protections New Jersey Law Provides Against Discrimination Related to the “Monkeypox” Virus

TRENTON – Governor Phil Murphy and Acting Attorney General Matthew J. Platkin announced today that the Division on Civil Rights (DCR) within the Attorney General’s Office has published FAQs (https://urldefense.com/v3/_https://t.e2ma.net/click/3745wh/7ys5259b/by8y___!!J30X0ZrnC1oQtbaINR4saA3t5fPObNAFWTP9VG2XyppV916KBDLDFibCfJplDNsGS4ZJUxfE3OugqTdE2uFDS) for the public about New Jersey residents’ rights and protections against discrimination and bias-based harassment related to the “monkeypox” virus, as well as information about how to file a civil rights complaint with DCR if members of the public are victims of discrimination.

The FAQs issued today address frequently asked questions about discrimination and harassment related to human hMPXV, commonly known as the “monkeypox” virus, and the protections that New Jersey’s Law Against Discrimination (LAD) affords to those infected with hMPXV.

Among other things, the LAD prohibits discrimination and harassment based on actual or perceived disability. The FAQs make clear that if an individual has any physical infirmity—such as flu-like symptoms, swollen lymph nodes, exhaustion, muscle aches and backache, headache, sore throat, nasal congestion, cough, and/or a rash that often begins on the face and spreads to other parts of the body—caused by hMPXV, that infirmity would qualify as a disability under the LAD.

The FAQs also reaffirm that the LAD prohibits discrimination and harassment based on other LAD-protected characteristics, including sexual orientation, gender identity, and gender expression. That remains true when the discriminatory or harassing conduct stems from concerns related to hMPXV.

“Today, through these FAQs, we are addressing the harmful discrimination and bias-based harassment folks are experiencing due to monkeypox. There is no excuse for any kind of retaliation on members of our communities who are suffering from the virus,” said **Governor Murphy**. “These FAQs are an example of our commitment to making sure all New Jersey residents, regardless of race, gender, sexual identity, or health status, are treated equally and with respect. My Administration will continue to prioritize the health and safety of all of our communities.”

“Today, the Murphy Administration, the Attorney General’s office, and the Division on Civil Rights have made it crystal clear that we will not tolerate bias or discrimination against those suffering from monkeypox,” said **Acting Attorney General Platkin**. “As cases of monkeypox continue to rise across the State and the country, we remain firmly committed to holding accountable anyone who discriminates against or harasses those suffering from this virus.”

“At the height of the COVID-19 pandemic, DCR released COVID-19 FAQs and resources (https://urldefense.com/v3/_https://t.e2ma.net/click/3745wh/7ys5259b/rqnb8y___!!J30X0ZrnC1oQtbaINR4saA3t5fPObNAFWTP9VG2XyppV916KBDLDFibCfJplDNsGS4ZJUxfE3OugqTdE2uFDS) to educate the public about their said **Rosemary DiSavino, Deputy Director of DCR**. “As the state’s civil rights agency, it is our duty to respond to the hMPXV health crisis with these FAQs to unequivocally state that New Jersey will not allow discrimination. DCR will always work to respond to what is occurring in all of our communities, especially to protect those who face marginalization and discrimination.”

The Division on Civil Rights’ FAQs address discrimination and harassment related to hMPXV in employment, housing, and places of public accommodation.

DCR’s FAQs explain that, in the employment context, the LAD prohibits discrimination and certain forms of bias-based harassment related to hMPXV. Moreover, a New Jersey employer must take reasonable steps to stop harassment if it knows or should have known about it, including when the conduct at issue stems from concerns related to hMPXV. This is true regardless of whether the harasser is a coworker or supervisor, and regardless of whether the harassing conduct takes place in the office or virtually. Further, the FAQs explain the rights and responsibilities of employers related to hMPXV, including the scope of their obligation to provide reasonable accommodations to employees who have a physical infirmity caused by hMPXV.

DCR’s FAQs also explain that, in the housing context, the LAD likewise prohibits housing providers from discriminating against residents because of their actual or perceived race, national origin, religion, disability, sexual orientation, gender identity, gender expression, or other LAD-protected characteristic, and that these protections apply when the conduct at issue stems from concerns related to hMPXV.

The FAQs explain, for example, that under the LAD a landlord or building manager cannot refuse to rent a property to someone or refuse to make necessary repairs to a resident’s apartment because they believe that person is gay and they are afraid of contracting hMPXV.

With respect to places of accommodation, the FAQs explain that places of public accommodation, such as schools, stores, restaurants, and medical facilities, are subject to the same prohibitions regarding discrimination and harassment based on protected characteristics as employers and housing providers.

Places of public accommodation also must take action to stop harassment based on LAD-protected characteristics if they know or should have known about it, including when the harassment comes from another patient, customer, or student. For example, if a student harasses a fellow LGBTQ+ student, saying that because they are gay they must have hMPXV, the school could be liable under the LAD if it did not take reasonable steps to stop the harassment.

Likewise, medical facilities must ensure they do not discriminate based on any LAD-protected characteristics in their provision of services, including the provision of tests or care related to hMPXV. For example, it is unlawful for a medical facility to refuse an individual treatment for hMPXV, or for any other illness, because they are LGBTQ+.

The FAQs also explain that the LAD requires places of public accommodation, including grocery stores and pharmacies, to provide reasonable accommodations to a customer or patron with a disability, including a disability related to hMPXV, unless doing so would be an undue burden on their operations. Thus, under the LAD, a grocery store or pharmacy must make available a contact-free method of obtaining goods to a person with hMPXV unless doing so would be an undue burden on their operations.

Anyone who believes they experienced or are experiencing discrimination or bias-based harassment related to “monkeypox” – i.e., hMPXV, COVID-19, or any protected characteristic may file a complaint with DCR online through the NJ Bias Investigation Access System (https://urldefense.com/v3/_https://t.e2ma.net/click/3745wh/7ys5259b/7iob8y___!!J30X0ZrnC1oQtbaINR4saA3t5fPObNAFWTP9VG2XyppV916KBDLDFibCfJplDNsGS4ZJUxfE3OugqTdE2uFDS) (NJBIAIS). The LAD prohibits retaliation against a person for filing a complaint regarding discrimination or bias-based harassment, or otherwise exercising or attempting to exercise their rights under the law. For example, an employer cannot fire someone for reporting hMPXV-related harassment to their human resources department, and a housing provider cannot evict someone for reporting housing discrimination to DCR.

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