

Attorneys**Partner**

• Joshua Zuckerberg

Partner Joshua Zuckerberg Interviewed About Legality of Hiring Only Good Looking People

Partner Joshua Zuckerberg, a member of Pryor Cashman’s Labor and Employment Group, was interviewed by *Human Resources Executive* for its August 5, 2010 article “Ugly People Need Not Apply?” The article discusses how a job candidate’s good looks – or lack thereof – can affect their job-search process.

Zuckerberg noted that the practice of hiring “attractive” and “young” people is not unlawful, per se. “However, it could leave the company exposed to claims of age discrimination, especially if the company is focusing on the age of the candidate, as opposed to their looks. Certain companies have successfully defended practices whereby they hire a certain type of person based on customer preference.”

The defense to a claim of discrimination in these cases is usually called BFOQ defenses, which stands for Bona Fide Occupational Qualification, Zuckerberg told *Human Resources Executive*. “However, the courts will carefully scrutinize this defense and the company will have to prove that its hiring of a certain type of person was reasonably necessary to the normal operation of that particular business. The most obvious example would be that an exotic dance club for men is allowed to hire attractive women, to the exclusion of men, most likely without having violated the discrimination statutes.”

To read the article, please [click here](#).