

"You Can't Wear Your Genes to Work," New Jersey Law Journal, December 2009

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On November 21, Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) took effect, prohibiting discrimination on the basis of genetic characteristics or traits in the employment setting. The law also delineates important requirements and prohibitions concerning the use, storage and dissemination of genetic information. GINA sets a baseline level for protection of genetic information, but allows the states to fill in gaps or provide greater protections and although New Jersey has long prohibited genetic discrimination through state law, the new federal act differs in several important ways. Given these variations, it is imperative that employers take all necessary steps to ensure compliance with GINA, and to avoid liability under both the federal and state statutes.