

HR Insights

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Understanding the Recent CROWN Acts

CROWN acts prohibit discrimination based on an individual's hair texture and style associated with a protected class, such as race. CROWN stands for "Creating a Respectful and Open World for Natural Hair." Hair discrimination tends to disproportionately impact Black individuals, especially women, who wear hairstyles such as braids, twists, locs, Bantu knots, afros and other hairstyles. CROWN Acts aim to prevent individuals from being subjected to discrimination by unfair workplace dress codes and grooming policies due to their hair texture or style.

Since 2019, many states and localities have enacted a CROWN Act, and more are likely to do so in the near future. Therefore, it's essential that employers, especially those operating in states and localities with these laws, understand CROWN laws and their impact on their organizations and workforce. This article provides a general overview of CROWN laws and considerations to help employers comply with these laws.

What Are CROWN Laws?

CROWN laws prohibit discrimination based on hairstyles often associated with race, national origin or ethnicity. These laws generally forbid discrimination based on hair textures or protective hairstyles commonly associated with a protected characteristic, such as race, national origin and ethnicity. As a result, workplace dress and grooming styles that discriminate against hair textures or styles associated with race may be unlawful.

In January 2019, California was the first state to enact a CROWN Act. This law expanded the definition of race in the state's fair employment and housing laws and education code to protect individuals against hair

discrimination. Since then, 22 states have passed their own CROWN Acts, including:

- Alaska
- Arkansas
- Colorado
- Connecticut
- Delaware
- Illinois
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Nebraska
- Nevada
- New Jersey
- New Mexico
- New York

- Oregon
- Tennessee
- Texas
- Virginia
- Washington

Additionally, the U.S. Virgin Islands and more than 40 localities have passed CROWN laws. Many states that have not passed a CROWN Act have filed or pre-filed similar legislation. Moreover, the U.S. House of Representatives passed the federal CROWN Act in March 2022, which would prohibit all employers with 15 or more employees from refusing to hire, discharging or discriminating against an individual based on their hair texture or hairstyle. While President Joe Biden has indicated he would sign the act into law, the bill failed to pass the U.S. Senate, and it has yet to be introduced in the current Congress.

The U.S. Equal Employment Opportunity Commission has also signaled that it will pursue discrimination claims related to hair texture and style. In October 2021, the agency brought claims relating to Title VII of the Civil Rights Act against a company, alleging that the organization engaged in discrimination when it terminated a Black worker for refusing to wear a straight wig to cover her natural hair.

What Is Hair Discrimination?

Hair discrimination in the workplace occurs when an individual receives unfair treatment, including being disciplined or even terminated, due to their hair texture, style or appearance. This type of discrimination occurs when individuals are punished for violating workplace dress and appearance codes or standards. These policies are often based on subjective or biased standards of hair and professional appearance. Hair discrimination can also occur when individuals do not receive job offers or promotions due to their hair.

Black employees often face more scrutiny and even harassment because of their hair. As a result, unfair grooming policies tend to have a disparate impact on Black employees, specifically Black women.

Employer Considerations

The recent rise of state and local CROWN Acts implores employers to review their dress codes and grooming standards to ensure they comply with any applicable laws. Reviewing and updating dress codes and grooming policies, employee handbooks and training materials to ensure compliance with CROWN laws can also help create a more inclusive workplace and allow employers to detect and prevent biases due to or related to race, national origin and ethnicity.

If employers require employees to maintain a professional appearance in the workplace, they can refrain from banning or restricting certain hair textures and styles that are associated with race, including:

- Twists
- Locs
- Braids
- Cornrows
- Afros
- Bantu knots
- Fades

Employers can also consider accommodating different hairstyles by not banning hair that extends a specific number of inches from the scalp or requiring employees to alter their hair to conform to certain standards.

Even if employers are currently not subject to CROWN laws, they can proactively review dress codes, grooming policies and employee handbooks to ensure that current and prospective employees are not treated differently because of hair textures or styles that are associated with a particular race, national origin or ethnicity. Additionally, organizations can train supervisors, managers and employees regarding dress codes and grooming policies as well as anti-discrimination policies.

Takeaway

It's vital that employers understand CROWN laws, as it's likely that more states and localities will adopt these regulations in the near future. Employers should

consider taking steps now to ensure their organizations with these laws.

This article provides a general overview of CROWN laws and is not intended to be exhaustive. These laws tend to differ based on location; therefore, employers are encouraged to seek legal counsel to discuss specific issues and concerns related to state and local CROWN Acts.

Contact Employco USA, Inc. today for additional workplace resources.