

Proposed New Jersey Legislation Would Bar Discrimination Based on Hairstyle

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A bill (NJ [A-5564](#)) introduced in the New Jersey Senate and Assembly would amend the state's Law Against Discrimination to broaden the definition of "race" to provide greater protection for individual hairstyles and prohibit hair discrimination in the workplace, housing, and schools.

The amendment would protect "traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles." The term "protective hairstyles" includes braids, locks, twists, and Afros. State Senator Sandra Cunningham, the bill's primary sponsor, said,

"Everybody has the right to decide what they want to look like and how they want to present themselves."

The legislative action was in reaction to a New Jersey wrestler from Buena Regional High School agreeing to cut his hair immediately prior to his scheduled competition in order to avoid forfeiting his match. Andrew Johnson, a high school junior, was given 90 seconds by wrestling official Alan Maloney to cut his hair or forfeit the match. Maloney relied upon high school wrestling rules mandating a legally sanctioned hair covering. He claimed Johnson's hair covering did not meet appropriate wrestling standards.

Johnson yielded to the threatened disqualification, cutting his dreadlocks in the gymnasium while all those in attendance watched.

Senator Cunningham, who hopes her proposed amendment will have an impact beyond the wrestling mat and New Jersey interscholastic sports, declared the bill should "open up the eyes of some companies that have played a role in this."

The bill's co-sponsor, Senator Shirley Turner commented that young men and women should not be discriminated against because they choose to have their hair braided or to have dreadlocks. She stated,

“It is a violation of their civil rights to tell you how long your hair should ... it has nothing to do with how you perform in the workplace or on a wrestling mat.”

The New Jersey bill is similar to a new California law (unanimously passed in the California Assembly and Senate) amending the state’s current anti-discrimination law (the California Fair Employment and Housing Act) to provide a broader definition of “race” to include hair texture and protective hairstyles like braids, locks, twists, cornrows, and Afros. The California law protects people in workplaces and K-12 public schools from discrimination based on their natural hair. The new law, which takes effect January 1, 2020, prohibits enforcement of grooming policies that disproportionately affect people of color, particularly black people. California became the first state in the country to ban hair-based discrimination.

At the bill signing ceremony, California Governor Gavin Newsom referred to the New Jersey incident involving Andrew Johnson.

Governor Newsom said the indignity forced the student to choose whether to “lose an athletic competition or lose his identity.”

He continued, “That is played out in workplaces, it’s played out in schools — not just in athletic competitions and settings — every single day all across America in ways that are subtle, in ways overt.”

New York City has also passed similar legislation. The New York City Commission on Human Rights passed guidelines prohibiting hair-based discrimination, which implicates many areas of the New York City Human Rights Law, including prohibitions against race, religion, disability, age, gender, national origin, or religious discrimination. The guidelines, which seek to eliminate the disparate treatment of black people, specifically mention the right of people in New York City to maintain their “natural hair, treated or untreated hairstyles, such as locs, cornrows, twists, braids, Bantu knots, fades, Afros, and/or the right to keep hair in an uncut or untrimmed fashion.” The guidelines prohibit an employer from imposing any discriminatory policies that force black employees to straighten, relax, or otherwise manipulate their hair to conform with employer expectations.

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