

# A Heads Up On The CROWN Act: Employees' Natural Hairstyles Now Protected

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On July 3, 2019, Governor Gavin Newsom signed into law [Senate Bill 188](#) also known as the Creating a Respectful and Open Workplace for Natural Hair (CROWN) Act. The CROWN Act amends the California Education Code and the Fair Employment and Housing Act's definition of race to include traits historically associated with race, including hair texture and protective hairstyles. Protective hairstyles include, but are not limited to, "braids, locks, and twists."

The legislation makes California the first state to ban discrimination against natural black hairstyles including cornrows, afros, braids, twists, and dreadlocks. The CROWN Act recognizes the risk of discrimination particularly against black individuals based on characteristics such as hair texture and cultural styles that are commonly found in the black community. The text of the bill specifically recognizes that black individuals are disparately impacted and excluded from some workplaces based on hair discrimination.

## **CROWN Act Suggests That the Legislature Intends to Broaden Protections to More Subtle Forms of Discrimination**

This new law creates a clear link between natural hair and race, and suggests that the California legislature is seeking to broaden the scope of protections based on more subtle forms of bias that may be found in the workplace. At the same time, discrimination based on hair characteristics may be difficult to recognize, and thus employers now need to be more vigilant at detecting this bias in order to prevent discrimination.

## **Other States Are Likely to Follow California's Lead**

Also, employers should be aware that although California was the first state to prohibit natural hair discrimination, other states are now following suit. On July 12, 2019, New York signed into law [Senate Bill 6209](#), which likewise prohibits discrimination based on natural hairstyles. There is also a bill currently pending in New Jersey, [Senate Bill 3945](#), that would similarly protect natural hairstyles. While thus far only New York and New Jersey have followed California's lead, other states are likely to follow suit. Given this trend, employers should monitor such legislative

developments in each of the states in which they do business in order to ensure compliance.

## **Takeaways**

The CROWN Act will go into effect on January 1, 2020 and will protect employees at work and in K-12 public schools who have natural hair or protective hairstyles. Employers are encouraged to review their grooming policies and eliminate any prohibitions on natural hairstyles in order to ensure compliance with the CROWN Act. Employers are also encouraged to train their employees, especially managers or supervisors, not to discriminate based on natural hairstyles. Again, employers should also keep an eye on legislative developments across the country given the trend of other states following suit.

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