

Cincinnati and Boston to Ban Discrimination Against Natural Hair

Article By:

Marolhin D. Mendez

In February 2019, the New York City Commission on Human Rights amended the New York City Human Rights Law to ban discrimination against natural hairstyles as part of the Law's prohibition against race or color discrimination. This past July, California created the CROWN Act ("Create a Respectful and Open Workplace for Natural Hair" (SB 188)) proposed by Sen. Holly J. Mitchell (D-Calif.). CROWN prohibits policies that discriminate against natural hair and natural hairstyles associated with race. New York State quickly followed when Gov. Andrew Cuomo signed Assembly Bill 7797A, which expanded the definition of "race" in the New York State Human Rights Law to include, "traits historically associated with race, including but not limited to, hair texture and protective hairstyles." The New York law also defines "protective hairstyles" to include, but not be limited to, "such hairstyles as braids, locks, and twists."

Now, Cincinnati and Boston are slated to become the next cities to ban discrimination against natural hair. Cincinnati City Councilman Chris Seelbach is set to propose that natural hair be added to the City's anti-discrimination policy, making it illegal to ask someone to change their hair style for work. The proposed law would allow the city of Cincinnati to investigate complaints of discrimination and impose a fine of up to \$1,000 – \$100 per day – until the discriminatory practice is corrected. Similarly, the Boston City Council announced its support for a bill that amends the definition of race to include hair texture and style, so that "targeting a person's natural hair and hairstyle" will be considered racial discrimination.

Employers should be aware of these proposals across the country that mirror the CROWN Act and should review policies such as, "dress codes and grooming" and "work appropriate appearance" to avoid liability. These new protections extend already existing bans against discrimination on the basis of national origin, race and color.

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