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California's CROWN Act Expands Discrimination Protections for Natural Hair

California Governor Gavin Newsom passed Senate Bill 188, known as the Creating a Respectful and Open Workplace for Natural Hair (CROWN) Act, earlier this month which expanded existing anti-discrimination state law to protect employees and students from discrimination based on natural hairstyles.

Citing the disparate impact Eurocentric workplace dress code and grooming policies have on black individuals, the stated purpose of SB 188 is to enforce the "values of fairness, equity, and opportunity for all." SB 188 declared hair a proxy for race and specifically amended the definition of "race" in both the Fair Employment and Housing Act (California Government Code Section 12926) and the Education Code (California Government Code Section 212.1) to include "traits historically associated with race, including, but not limited to, hair texture and protective hairstyles," defining "protective hairstyles" as including "hairstyles [such] as braids, locks, and twists." The act goes into effect January 1, 2020.

Takeaway

Companies with employees in California should review their discrimination and harassment prevention programs as well as workplace dress code and grooming policies to ensure compliance with the new law. If in doubt, consult experienced legal counsel to determine whether these new laws have any impact on current employment policies or practices.

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