

**September 2019  
State Updates**

**CALIFORNIA**

**The CROWN Act**

On July 3, 2019, Governor Newsom signed SB 188 amending Section 12926 of the Government Code, which prohibits discrimination against certain protected classes, to include protective hairstyles, also known as the Creating a Respectful and Open Workplace for Natural Hair Act, or the CROWN Act.

Historically, Eurocentric hairstyles (relaxed, pressed, straightened, "blown out", etc.) have been linked to "professionalism" and "professional appearance", and Ethnic hairstyles have been discouraged in the workplace and have been stereotyped as unprofessional.

This bill attempts to breakdown those stereotypes – that, somehow, wearing your hair a certain way is a reflection on the company, a position, or a profession.

Government Code 12926, was notably amended to include the following:

"Race" is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

"Protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists.

Keep in mind, policies causing disparate impact to a protected class have always been subject to legal challenges under federal and state anti-discrimination laws; however, the day-to-day applications seem to get lost in translation. This law makes very clear, that policies on dress and appearances cannot prohibit ethnic-based hairstyles.

This bill explicitly identifies hair and prohibits dress code policies from prohibiting natural hairstyles, including curls, unprocessed hair, braids, locks, and twists.

**Why Is This Law Significant?**

Dress codes specifically targeting a certain race or ethnicity by prohibiting afros, braids, natural hair, twists, locks, have been found to cause disparate impact against certain races and ethnicities which can expose employers to claims of discrimination.

This law, being the first of its kind, is bringing the issue to the forefront and launching national discussions about hair and its place in the work environment.

**Take Away for Employers**

While this is a California specific law, we anticipate other states to follow suit, as California has been a model for other employee protective laws.