Employment Law Alert: The CROWN Act

New Massachusetts Law Banning Discrimination Based Upon Natural or Protective Hairstyles

August 22, 2022

On July 26, 2022, Governor Baker signed into law the Creating a Respectful and Open World for Natural Hair Act ("CROWN Act"), which will prohibit discrimination against individuals based on their natural or protective hairstyle. The new law was passed unanimously by both chambers at the Statehouse.

The CROWN Act amends Massachusetts' anti-discrimination statute, Chapter 151B, by updating the definition of "race" thereunder to include "traits historically associated with race, including, but not limited to, hair texture, hair type, hair length, and protective hairstyles." "Hairstyles" include but are not limited to, "natural or protective hairstyles such as braids, locks, twists, Bantu knots, and other formations."

The new law prohibits discrimination based on natural or protective hairstyles in employment, housing, lending, in public school enrollment, in school bullying and prevention plans, in charter schools, and in places of public accommodation, such as restaurants, stores, and hotels.

The CROWN Act also authorizes the Massachusetts Commission Against Discrimination (MCAD) to create and adopt rules, regulations, policies, and recommendations for interpreting and enforcing the new law.

In passing the CROWN Act, Massachusetts becomes the 18th state to pass such similar protections. The CROWN Act was inspired by Deanna and Mya Cook, 15-year-old twins in Malden who were punished in 2017 by their charter school for wearing braided hair extensions in violation of the school's dress code. A federal CROWN Act was passed by the House of Representatives but has not yet been passed in the Senate.

Massachusetts employers are advised to re-visit their anti-discrimination and anti-harassment policies, dress codes, and handbooks to update all such policies accordingly. Additionally, employers should train all managers on the new definitions. Under the new law, individuals who prove their employer discriminated against them on this basis may be entitled to recover compensatory damages, punitive damages, and reasonable attorneys' fees.

Please contact our Employment Team should you have questions concerning this subject.