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The CROWN Act

A jewel for combating racial discrimination in the workplace and classroom

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Hair discrimination is rooted in systemic racism, and its purpose is to preserve white spaces. Policies that prohibit natural hairstyles, like afros, braids, bantu knots, and locs, have been used to justify the removal of Black children from classrooms, and Black adults from their employment. With no nationwide legal protections against hair discrimination, Black people are often left to risk facing consequences at school or work for their natural hair or invest time and money to conform to Eurocentric professionalism and beauty standards. (NAACP Legal Defense Fund n.d.)

Black and brown people—and especially Black women—regularly face discrimination in schools and the workplace based on the texture and style of their hair. This is yet another form of racial discrimination and yet another way to control and police Black and brown people.

Twenty-four states across the country have responded by passing the CROWN ("Creating a Respectful and Open World for Natural Hair") Act,[1] which prohibits hair-based discrimination at work and school. The movement to pass the CROWN Act is gaining momentum in states across the country, as well as at the federal level. The Act is about strengthening worker protections and ensuring dignity and respect for cultural expression.

The effects of hair-based discrimination

Hair can be a declaration of personal identity and serve as a symbol of heritage and ancestry. Many Black and brown people signify their cultural heritage through braids, locks, or curls that present in the absence of chemical intervention.

People bring their skills, expertise, and life experiences to their workplace, and no one should be forced to leave parts of themselves behind when they show up to work or school. Still, people are regularly pressured to do just that through explicit policies dictating how they should wear their hair. People also experience more subtle but pervasive forms of hair-based discrimination.

SECTIONS

Before receiving a job

According to a 2023 research study, Black women's hair is 2.5 times as likely as white women's hair to be perceived as "unprofessional." The same study finds that approximately two-thirds (66%) of Black women change their hair for a job interview. Among them, 41% changed their hair from curly to straight (Dove and LinkedIn 2023).

Similarly, an empirical study examined participant responses to hair texture by asking a racially diverse set of participants to review professional profiles and rate the candidates on competence and professionalism. The study found that candidates with curlier hair were less likely to be recommended for hire and scored lower in assessments of professionalism and competence (Duke 2020).

CaSandra Glover, formerly of Arkansas Advocates for Children and Families, shared her personal experience:

> I remember on numerous occasions scrambling before interviews to ensure I had my weave or wig styled in a way that would fit into a white-dominated setting. I was afraid to be seen as less than or be stereotyped for the hair texture I was born with. I never felt I could truly be myself. In my current workplace, I even struggled with starting this job with a natural protective braid hairstyle…. Truthfully, this is an issue that I still struggle with and I praise myself for the courage to be myself regardless of their personal thoughts or opinions. I should be able to wear my hair naturally without any shame because my hair is my hair and it's something I should be proud of.[2]

Isaiah Bailey of the Topos Partnership said:

> There is long-standing community-wide trepidation as concerns the relationship between Black hair and professional success. To this day, my mother reminds me of the deal we made many many years ago—that I would cut my locs if my hair ever proved to be a hindrance to my professional pursuits. But I never actually intended to abandon my locs—I think they frame my face well. And more than that I came to view my mane as symbolic of my autonomy. It feels odd to say, but I was truly more committed to keeping my locs than scraping my professional ceiling. Maybe in a previous generation, I would've changed my tune. Likely. But I was fortunate to experience a time and place that respected my autonomy. Now the hope is that the CROWN Act will protect many more and for generations to come.[3]

In addition to examples of discrimination in the interview process, there are also many personal examples of hair discrimination surfacing even before students enter their careers. In the early 2020s, 9-year-old Ava Russell was sent home for wearing her curls down (Locke 2022) and Deandre Arnold was prevented from participating in his high school graduation ceremony because of his locks (Evelyn 2020).

Such requirements and preferences for Eurocentric hairstyling threaten Black and brown individuals' ability to attain and maintain status as a student or employee.

At the workplace

Once work is secured, Black women with coily or textured hair are also twice as likely to experience microaggressions at work as Black women with straighter hair. Over 20% of Black women ages 25–34 have been sent home from their jobs due to their hair (Dove and LinkedIn 2023). Such “disciplinary” actions may culminate in termination from employment or make it difficult to advance to a higher-level position.

Hair discrimination occurs for Black and brown workers across different fields and occupations, both for workers in entry-level positions and workers highly seasoned in their careers. For instance, a 2013 lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) describes how Chastity Jones, a Black woman in Alabama, was offered a customer service position, only to have it rescinded after she refused to cut her locks (EEOC 2013). Later, an article in the *Harvard Business Review* discusses how clinical psychologist Donna Dockery struggled to select a hairstyle for her professional headshots, knowing that her choice would influence the likelihood of bias among those who saw the images (Asure 2023).

In addition to the professional and educational implications of hair discrimination, pressure on a worker or student to style their hair a certain way holds economic and health implications. Styling and maintenance for Black hair is deeply personal and a place where Black workers already invest a lot of energy and income, as evidenced through consumer spending. In 2022, Black consumers spent $2.3 billion on hair care, making it their largest category of beauty and skin purchases (NielsonIQ 2023). Mandating that people straighten their hair can come at sizable cost, with permanent straightening costing between $38 and $435 per session. In addition to the economic cost, forcing people to straighten their hair can also have negative health implications. Recent studies have linked straightening products to breast (Stiel et al. 2015) and uterine cancer (Chang et al. 2022). How each person styles their hair should be their choice.

The CROWN Act protects against hair-based discrimination

Discrimination against Black and brown people continues to be a pervasive element of American workplaces and schools. While the Civil Rights Act of 1964 added protections against race-based discrimination, it did not include protections against discrimination based on phenotypical markers that manifest race, such as hair texture. This has provided a loophole by which employers and schools can effectively engage in race-based discrimination.

The CROWN Act strengthens protections against hair-based discrimination for employees and students. It does so by expanding the definition of race in employment, housing, education, and other laws to include definitions of race as signified through hair—thereby protecting workers and students from hair-based racial discrimination.[4] The protections address systemic racism in the workforce and help to avoid more severe consequence to the livelihoods of Black and brown people, such as losing a job or being prevented from pursuing an educational journey to a desired career.

The CROWN Act would add safeguards across the country to protect workers from discriminatory firing or punishment based on their expression of culture, religion, and identity through their hair. Language from the original bill specifies protected characteristics, explicitly listing and defining “protective hairstyles,” “national origin,” and “race” among these. The bill text declares that “race is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.” The bill language also specifies that expressions of religious creed are protected, stating that “‘religious dress practice’ shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of an individual observing a religious creed.”[5]

Why is the CROWN Act needed?

The CROWN Act impacts racial discrimination, pay equity, and just cause protections for people of various cultural backgrounds, but especially Black people. With over 31.6 million Black people in the U.S. labor force, the CROWN Act could help reduce discrimination for more than 12% of labor force participants (U.S. Census Bureau ACS 2021a).

As referenced in the studies above, the Act has a profound impact on Black women workers. There are 9.3 million Black women employed in the U.S. workforce. Over 44% of Black women currently employed in the United States live in states that have yet to pass the CROWN Act, as shown in **Table 1**. (Sixteen states are listed in Table 1. Ten additional states have not passed the CROWN Act but did not have sufficient data to list here.)

Strengthening workplace protections for Black women may also help address pay inequity, especially between Black women and white men. In 2022, the median hourly wage for Black women was 69.5% that of the median hourly wage for white men. Over the span of a year, this equates to a $17,000 loss of income for a full-time worker (Gould and deCourcy 2023). This loss is equal to almost half (43.4%) of the typical yearly income for Black women and 36.1% of the median income for all U.S. workers (EPI 2023).

Finally, the CROWN Act is needed to help protect workers against discriminatory firing. Under the standard “at-will” system, employers can fire employees for little to no reason. The burden of proof falls on employees to prove discrimination. The CROWN Act helps workers challenge firings when there is evidence that hair-based discrimination is involved.

Few states have protections against firing without cause unless a union contract is in place. Union contracts generally include “just-cause” protections mandating that a legitimate reason be established when someone is fired. These protections make it more difficult for employers to fire workers for discriminatory reasons, such as hair discrimination. As seen in **Figure A**, workers are less likely to be covered by a union contract in the South, where 56% of Black Americans reside (Moslimani et al. 2023) and

Table 1

Over 44% of Black women workers live in states where they are vulnerable to hair-based discrimination

Counts and shares of U.S. Black women workers in states yet to pass the CROWN Act

State	Number of Black women workers	Share of U.S. Black women workers
Alabama	290,396	3.1%
Florida	775,097	8.3%
Georgia	826,967	8.9%
Indiana	137,999	1.5%
Iowa	22,176	0.2%
Kansas	34,431	0.4%
Kentucky	70,819	0.8%
Mississippi	227,877	2.4%
Missouri	160,294	1.7%
North Carolina	521,302	5.6%
Ohio	314,476	3.4%
Oklahoma	62,652	0.7%
Pennsylvania	300,828	3.2%
Rhode Island	13,384	0.1%
South Carolina	312,791	3.3%
Wisconsin	75,964	0.8%
Total	**4,147,453**	**44.4%**

Note: The following states are not included due to insufficient data: Hawaii, Idaho, Montana, New Hampshire, North Dakota, South Dakota, Utah, Vermont, West Virginia, and Wyoming.

Source: Author's analysis of 2021 American Community Survey data from the U.S. Census Bureau, "Sex by Occupation for the Civilian Employed Population 16 Years and Over (Black or African American Alone)."

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where many of the states that have not yet passed the CROWN Act are located.

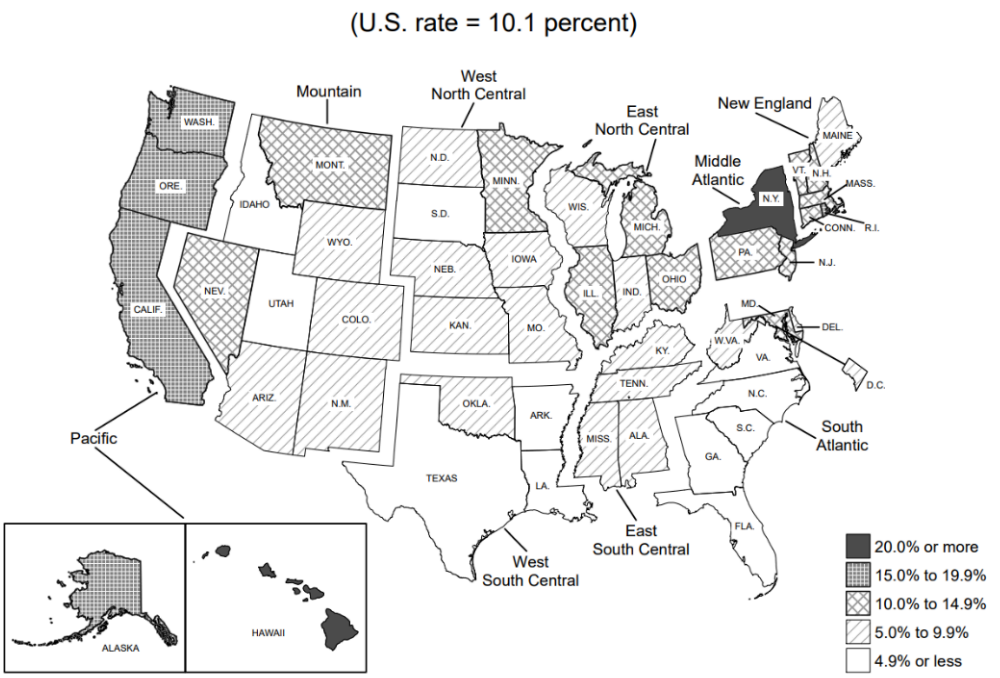
State of play: The CROWN Act has bipartisan support

The CROWN Act is currently law in 24 states (see **Figure B**) and more than 40 localities. State Senator Holly J. Mitchell (D-Los Angeles) introduced it in the California legislature in January 2019 and Gov. Gavin Newsom (D) signed it into law within six months.[6] Most recently, the Michigan legislature passed the CROWN Act in June 2023 and sent the bill to

Figure A

Southern states have lower union density

Rates of union membership by state, 2022 annual averages



Source: Bureau of Labor Statistics, Union Members—2022.

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Gov. Gretchen Whitmer (D) for signature.[7] Michigan followed Texas, where the law was signed by Gov. Greg Abbot (R) in May.[8] They joined Arizona, where Gov. Katie Hobbs (D) signed an executive order banning race-based hair discrimination in March,[9] and Arkansas, where Gov. Sarah Huckabee Sanders (R) signed the CROWN Act into law in April.[10]

At the federal level, the CROWN Act was most recently introduced in the 117th Congress by Rep. Watson Coleman (D-N.J.). It passed in the House in March 2022 with a vote of 235–189.[11] Sen. Cory Booker (D-N.J.) subsequently presented it on the Senate floor, making a case for passage by unanimous consent.[12] However, it did not pass the Senate. It has not been reintroduced in the 2023–2024 Congress.

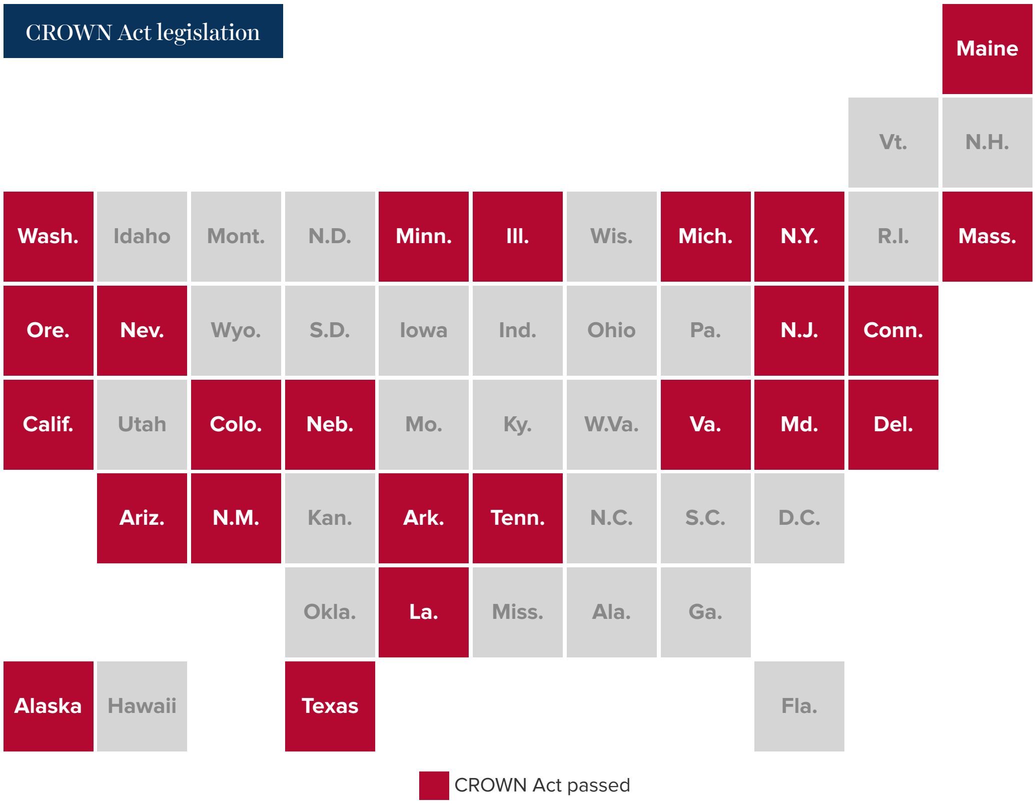
Both state and federal movements are important in removing hair discrimination from the workplace and schools. Though federal passage would make it the law across the nation, passage at the local level can protect workers in those jurisdictions expeditiously and build momentum for federal passage. Senators in two-thirds (67%) of the states that have passed the CROWN Act (16 states)[13] also sponsor the federal legislation, signaling a trend for advocates to note for future efforts.

Major cities are starting to pass the law at the local level, leading the way to state passage. In December 2020, New Orleans Mayor LaToya Cantrell (D) signed the CROWN Act into

Figure B

24 states have passed the CROWN Act

CROWN Act status by state



Source: EPI analysis of state bills, legislation, and executive orders (AK, AZ, AR, CA, CO, CT, DE, IL, LA, ME, MD, MA, MI, MN, NE, NV, NJ, NM, NY, OR, TN, TX, VA, WA).

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law at the municipal level[14] before the state-level Louisiana law passed in June 2022.[15] Lawmakers have passed the CROWN Act in major cities across the country—including in Ohio, Missouri, Georgia, Wisconsin, and Pennsylvania—paving the way for support at the state level.

The CROWN Act is a critical tool to fight discrimination

The CROWN Act is about ensuring dignity, respect, and protection for Black and brown workers and addressing systemic racism that continues to exist in employment. Policymakers, researchers, and advocates should continue to push for the CROWN Act's passage at the local, state, and federal levels.

Notes

1. The CROWN Act is law in the following states: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, Oregon, Tennessee, Texas, Virginia, and Washington.

2. CaSandra Glover in an email message to the author, May 25, 2023. Glover advocated for the bill to pass in Arkansas along with affiliates from Arkansas Advocates for Children and Families (AACF). See Glover's blog post, "The Importance of the CROWN Act," on the AACF website.

3. Isaiah Bailey in an email message to the author discussing the impact of the CROWN Act, May 30, 2023.

4. California passed the original version of the CROWN Act, which has influenced bills in 23 other states. See S.B. 188, 2019–20 Assemb., Reg. Sess. (Cal. 2019) for the original bill text. The District of Columbia also protects against hair discrimination in the DC Human Rights Act.

5. S.B. 188, 2019–20 Assemb., Reg. Sess. (Cal. 2019).

6. S.B. 188, 2019–20 Assemb., Reg. Sess. (Cal. 2019).

7. S.B. 0090, 2023 Senate, Reg. Sess. (Mich. 2023).

8. H.B. 567, 2023 House, Reg. Sess. (Tex. 2023).

9. Exec. Order No. 2023-09 (Ariz. 2023).

10. H.B. 1576, 2023 House, Reg. Sess. (Ark. 2023).

11. H.R. 2116, 117th Cong. (2022).

12. S. 888, 117th Cong. (2022).

13. These states include California, Connecticut, Delaware, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Maryland, New Jersey, New Mexico, Oregon, Nevada, New York, and Virginia.

14. Calendar No. 33, 184. 2020 City Council, Reg. Sess. (New Orleans 2020).

15. H.B. 1083, 2022 Louisiana House of Rep., Reg. Sess. (La. 2022).

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