



Massachusetts Governor Signs CROWN Act Banning Hairstyle-Based Discrimination

Insights

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Massachusetts just joined 17 other states that ban discrimination based on hairstyle by passing the CROWN Act, which Governor Baker signed into law today. The CROWN Act stands for “Creating a Respectful and Open World for Natural Hair” and prohibits discrimination in schools and workplaces based on natural hairstyles that are historically associated with race. What do Bay State employers need to know about this new law?

A History of the CROWN Act

California was the first state to enact the CROWN Act in July 2019. The goal was to change the status quo and protect employees from discrimination based on their natural hairstyle. In just a few short years, the CROWN Act has gained considerable momentum from coast to coast. Massachusetts is the 18th state to enact the law since 2019. At the federal level, the House of Representatives passed the CROWN Act in March, but the bill is still pending in the Senate, and its chances of success in the upper chamber remain unclear.

Hairstyle-based discrimination lawsuits were generally unsuccessful prior to the introduction of the CROWN Act. For example, in one such lawsuit, a federal district court found that an employer’s refusal to hire an employee because she wore locks did not violate federal civil rights law. The Supreme Court declined to review the court’s decision.

What’s New in Massachusetts?

The Massachusetts CROWN Act bans discrimination in the workplace, schools, and places of public accommodation on the basis of a person’s hairstyle, as “historically associated with race.” In particular, the CROWN Act amends the Commonwealth’s anti-discrimination statute, [Chapter 151B](#), by defining “race,” a characteristic protected under the law, to include “traits historically associated with race, including, but not limited to, hair texture, hair type, hair length, and protective hairstyles.”

A “protective hairstyle” is defined to include “hairstyles such as braids, locks, twists, Bantu knots, and other formations.”

The law tasks the Massachusetts Commission Against Discrimination – which enforces the anti-discrimination statute – with creating rules, regulations, recommendations, and policies relating to

discrimination statute – with creating rules, regulations, recommendations, and policies relating to its purpose.

Best Practices for Massachusetts Employers

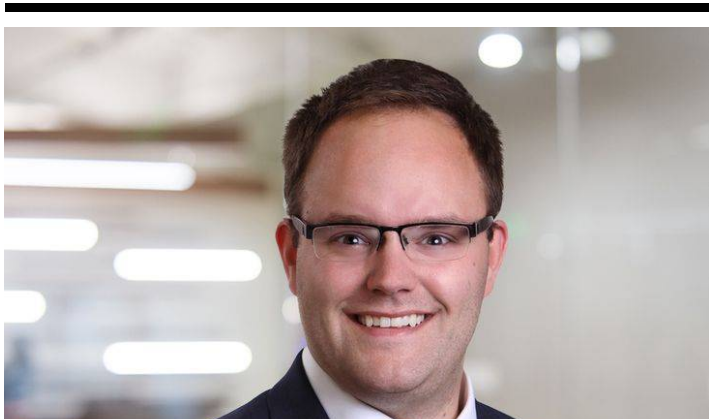
Massachusetts employers are advised to review and update any existing employee handbook and employee training material to ensure they follow both the letter and the spirit of the CROWN Act. Pay attention to dress codes or policies, particularly those referring to either acceptable or prohibited hairstyles. Supervisory employees should further be cautioned not to make hiring, disciplinary, or other employment decisions based on an employee’s protected hairstyle. You should consider reaching out to experienced counsel to determine and implement best practices.

We will continue to monitor further developments and provide updates on this and other labor and employment issues affecting Massachusetts employers, so make sure you are subscribed to [Fisher Phillips’ Insights](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Boston office](#).

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