

Item # 75

**ADDITIONAL MATERIAL
Public Hearing
DECEMBER 1, 2020**

SUBMITTED AT THE REQUEST OF

**COMMISSIONER
DALE V.C. HOLNESS**



**BROWARD COUNTY HUMAN RIGHTS BOARD
(Advisory Board)**

115 S. Andrews Avenue, Room 427 • Fort Lauderdale, Florida 33301

July 15, 2020

MEMORANDUM

TO: The Honorable Mayor and Commissioners
Board of County Commissioners

THROUGH: Bertha Henry, County Administrator
Broward County *BH*

FROM: Michael Emanuel Rajner, Chair *mel*
Broward County Human Rights Board

VIA: Averill Dorsett, Business Manager *AD*
Professional Standards and Human Rights Section

RE: **Human Rights Board recommendation to protect hairstyles as a trait of race**

In 2019, the Broward County Human Rights Board (HRB) began a dialogue on racial equity. During that time, HRB held a racial equity workshop and established a Racial Equity Committee. The HRB's Chair and Vice Chair attended the County's Dismantling Racism Initiative, a four-hour presentation entitled "Measuring Racial Equality: A Groundwater Approach." Additionally, the Chair attended the County's powerful two-day Racial Equity Institute Workshop.

The HRB has identified some opportunities (below) to address racial equity issues through the Broward County Human Rights Act (the "Act").

In the most recent session of the Florida Legislature, SB 566/HB 761, the Crown Act was introduced, but ultimately died in the Committee on Judiciary. Had the legislation been passed and enacted by the Governor, according to a January 14, 2020 bill analysis, it would:

Amend the Florida Civil Rights Act of 1992 to define "race" as "inclusive of traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles." Under the bill, a "protective hairstyle" includes, but is not limited to, hairstyles such as braids, locks, or twists. Currently, an individual's hair texture, such as curly or straight hair, is considered an immutable characteristic of one's identity and is protected from discrimination. However, this protection does not extend to an individual's hairstyle because it is considered a mutable characteristic, which is a product of personal choice.

This bill's definition of "race" and "protective hairstyle" is also incorporated in other sections of state law. The bill prohibits employers, landlords, real estate sellers, real estate financiers, Florida K-20 public education institutions, and certain parties

receiving funds from the Florida Housing Finance Corporation from discriminating against an individual for racial traits and protective hairstyles.

The bill provides individuals a legal cause of action to allege that a party unlawfully discriminated against them based on any trait historically associated with race, including a protective hairstyle. An individual will be able to receive administrative remedies, equitable relief, and civil damages for claims of race discrimination, as well as discrimination of any trait historically associated with race, including, but not limited to, a protective hairstyle.

Similar protections are currently afforded in many jurisdictions such as California, Michigan, New Jersey, New York, Virginia, and in local jurisdictions of Cincinnati, New York City, and Montgomery County, Maryland.

This memorandum is to advise that the HRB, at their June 11, 2020 meeting, voted unanimously to approve a recommendation to the Board of County Commissioners ("Board") that locs and other hairstyles characterized as traits of race should be protected.

A motion was made to define "race" as inclusive of traits historically associated with race, including, but not limited to, hair texture, hair type, and protected hairstyles into the protected status in public accommodations, employment, and residential real estate transactions.

Additionally, the HRB voted unanimously to recommend that the County engage in education and outreach, should the Board enact the proposed amendment to the Act.

The HRB continues to remain committed to engage in the critical work of racial equity in Broward County.

If you have any questions or require additional information, please feel free to contact me.

Attachments

C: Monica Cepero, Deputy County Administrator
Andrew J. Meyers, County Attorney
Robert Melton, County Auditor
Adam Katzman, Senior Assistant County Attorney
Human Rights Board

More states are trying to protect black employees who want to wear natural hairstyles at work

By **Jena McGregor**

September 19, 2019 at 7:00 a.m. EDT

In 2017, at a gala luncheon hosted at the opulent Cipriani 42nd Street in New York, Minda Harts found herself seated next to a recruiter for corporate board positions. Over cocktails and a plated fish entree, the two talked about race in the boardroom; the recruiter, a white woman, complained about the challenges of finding black women to be corporate directors.

To test how she'd respond, Harts, who founded a career development company for women of color and had a [book](#) on the topic released in August, asked the recruiter who she would feel more comfortable putting forward as a candidate for a board: a woman of color with a sleek ponytail, or one with a natural hairstyle such as locs or an Afro. The recruiter said the woman with the ponytail, Harts recalled. "The phrase she used was 'clean-cut,'" Harts said.

Harts said she wasn't altogether surprised, given the woman had said it was difficult to find black female directors. But it was a reminder that "these unconscious and conscious biases keep us from even having the opportunity to have a seat at the table. We haven't even had the chance to introduce ourselves, and there [are] these assumptions of unprofessionalism," Harts said.

AD

“I’ll be honest with you: I wear my hair straight probably 99 percent of the time because, being in corporate America, I’ve seen how clients who have braids and natural hairstyles can be looked upon.”

Concern about the damage caused by heat and chemical straightening and the support offered by online communities are contributing to the latest iteration of the natural hair movement, with some black women adopting locs, braids, soft curls and otherwise embracing their cultural heritage.

Several states have recently taken steps to push employers, schools and the broader culture to move with them, and help dismantle a culture of discrimination experienced by black women and men who say they continue to face implicit or explicit pressures to conform, unwelcome comments or even outright discrimination.

AD

New Jersey, Tennessee, Michigan, Wisconsin, Illinois and other states have proposed legislation to explicitly ban race-based hair discrimination — tackling a remaining loophole in the law governing discrimination in workplaces, schools and other public places. California and New York were the first to sign legislation into law in July, and New York City issued guidelines on the issue earlier this year.

The topic has gotten attention from Democratic presidential candidate Pete Buttigieg as well. “Hair discrimination is racial discrimination, and we ought to recognize that at the national level, too,” he said at Essence Fest, an event produced by the company behind the black women’s magazine.

The legislation is backed by lawmakers in at least eight states and by a coalition that includes the civil rights groups Color of Change, National Urban League and Western Center on Law & Poverty, as well as the marketing heft of beauty brand Dove. Unilever, which owns Dove and has pointed its focus toward society’s beauty standards for women and featured diverse figures in its campaigns, has also provoked consumer rage, including with a much-criticized ad for body wash.

AD

Black hair has a long history of being politicized and stigmatized in the workplace —

for men as well as women, said Lori Tharps, a professor at Temple University and co-author of [“Hair Story: Untangling the Roots of Black Hair in America.”](#)

“If a black person was going to be part of corporate culture, they would be expected to not only dress the part but dress their hair the part,” Tharps said.

She said the new laws are getting traction because the latest natural hair movement — which differs from the protest movements of the 1960s — has “almost normalized” natural hairstyles such as braids, twists and locs. “We have a critical mass now,” she said.

AD

That’s been fueled by the Internet, particularly YouTube with its community and how-to videos about wearing natural hairstyles, said Gillian Scott-Ward, a psychologist in New York who directed a 2017 [documentary](#) on identity and natural hair.

“It allowed everyday people to document their natural hair journey — this is how I wash it; this is how I detangle it; this is how I deal with the fact that my mom wants to disown me; this is how I talk to my boss about it.”

At a time when diversity issues are getting more attention, employment lawyers say

the new state laws did not face significant opposition from the business community. And they said that while some grooming policies may specifically prohibit certain styles, more common are general guidelines that call for “professional” or not “extreme” looks that can disproportionately lead to bias against black employees or students.

AD

Such policies can have an unintended effect on some ethnic groups, said Corinn Jackson, an attorney at Littler Mendelson who represents employers.

Patricia Okonta, an attorney with the NAACP Legal Defense and Educational Fund, which was not involved in the coalition, said the legislation “recognizes that people should have access to opportunities and resources regardless of their hair texture and regardless of their race.”

The LDF currently represents a 7-year-old boy and his family in an administrative

complaint with the Florida Department of Education after he was denied entry to a private school because of his locs; the organization was also involved in the case of Chastity Jones, a woman who wore her hair in locs and said her job offer was rescinded because of her hairstyle. The U.S. Supreme Court declined to hear her case last year.

AD

Stories alleging hair-based discrimination have gone viral on social media, including Andrew Johnson, a New Jersey student-wrestler who was forced to have his locs cut; Kerion Washington, a Texas teen whose mother said he was not hired at Six Flags because of his hairstyle; and Brittany Noble Jones, a former news anchor in Mississippi who alleged that her decision to wear a natural hairstyle was a factor in her dismissal. In a Medium post, Noble Jones claimed her news director said her natural hair was “unprofessional and the equivalent to him throwing on a baseball cap to go to the grocery store.”

Sandra Daniels, a Six Flags representative, said in an email that the amusement

park modified its grooming policy this spring and male employees “may now wear dreadlocks — provided, per our standard guidelines — they are well-groomed and do not extend past the bottom of the collar.” Nexstar Broadcasting and its station, WJTV-TV, said in a statement that it stood by its decision, and that Noble Jones was fired for other reasons. “Allegations that Ms. Jones’s employment was terminated for her choice of hairstyles have no basis in fact and are vigorously denied,” the company said.

Most related incidents don’t result in legal action, said Wendy Greene, a professor at Kline School of Law at Drexel University. Lawsuits are expensive and time consuming, and only a few states and municipalities “expressly prohibit appearance discrimination,” she said in an email. As a result, many lawyers will not advise that their clients pursue a lawsuit “in light of the restrictive interpretations of federal civil rights law” and the gaps in local protections the new laws are trying to fix.

AD

Stories like that of Jones, the Alabama woman whose case was declined by the

Supreme Court, were part of what led Dove to get involved, said Esi Eggleston Bracey, who leads beauty and personal care for Unilever in North America. Bracey spoke about the issue with the National Black Caucus of State Legislators last year, she said in an interview. “I am someone with textured hair and I’ve worn textured hair, and I’m very committed personally to driving this commitment,” she said.

California state Sen. Holly J. Mitchell (D), who wears her hair in locs, said Bracey’s talk resonated with her own experience and those of young black women in her district. She said her staff suggested drafting legislation, dubbing it the CROWN Act (“Create a Respectful and Open Workplace for Natural Hair”).

“It’s not just about hair. It’s about choice and about people being empowered to be who they are culturally in the workplace,” Mitchell said in an interview.

AD

Dove’s efforts on the issue follow its long history of cause marketing campaigns

focused on beauty standards but also come after an uproar that erupted in October 2017 over an online Dove ad. It depicted a smiling black woman taking off a skin-colored shirt to show a smiling white woman — an ad many found reminiscent of historically racist imagery. Amid strong backlash, Dove apologized and removed the post with the ad.

Bracey and Joy Collective, a marketing firm hired by Dove that noted Dove's 2017 “embarrassing PR mishap” in text about the CROWN Act that it has since removed from its website, said the current efforts are not a direct response to past ads. “Dove has always been dedicated to championing women’s individual beauty so that it is respected and celebrated authentically,” Bracey said in an email. “When I joined Unilever in January 2018, my goal was and still is to create systemic change in the beauty industry and to celebrate beauty inclusivity.”

Employment lawyers say they won't be surprised if more states adopt the provision or if businesses amend their policies. Companies with employees in multiple states “tend to look at the most restrictive state or state with the most protection” and use that as the default, said Natalie Fujikawa, an attorney for Fisher Phillips.

She will advise clients to do workplace training that includes discussions about bias or unwelcome comments around hair, conversations that could raise awareness and perhaps make more people comfortable with natural hair styles at work.

Some still aren't. Harts recalls recently getting back from vacation with braided hair and not having time to get it blown straight before a meeting. “I felt uncomfortable — I felt people were judging me because of the narrative we've been told.”

Marie Smith, a lawyer in New Jersey, said she's never been discriminated against at

work but until recently wore a wig daily, in part to avoid comments or perceptions from co-workers in an office where there are no other black female attorneys. “For me it’s been more of a proactive thing,” said Smith, adding she was taught, growing up, to straighten her hair for an interview. “I’ve heard about too many bad reactions to natural hair to be willing to take that risk myself.”

But with the arrival of the new laws, she’s begun wearing more natural styles in the office. “It’s 2019,” she said. “I kept thinking about it — I was like, ‘Why am I putting myself through this?’ ”

Meanwhile, Lucrecia Johnson, an attorney in Washington, D.C., recalled the time she was working at a Big Law firm and a white colleague asked if her hairstyle — twists pinned up on top of her head — was “heavy” and then reached out to touch it. “I’m not a sideshow,” recalled Johnson, who has since founded her own firm. “When you see something you like on people, you don’t reach to touch it, you tell me you like my dress” or hair.

She thinks it’s great that states are passing such laws, but said lasting change will come from more awareness and cultural shifts. “It’s a hearts and minds thing,” she said. “The more it’s seen [in the workplace], the less likely someone will begin to question it. That’s when the real change will occur.”

Like On Leadership? Follow us on Facebook and Twitter, and subscribe to our podcast on iTunes.

Discover something new:

We’ve curated these stories to inspire your curiosity.

Get smart about how the modern space race affects cities

In the 1960s, this Florida coast line was a boomtown thriving on the race to the

moon. Now, private investment in space travel might bring that back.

What your spending habits reveal about your politics

In consumer products, the best predictor of whiteness was whether someone owned a pet — followed closely by whether they owned a flashlight.

Understanding the end of the McMansion boom

Developers are starting to focus on smaller entry-level houses, good news for prospective buyers. But it could also signal a negative outlook on the economy.



NYC Commission on Human Rights

Legal Enforcement Guidance on Race Discrimination on the Basis of Hair

February 2019

Anti-Black racism is an invidious and persistent form of discrimination across the nation and in New York City. Anti-Black racism can be explicit and implicit, individual and structural, and it can manifest through entrenched stereotypes and biases, conscious and unconscious. Anti-Black bias also includes discrimination based on characteristics and cultural practices associated with being Black, including prohibitions on natural hair or hairstyles most closely associated with Black people.¹ Bans or restrictions on natural hair or hairstyles associated with Black people are often rooted in white standards of appearance and perpetuate racist stereotypes that Black hairstyles are unprofessional. Such policies exacerbate anti-Black bias in employment, at school, while playing sports, and in other areas of daily living.

The New York City Human Rights Law (“NYCHRL”) protects the rights of New Yorkers to maintain natural hair or hairstyles that are closely associated with their racial, ethnic, or cultural identities.² For Black people, this includes the right to maintain natural hair,³ treated or untreated hairstyles⁴ such as locs, cornrows, twists, braids, Bantu knots, fades, Afros, and/or the right to keep hair in an uncut or untrimmed⁵ state.⁶

¹ The phrase “Black people” includes those who identify as African, African American, Afro-Caribbean, Afro-Latin-x/a/o or otherwise having African or Black ancestry.

² Hair-based discrimination implicates many areas of the NYCHRL, including prohibitions against race, religion, disability, age, or gender based discrimination. This legal enforcement guidance seeks to highlight the protections available under the NYCHRL for people who maintain particular hairstyles as part of a racial or ethnic identity, or as part of a cultural practice, regardless of the mutable nature of such characteristics. Covered entities with policies prohibiting hairstyles associated with a particular racial, ethnic, or cultural group would, with very few exceptions, run afoul of the NYCHRL’s protections against race and related forms of discrimination. While this legal enforcement guidance focuses on Black communities, these protections broadly extend to other impacted groups including but not limited to those who identify as Latin-x/a/o, Indo-Caribbean, or Native American, and also face barriers in maintaining “natural hair” or specific cultural hairstyles.

³ “Natural hair” is generally understood as the natural texture and/or length of hair; it is defined as hair that is untreated by chemicals or heat and can be styled with or without extensions. The term “natural hair,” which has specific and significant cultural meaning within Black communities, is used throughout this guidance in reference to hair textures most commonly associated with Black people. However, the legal protections available under the NYCHRL extend beyond natural hair, including treated hair styled into twists, braids, cornrows, Afros, Bantu knots, fades, and/or locs.

⁴ Hairstyles most commonly associated with Black people include hairstyles that involve some form of heat or chemical treatment or none at all (*i.e.*, “natural hair”).

⁵ For communities that have a religious or cultural connection with uncut hair, including Native Americans, Sikhs, Muslims, Jews, Nazirites, or Rastafarians, some of whom may also identify as Black, natural hair may include maintaining hair in an uncut or untrimmed state.

⁶ This is not an exhaustive list of hairstyles most closely associated with Black people. For more background, see Section II of this legal enforcement guidance.

While grooming and appearance policies adversely impact many communities, this legal enforcement guidance focuses on policies addressing natural hair or hairstyles most commonly associated with Black people, who are frequent targets of race discrimination based on hair. Accordingly, the New York City Commission on Human Rights (the “Commission”) affirms that grooming or appearance policies that ban, limit, or otherwise restrict natural hair or hairstyles associated with Black people⁷ generally violate the NYCHRL’s anti-discrimination provisions.

I. The New York City Human Rights Law

The NYCHRL prohibits discrimination by most employers,⁸ housing providers,⁹ and providers of public accommodations.¹⁰ The NYCHRL also prohibits discriminatory

⁷ Grooming or appearance policies that generally target communities of color, religious minorities, or other communities protected under the NYCHRL are also unlawful. Examples of religious, disability, age, or gender based discrimination with respect to hair include: a Sikh applicant denied employment because of his religiously-maintained uncut hair and turban; an Orthodox Jewish employee ordered to shave his beard and cut his payot (sidelocks or sideburns) to keep his job; a Black salesperson forced to shave his beard despite a medical condition that makes it painful to shave; a 60 year-old employee with gray hair told to color their hair or lose their job; or a male server ordered to cut his ponytail while similar grooming policies are not imposed on female servers.

⁸ The NYCHRL prohibits unlawful discriminatory practices in employment and covers entities including employers, labor organizations, employment agencies, joint labor-management committee controlling apprentice training programs, or any employee or agent thereof. N.Y.C. Admin. Code § 8-107(1). Under the NYCHRL:

“The term ‘employer’ does not include any employer with fewer than four persons in his or her employ ... [N]atural persons employed as independent contractors to carry out work in furtherance of an employer’s business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.”

N.Y.C. Admin. Code § 8-102.

“The term ‘employment agency’ includes any person undertaking to procure employees or opportunities to work.” *Id.*

“The term ‘labor organization’ includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms and conditions of employment, or of other mutual aid or protection in connection with employment.” *Id.*

⁹ The NYCHRL prohibits unlawful discriminatory practices in housing, and covers entities including the “owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof.” N.Y.C. Admin. Code § 8-107(5). Covered entities also include real estate brokers, real estate salespersons, or employees or agents thereof. *Id.* The NYCHRL defines the term “housing accommodation” to include “any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings. Except as otherwise specifically provided, such term shall include a publicly-assisted housing accommodation.” N.Y.C. Admin. Code § 8-102. However, the NYCHRL exempts from coverage: “the rental of a housing accommodation, other than a publicly-assisted housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, if the owner [or] members of the owner’s family reside in one of such housing accommodations, and if the available housing accommodation has not been publicly advertised, listed, or otherwise offered to the general public; or (2) to the rental of a room or rooms in a housing accommodation, other than a publicly-assisted housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the

harassment¹¹ and bias-based profiling by law enforcement.¹² Pursuant to Local Law No. 85 (2005) (“Local Civil Rights Restoration Act of 2005”), the NYCHRL must be construed “independently from similar or identical provisions of New York State or federal statutes,” such that “similarly worded provisions of federal and state civil rights laws [are] a floor below which the City’s Human Rights law cannot fall, rather than a ceiling above which the local law cannot rise.”¹³ In addition, exemptions to the NYCHRL must be construed “narrowly in order to maximize deterrence of discriminatory conduct.”¹⁴

The Commission is the City agency charged with enforcing the NYCHRL. Individuals interested in vindicating their rights under the NYCHRL can choose to file a complaint with the Commission’s Law Enforcement Bureau within one (1) year of the discriminatory act and within (3) years for claims of gender-based harassment, or file a complaint in court within three (3) years of the discriminatory act.

II. Background on Natural Hair Textures and Hairstyles Associated with Black People

While a range of hair textures are common among people of African descent, natural hair texture that is tightly-coiled or tightly-curved as well as hairstyles such as locs, cornrows, twists, braids, Bantu knots, fades, and Afros are those most closely associated with Black people.¹⁵ The decision to wear one’s hair in a particular style is highly personal, and reasons behind that decision may differ for each individual. Some wearers may embrace a certain hairstyle as a “protective style,” intended to maintain

owner or members of the owner’s family reside in such housing accommodation.” N.Y.C. Admin. Code § 8-107(5)(4).

¹⁰ The NYCHRL prohibits unlawful discriminatory practices in public accommodations, and covers entities including any person who is the owner, franchisor, franchisee, lessor, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation. N.Y.C. Admin. Code § 8-107(4). The NYCHRL defines the term “place or provider of public accommodation” to include: “providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available. Such term shall not include any club which proves that it is in its nature distinctly private . . . [or] a corporation incorporated under the benevolent orders law or described in the benevolent orders law but formed under any other law of this state, or a religious corporation incorporated under the education law or the religious corporation law [which] shall be deemed to be in its nature distinctly private.” N.Y.C. Admin. Code § 8-102.

¹¹ N.Y.C. Admin. Code §§ 8-602 – 604.

¹² N.Y.C. Admin. Code § 14-151.

¹³ Local Law No. 85 § 1 (2005); see N.Y.C. Admin. Code § 8-130(a) (“The provisions of this title shall be construed liberally for the accomplishment of the uniquely broad and remedial purposes thereof, regardless of whether federal or New York state civil and human rights laws, including those laws with provisions worded comparably to provisions of this title, have been so construed.”).

¹⁴ Local Law No. 35 (2016); N.Y.C. Admin. Code § 8-130(b).

¹⁵ See D. Wendy Greene, *Splitting Hairs: The Eleventh Circuit’s Take on Workplace Bans Against Black Women’s Natural Hair in EEOC v. Catastrophe Management Solutions*, 71 U. MIAMI L. REV. 987, 999-1000 (2017).

hair health; as part of a cultural identity associated with being Black; and/or for a myriad of other personal, financial, medical, religious, or spiritual reasons.¹⁶

Hair may naturally form into locs, known as freeform locs, which are grown without manipulation.¹⁷ Hair may also be manipulated into locs, known as “cultivated locs,” a cultural hairstyle predominantly worn by people of African descent.¹⁸ Whether hair naturally forms or is manipulated into locs, this and other protective or cultural hairstyles often have great personal significance for the wearer. Black hair may also be styled into cornrows – hair that is rolled or closely braided to the scalp – or in twists, Afros, and other formations, with or without chemical or heat treatment.¹⁹ Hair may also be worn in a manner that showcases its natural texture with little additional styling. In addition, protective styles may include braids, locs or extensions of various types that are integrated into an individual’s hair (e.g. box braids or weaves), wigs, or covering one’s hair with a headscarf or wrap.²⁰

There is a widespread and fundamentally racist belief that Black hairstyles are not suited for formal settings, and may be unhygienic, messy, disruptive, or unkempt.²¹ Indeed, white slave traders initially described African hair and locs as “dreadful,” which led to the commonly-used term “dreadlocks.”²² Black children and adults, from schools to places of employment, have routinely been targeted by discriminatory hair policies.²³

¹⁶ Locs may also be worn by some Black people for religious purposes, such as Rastafarians. See generally Brief for NAACP Legal Defense and Educational Fund, Inc. *et al.*, as Amici Curiae Supporting Appellants, *EEOC v. Catastrophe Mgmt. Solutions*, No. 14-13482 (11th Cir. Dec. 28, 2016), https://www.naacpldf.org/files/about-us/EEOC_v_CMS_Final.pdf.

¹⁷ Petition for Writ of Certiorari, *EEOC v. Catastrophe Mgmt. Solutions*, No. 14-13482, at 5-6 (Apr. 4, 2018), <https://www.naacpldf.org/files/about-us/CMS%20-%20Cert%20Petition%20FINAL.PDF>.

¹⁸ See *id.*

¹⁹ See *id.*

²⁰ See generally, Greene, *supra* note 15 at 1000-01; see also Perrie Samotin, *A Banana Republic Employee Says She Was Told Her Box Braids Looked Too “Urban”*, *Glamour* (Oct. 7, 2017), <https://www.glamour.com/story/banana-republic-employee-destiny-tompkins-says-she-was-told-box-braids-looked-too-urban>.

²¹ Petition for Writ of Certiorari, *supra* note 17, at *6-7; see also NAACP Legal Defense and Educational Fund, Inc. & American Civil Liberties Union, *Letter to Florida Department of Education*, ACLU (Nov. 29, 2018), <https://www.aclu.org/legal-document/florida-department-education-complaint-charge-race-discrimination>.

²² Because of this history, the Commission is utilizing the term “locs” in this guidance but recognizes that some members of Black communities, including Rastafarians, may still use the term “dreadlocks” or “dreads.” The term “locks” is an alternative term. See Shauntae Brown White, *Releasing the Pursuit of Bouncin’ and Behavin’ Hair: Natural Hair as an Afrocentric Feminist Aesthetic for Beauty*, 1 INT’L J. MEDIA & CULTURAL POL. 295, 965 n.3 (2005).

²³ For examples in employment, see, e.g., Complaint, *Tompkins v. The Gap, Inc.*, No. 17 Civ. 09759 (S.D.N.Y. 2017) (Black employee claimed that her white manager had refused to assign her shifts because of her hairstyle and allegedly told her that her box braids were too “unkempt,” “urban,” and not “Banana Republic appropriate.”); *EEOC v. Catastrophe Mgmt. Solutions*, No. 14-13482, 2016 WL 7210059 (11th Cir. 2016) (holding that employer did not engage in race discrimination under Title VII when it refused to hire a Black customer service representative who styled her hair into locks, a violation of the company’s grooming policy.); *Pitts v. Wild Adventures*, No. 7:06-CV-HL, 2008 WL 1899306 (M.D. Ga. Apr. 25, 2008) (Black employee terminated for styling her hair into twists; employer not liable for race

For example, in 2014, the U.S. Department of Defense, the nation's largest employer, enacted a general ban on Black hairstyles, including Afros, twists, cornrows, and braids, which was later reversed after Black service members expressed wide outrage.²⁴ In 2017, the Army lifted its ban on female soldiers wearing locs, citing feasibility for Black soldiers, and noting that “[f]emales have been asking for a while, especially females of African-American descent, to be able to wear dreadlocks and locks because it’s easier to maintain that hairstyle.”²⁵ The Army also removed the terms “matted and unkempt” from its description of Black hairstyles in its appearance regulations.²⁶ These changes reflect a shift in American society in re-evaluating the basis for longstanding appearance norms, in light of their discriminatory nature, and the harm and burden placed on Black people who maintain prohibited hairstyles.

Race discrimination based on hair and hairstyles most closely associated with Black people has caused significant physical and psychological harm to those who wish to maintain natural hair or specific hairstyles but are forced to choose between their livelihood or education and their cultural identity and/or hair health.²⁷ Due to repeat manipulation or chemically-based styling (*i.e.*, using straighteners or relaxing hair from its natural state), Black hair may become vulnerable to breakage and loss, and the development of conditions such as trichorrhhexis nodosa and traction alopecia.²⁸ Trichorrhhexis nodosa is a medical issue where thickened or weakened points of hair break off easily.²⁹ Traction alopecia is defined as gradual hair loss, occurring from applying tension to hair.³⁰ In some cases, altering hair from its natural form by way of

discrimination under Title VII even though its grooming policy only prohibited Afrocentric hairstyles); For examples in schools, see, e.g., Michael Gold & Jeffrey Mays, *Civil Rights Investigation Opened After Black Wrestler Had to Cut His Dreadlocks*, N.Y. TIMES (Dec. 21, 2018), <https://www.nytimes.com/2018/12/21/nyregion/andrew-johnson-wrestler-dreadlocks.html>; Mandy Velez, *'Discriminatory': ACLU, NAACP Go After Florida School That Banned Child for Dreadlocks*, The Daily Beast (Nov. 29, 2018), <https://www.thedailybeast.com/aclu-naacp-take-on-florida-schools-discriminatory-hair-policy-after-boy-banned-for-having-locs>; Amira Rasool, *A Black Student's Elementary School Reportedly Sent Her Home for Wearing Box Braids*, Allure (Aug. 22, 2018), <https://www.allure.com/story/black-student-sent-home-for-box-braids>; Kaitlin McCulley, *Waller high school [Black] student suspended for having long hair [and locs]*, ABC (Mar. 28, 2017), <https://abc13.com/education/waller-hs-student-suspended-for-haircut-1823098/>.

²⁴ Maya Rodan, *U.S. Military Rolls Back Restrictions on Black Hairstyles*, TIME (Aug. 13, 2014), <http://time.com/3107647/military-black-hairstyles/>.

²⁵ See Christopher Mele, *Army Lifts Ban on Dreadlocks, and Black Servicewomen Rejoice*, N.Y. TIMES (Feb. 10, 2017), <https://www.nytimes.com/2017/02/10/us/army-ban-on-dreadlocks-black-servicewomen.html>; Other military branches, including the Air Force and the Navy, have also lifted bans on locs for service members.

²⁶ See *id.*

²⁷ See generally Dr. Gillian Scott-Ward, *Moving Past Racist Grooming Standards Terrorizing our Children*, MEDIUM (Jan. 10, 2018), <https://medium.com/@gillianscottward/moving-past-racist-grooming-standards-terrorizing-our-children-40df73b9ecb3>.

²⁸ See Venessa Simpson, *What's Going on Hair?: Untangling Societal Misconceptions That Stop Braids, Twists, and Dreads from Receiving Deserved Title VII Protection*, 47 SW L. REV. 265, 289 (2017) (citing Ana Maria Pinheiro, *Acquired Trichorrhhexis Nodosa in a Girl: The Use of Trichoscopy for Diagnosis*, 4 (1) J. DERMATOLOGY & CLINICAL RESEARCH, 1064, 65 (2016)).

²⁹ See *id.*

³⁰ See *id.*

repeat manipulation or chemically-based styling may also expose individuals to risk of severe skin and scalp damage.³¹ Medical harm may also extend beyond the skin or scalp; for instance, a 2012 study published in the *American Journal of Epidemiology* linked the use of hair relaxers to an increase in uterine fibroids, which disproportionately impact Black women.³²

Black people with tightly-coiled or tightly-curved hair textures face significant socio-economic pressure to straighten or relax their hair to conform to white and European standards of beauty, which can cause emotional distress, including dignitary and stigmatic harms.³³ Because of these expectations, in addition to the physical harms noted above, Black people are more likely than white people to spend more time on their hair, spend more money on professional styling appointments and products, and experience anxiety related to hair.³⁴ These experiences highlight the unique and heavy burden and personal investment involved in decision-making around hair for Black communities, and the consequences of being compelled to style one's hair according to white and European beauty standards or be stigmatized for wearing one's hair in a natural style.

III. Employment

The NYCHRL prohibits discrimination in employment, which in most circumstances covers employers with four (4) or more employees.³⁵ Disparate treatment occurs when a covered entity treats an individual less favorably than others because of a protected characteristic.³⁶ Treating an individual less well than others because of their actual or perceived race violates the NYCHRL. To establish disparate treatment under the NYCHRL, an individual must show they were treated less well or subjected to an adverse action, motivated, at least in part, by their membership in a protected class.³⁷ An individual may demonstrate this through direct evidence of discrimination or indirect evidence that gives rise to an inference of discrimination.

Black hairstyles are protected racial characteristics under the NYCHRL because they are an inherent part of Black identity. There is a strong, commonly-known racial association between Black people and hair styled into twists, braids, cornrows, Afros,

³¹ Taylor Mioko Dewberry, *Title VII and African American Hair: A Clash of Cultures*, 54 WASH. U. J.L. & POL'Y 329, 351 (2017).

³² See Lauren Wise, *Hair Relaxer Use and Risk of Uterine Leiomyomata in African-American Women*, AMER. JOURNAL OF EPIDEMIOLOGY, Vol. 175, Issue 5, 432–440 (2012), available at <https://doi.org/10.1093/aje/kwr351>.

³³ Greene, *supra* note 15 at 1013.

³⁴ See *id.*

³⁵ N.Y.C. Admin. Code § 8-102.

³⁶ *Williams v. N.Y.C. Hous. Auth.*, 872 N.Y.S.2d 27, 39 (1st Dep't 2009).

³⁷ *Id.*

Bantu knots, fades, and/or locs,³⁸ and employers are assumed to know of this association.

Covered employers that enact grooming or appearance policies that ban or require the alteration of natural hair or hair styled into twists, braids, cornrows, Afros, Bantu knots, fades, and/or locs may face liability under the NYCHRL because these policies subject Black employees to disparate treatment. Covered employers are engaging in unlawful race discrimination when they target natural hair or hairstyles associated with Black people, and/or harass Black employees based on their hair.³⁹

By way of example, while an employer can impose requirements around maintaining a work appropriate appearance, they cannot enforce such policies in a discriminatory manner and/or target specific hair textures or hairstyles. Therefore, a grooming policy to maintain a “neat and orderly” appearance that prohibits locs or cornrows is discriminatory against Black people because it presumes that these hairstyles, which are commonly associated with Black people, are inherently messy or disorderly. This type of policy is also rooted in racially discriminatory stereotypes about Black people, and racial stereotyping is unlawful discrimination under the NYCHRL.⁴⁰

Consequentially, employers may not enact discriminatory policies that force Black employees to straighten, relax, or otherwise manipulate their hair to conform to employer expectations. The existence of such policies constitutes direct evidence of disparate treatment based on race and/or other relevant protected classes under the NYCHRL. Notably, employers that enact these types of grooming or appearance policies do not typically target hair characteristics associated with individuals with white, European ancestry.

Examples of violations of include:

- A grooming policy prohibiting twists, locs, braids, cornrows, Afros, Bantu knots, or fades which are commonly associated with Black people.
- A grooming policy requiring employees to alter the state of their hair to conform to the company’s appearance standards, including having to straighten or relax hair (*i.e.*, use chemicals or heat).⁴¹

³⁸ This is not an exhaustive list of hairstyles most commonly associated with Black people. See *supra* pg. 3.

³⁹ See *Williams*, 872 N.Y.S.2d at 39.

⁴⁰ See, *e.g.*, *Jenkins v. Blue Cross Mut. Hosp. Ins.*, 538 F.2d 164 (7th Cir. 1976) (en banc) (holding that a Black employee had sufficiently charged race discrimination under Title VII after she was denied a promotion for wearing an Afro; the employer was engaging in racially discriminatory stereotyping that Black hair was inappropriate when it told her that she could “never represent them” because of her Afro.).

⁴¹ This is not an exhaustive list of violations and they are not limited to employment. Such policies are also prohibited when enacted by housing providers and places of public accommodation. Additionally, related violations that implicate religious groups, and other protected classes include: a grooming policy prohibiting employees from maintaining uncut hair or wearing untrimmed beards, which may impact Rastafarians, Native Americans, Sikhs, Muslims, Jews, and other religious or cultural minorities; or a

- A grooming policy banning hair that extends a certain number of inches from the scalp, thereby limiting Afros.

Discrimination can also come in the form of facially neutral grooming policies related to characteristics that may not necessarily be associated with a protected class but that are discriminatorily applied. For instance, an employer violates the NYCHRL when it enforces a grooming policy banning the use of color/dye, extensions, and/or patterned or shaved hairstyles against Black employees only.⁴²

The NYCHRL also prohibits covered employees from harassing, imposing unfair conditions, or otherwise discriminating against employees based on aspects of their appearance associated with their race. Examples of discrimination include:

- Forcing Black people to obtain supervisory approval prior to changing hairstyles, but not imposing the same requirement on other people.⁴³
- Requiring only Black employees to alter or cut their hair or risk losing their jobs.
- Telling a Black employee with locs that they cannot be in a customer-facing role unless they change their hairstyle.
- Refusing to hire a Black applicant with cornrows because her hairstyle does not fit the “image” the employer is trying to project for sales representatives.
- Mandating that Black employees hide their hair or hairstyle with a hat or visor.⁴⁴

Finally, employers may not ban, limit, or otherwise restrict natural hair or hairstyles associated with Black communities to promote a certain corporate image, because of customer preference, or under the guise of speculative health or safety concerns. An employee’s hair texture or hairstyle generally has no bearing on their ability to perform the essential functions of a job.

Where an employer does have a legitimate health or safety concern, it must consider alternative ways to meet that concern prior to imposing a ban or restriction on employees’ hairstyles. There exist a number of options that may address such concerns related to hair, including the use of hair ties, hair nets, head coverings, as well as alternative safety equipment that can accommodate various hair textures and hairstyles. Alternative options may not be offered or imposed to address concerns unrelated to actual and legitimate health or safety concerns.

grooming policy requiring male employees to cut their hair, but allowing female employees to maintain long hair.

⁴² See generally *Santee v. Windsor Court Hotel Ltd. P’ship*, No. Civ. A. 99-3891, 2000 WL 1610775, at *3-4 (E.D. La. Oct. 26, 2000) (Black woman with dyed blonde hair denied employment at a hotel because her hair violated the hotel’s grooming policy banning “extreme” hairstyles).

⁴³ *Hollins v. Atl. Co.*, 188 F.3d 652 (6th Cir. 1999).

⁴⁴ See, e.g., *Eatman v. UPS*, 194 F. Supp. 2d 256, 259, 262 (S.D.N.Y. 2002) (UPS’s policy required Black male drivers to wear hats to cover “dreadlocks,” “braids,” “corn rolls,” a “do rag,” and a “ponytail”). Such a policy would violate the NYCHRL.

IV. Public Accommodations

The NYCHRL prohibits discrimination in places of public accommodation, defined as “providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available.”⁴⁵ This guidance focuses on schools because reports of racially discriminatory policies on grooming and appearance have proliferated in educational settings.⁴⁶

The NYCHRL prohibits discrimination in most public, private, and charter schools.⁴⁷ The United States Supreme Court has established that students in public schools do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”⁴⁸ Schools may not infringe on students’ free expression rights “unless school authorities have reason to believe that such expression will ‘substantially interfere with the work of the school or impinge upon the rights of other students.’”⁴⁹

Schools may not, intentionally or unintentionally, target students of a particular protected category, including in after school activities or programs. Because natural hair and locs, cornrows, twists, braids, Bantu knots, fades, and Afros are a form of hair maintenance and cultural identity and expression most closely associated with Black people, no school covered under the NYCHRL may prohibit such styles in New York City.⁵⁰ No sound pedagogical rationale justifies this disparate treatment of Black students, nor would students’ free expression to wear their hair in natural, protective, or other styles commonly associated with Black people ever “interfere with the work of the school or impinge upon the rights of other students.”⁵¹

⁴⁵ N.Y.C. Admin. Code § 8-107(4).

⁴⁶ Michael Gold and Jeffrey Mays, *Civil Rights Investigation Opened After Black Wrestler Had to Cut His Dreadlocks*, N.Y. TIMES (Dec. 21, 2018), <https://www.nytimes.com/2018/12/21/nyregion/andrew-johnson-wrestler-dreadlocks.html>; see also NAACP Legal Defense and Educational Fund, Inc. & American Civil Liberties Union, *Letter to Florida Department of Education*, ACLU (Nov. 29, 2018), at 6, n.22 (collecting cases), <https://www.aclu.org/legal-document/florida-department-education-complaint-charge-race-discrimination>.

⁴⁷ N.Y.C. Admin. Code § 8-107(4). Certain religious schools may be exempt from coverage under the NYCHRL. See N.Y.C. Admin. Code § 8-107(2).

⁴⁸ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).

⁴⁹ *Id.* at 509 (citing *Burnside v. Byars*, 363 F.2d 744, 749 (1966)).

⁵⁰ Similarly, banning characteristics associated with other cultures, including Native Americans, may violate the NYCHRL. Native Americans, who maintain long hair, wear braids, or wear other hairstyles for cultural reasons have also routinely faced discriminatory hair policies and practices in educational settings. See, e.g., Cat Schuknecht, *School District Apologizes for Teacher Who Allegedly Cut Native American Child’s Hair*, NPR (Dec. 6, 2018), [https://www.npr.org/2018/12/06/673837893/school-district-apologizes-for-teacher-who-allegedly-cut-native-american-childs-\(last-visited-Jan-29-2019\)](https://www.npr.org/2018/12/06/673837893/school-district-apologizes-for-teacher-who-allegedly-cut-native-american-childs-(last-visited-Jan-29-2019)); Zac Whitney, *Dress Code Collides With Culture as Native American Student With Mohawk Sent to Principal’s Office*, FOX (Sept. 17, 2015), <https://fox13now.com/2015/09/17/dress-code-collides-with-culture-as-native-american-student-with-mohawk-sent-to-principals-office/>.

⁵¹ *Tinker*, 393 U.S. at 506.

Similarly, it is unlawful under the NYCHRL to harass, subject to adverse treatment, or otherwise discipline any student because they choose to wear their hair in a style commonly associated with Black people. Further, it is no justification to prohibit natural hair or hairstyles because they are perceived to be a distraction or because of speculative health or safety concerns. These protections extend to all users of public accommodations, including businesses such as restaurants, fitness clubs, stores, and nightclubs, and other public spaces, like parks, libraries, healthcare providers, and cultural institutions.⁵²

Examples of discrimination include:

- A private school has a policy prohibiting locs or braids.
- A public school athletic association prohibits a Black student athlete with locs from participating in an athletic competition because his hair is below his shoulders but allows white student-athletes with long hair to tie their hair up.
- A charter school informs a Black student that she must change her Afro because it is a “distraction” in the classroom.
- A children’s dance company requires girls to remove their braids, alter their Afro, and only wear a “smooth bun” to participate in classes.
- A nightclub tells a patron she is not welcome because her natural hairstyle does not meet their dress code.

* * * * *

As a best practice, the Commission encourages employers and other covered entities to evaluate any existing grooming or appearance policies, standards, or norms relating to professionalism to ensure they are inclusive of the racial, ethnic, and cultural identities and practices associated with Black and historically marginalized communities. The Commission further recommends that public and private schools assess any workplace preparation programs geared toward helping students find employment to ensure that they do not intentionally or inadvertently send the message that natural hair or hairstyles associated with Black communities are “unprofessional,” “messy,” or “unkempt.”

The Commission is committed to eradicating anti-Black and other forms of discrimination in New York City. If you believe you have been subjected to unlawful discrimination on the basis of your race or membership in another protected class, please contact the Commission at 311 or at 718-722-3131 to file a complaint of discrimination with our Law Enforcement Bureau.

⁵² See, e.g., *Comm’n on Human Rights ex rel. Spencer v. Kings Plaza Unisex Palace of Hair Design, Inc.*, Complaint No. FH82030990DN-PA, Dec. & Order, 1991 WL 790573 (Nov. 8, 1991).

Dove  The **CROWN**
Research Study

Creating a **R**espectful and **O**pen **W**orkplace for **N**atural Hair

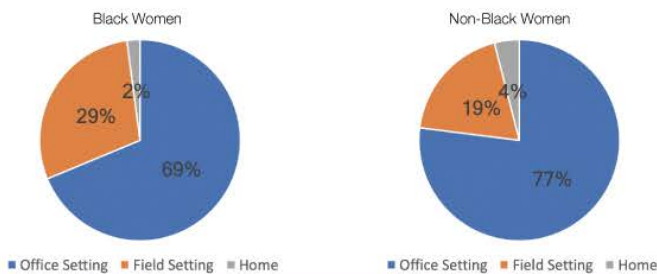


My hair is professional.



Across the country, Black people are disproportionately burdened by policies and practices in public places, including the workplace, that target, profile, or single them out for natural hair styles - referring to the texture of hair that is not permed, dyed, relaxed, or chemically altered. Today, many Black women are choosing to wear their natural hair in its coiled, kinky or tight curly state in the professional workforce.

The CROWN research study was carried out in 2019 to identify the magnitude of racial discrimination experienced by women in the workplace based on their natural hairstyles. A survey of 1,017 Black women and 1,050 non-Black women ages 25-64 was conducted. In order to qualify for the survey, women must have been employed full-time and currently working in an office or sales setting, or worked in a corporate office in the past 6 months. The non-Black sample of women was predominantly White (92%).



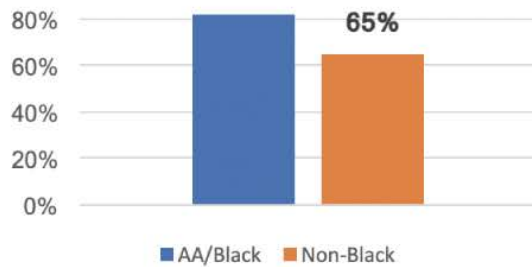
More Black women work in a field (sales) environment compared to non-Black women.

When looking at work environments, researchers found that currently, more Black women (29%) work in a field (sales) environment compared to non-Black women (19%). Furthermore, fewer Black women (69%) work in a corporate setting compared to non-Black women (77%). In all settings and for both Black and non-Black women, the most important career touchpoints for hair appearance are ranked, respectively, as the interview, company meeting/presentation, and the first day of work.

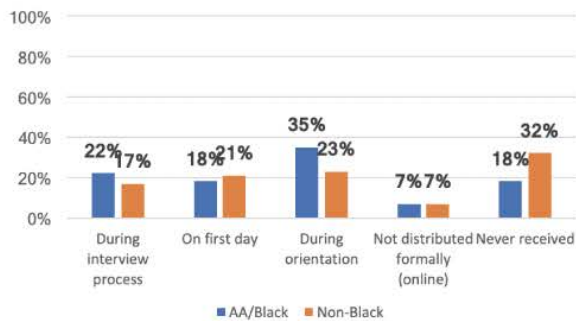
Black women are made to be more aware of corporate grooming policies than White women

As a key influencer into Black women's perceptions of herself, her performance, and her prospective career trajectory, the survey focused on corporate grooming policies. The survey found that overall, Black women are made to be more aware of corporate grooming policies than White women. From the start of the application process, the presence of hair/appearance policies are given to Black women at significantly higher rates (22%) than non-Black women (17%). During orientation, researchers found that another significantly higher proportion of Black women (35%) compared to non-Black women (23%) received company grooming policies. Conversely, 32% of non-Black women stated they never actually received the corporate grooming policy compared to 18% of Black women.

Received Formal Policy Regarding Appearance



When Policy Received



Hair is judged differently on Black women.

The data supports the claim that Black women’s hair is more policed in the workplace, thereby contributing to a climate of group control in the company culture and perceived professional barriers. Black women are more likely to have received formal grooming policies in the workplace, and to believe that there is a dissonance from her hair and other race’s hair.

In addition to revealing the additional emphasis placed on corporate grooming policies for Black women, the survey reveals the implications of natural hair-based discrimination on perceived job performance and outlook. When looking at images of hairstyles on Black women and non-Black women, Black women’s hairstyles were consistently rated lower or “less ready” for job performance.



*Job readiness is calculated by a combination of three attributes at equal weights: Appropriate for Management, Appropriate for non-Management and Qualified for My Position



This groundbreaking study confirms **workplace bias** against hairstyles impacts Black women's ability to **celebrate their natural beauty**, and how workplace bias and corporate grooming policies unfairly impact Black women.



30%

Black women are **30% more likely** to be made aware of a formal workplace appearance policy

Black women fear **scrutiny and discrimination** when expressing their natural beauty **in the workplace**

80%

"I have to change my hair from its natural state to fit in at the office"

Black women are **80% more likely** to agree with this statement



BLACK WOMEN ARE:

1.5x

More likely to be sent home from the workplace because of their hair

83%

More likely to report being judged more harshly on her looks than other women

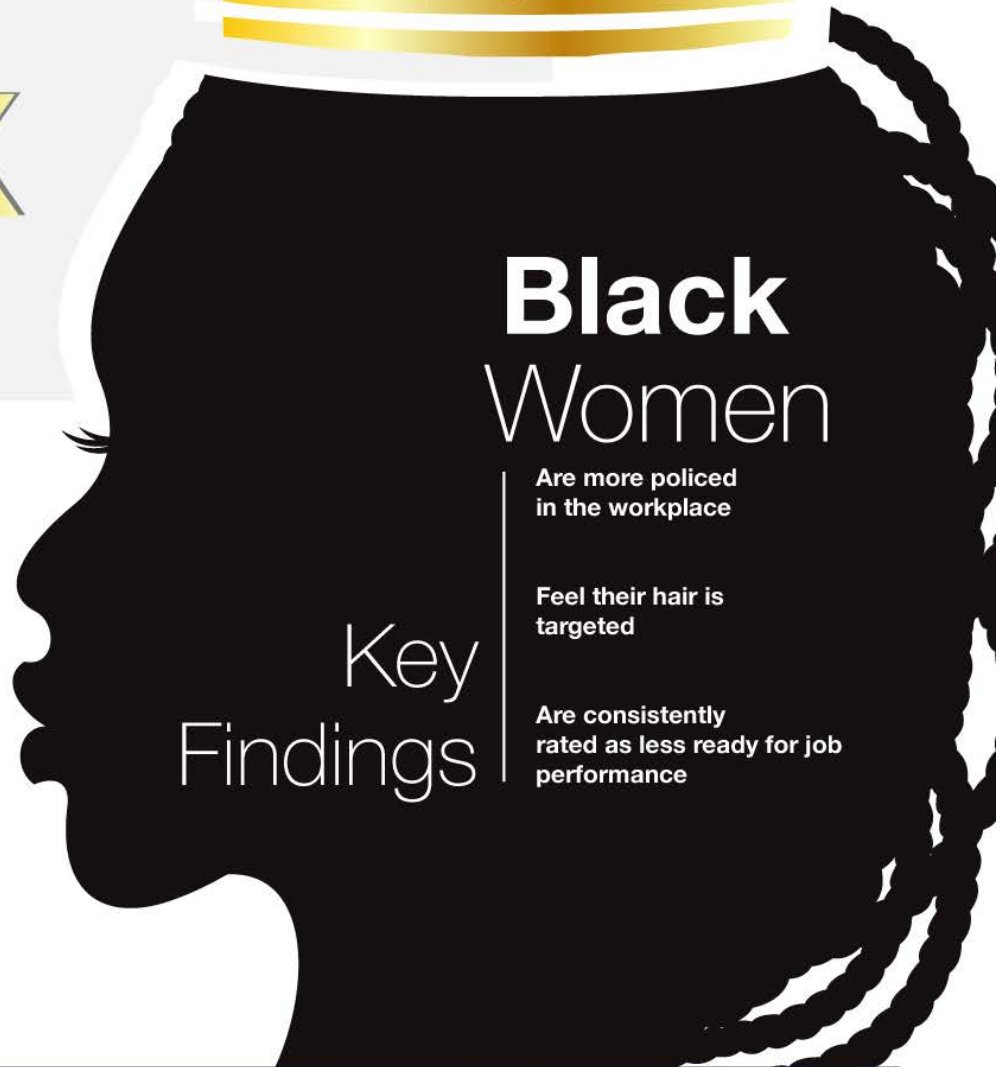


Hair discrimination
has real,
measurable social
and economic **impact**
on **Black women**

3.4x

Black women's hair is 3.4x
more likely to be perceived
as unprofessional

Expressing
her **individuality**
is challenged by her
fear of judgement



Black Women

Key
Findings

Are more policed
in the workplace

Feel their hair is
targeted

Are consistently
rated as less ready for job
performance

We **Surveyed.**

2000 Women
(1000 Black and 1000 non-Black women)
Ages 25-64 throughout the United States
Employed full-time
Currently working in an office or field (sales) setting
OR worked in a corporate office in the past 6 months



TheCROWNAct.com
@Dove #TheCROWNAct #CROWNcoalition

For more information, please contact Marcy@joycollective.com

SECTIONS

SEARCH

How to make the most of your subscription

Tropical Storm Eta's rain totals could top two feet in parts of South Florida



A Proud Boys leader is trying to rebrand the group as explicitly white



Enough! If you're wondering when all this rain will end here's some good news

ADVERTISEMENT

BROWARD COUNTY NEWS

LOCAL NEWS

Should people be fired for their hairstyle? Broward may say no

FE

By LISA J. HURIASH

SOUTH FLORIDA SUN SENTINEL | NOV 11, 2020 AT 10:07 AM



TODAY'S TOP NEWS VIDEOS

ADVERTISEMENT

RELATED NEWS: Concerns over prominent Hong Kong journalist's 

 LATEST BROWARD COUNTY NEWS

Firing an employee or passing them over for a promotion because of their Afros, cornrows, braids or dreadlocks could become illegal in Broward County.

County commissioners agreed Tuesday to put the issue of hairstyles to a public hearing next month. If approved, [hairstyles](#) that are a “trait of race” could become a protected classification under the county’s Human Rights Act, which already protects people from discrimination for their age, gender, sexual orientation and race, among other issues.

It mimics the CROWN Act, an anti-hair-discrimination law that stands for “Creating a Respectful and Open World for Natural Hair.” A push to pass that law has gained traction across the United States, already passing in several states. It has not passed on the Florida level but has gotten support from Palm Beach County schools, and states such as Virginia and Colorado.

“If you have a bizarre hairstyle with letters in there or symbols that might be off-putting to customers you might not be protected,” said Broward County Attorney Andrew Meyers.

But natural hair that is historically affiliated with race, such as cornrows, braids or dreadlocks, would be.

[RELATED: Kids’ dreadlocks, mohawks and](#)

Teen dies, two others flee after car driven by 13-year-old crashes into canal off Florida’s Turnpike

15m



Florida reports 5,607 new COVID-19 cases

43m



2020 Brazilian Festival moves from Pompano Beach to Fort Lauderdale

56m



[other hairstyles may soon be protected in school](#)



In 37 years as a lawyer, “I’ve never seen anyone fired because of their hair,” said Commissioner Mark Bogen.

PAID POST

What Is This?



Here’s How to Tell If You’re Getting the Right Care [↗](#)

Learn what the right kind of care looks like, and why it’s important to find it.

[SEE MORE](#)

Sponsored Content by Humana

Mayor Dale Holness, who asked for the legislation, accused him of being naive and said it happens all the time, saying his sister was rejected for a job because of her braids.

He said she didn’t want to use chemicals anymore on her hair and, to control it, decided to braid it, but the “employer says that’s not the image they want.”

“White folks don’t have that problem because your hair is naturally straight for the most part, right?” he said. “It’s real life, it’s not making stories up. ... We can pretend this stuff doesn’t happen, but it

does, it's real.”

Michael Rajner, chair of the county’s Human Rights Board, said it would create a “respectful world for natural hair [and] accept people with the characteristics they are born with.”

Rajner said that if someone feels they were discriminated against — for a job or housing — based on hairstyle, they can file a complaint with the county’s Human Rights Section, which investigates complaints of discrimination. If there is probable cause and the employer or landlord is found to be in violation, they could be on the financial hook for damages, he said.



Lisa J. Huriash

South Florida Sun
Sentinel

CONTACT



A Broward native, Lisa J. Huriash decided at age 6 to become a news writer – at her hometown paper. Her Sun Sentinel career began a week after graduating from Univ. of Miami. She has covered crime and redevelopment and now writes about Broward County and its cities. She was part of the team that won the 2019 Pulitzer for Stoneman Douglas coverage.

**You
May
Like**

Sponsored Links by Taboola

Florida: Say Bye To Expensive Solar

Challenge Your Brain With

UPS to Allow Natural Black Hairstyles and Facial Hair

The policy change comes amid a growing national movement to ban racial discrimination based on people's natural hairstyle.

By Michael Levenson

Nov. 11, 2020

UPS will allow workers to have facial hair and natural Black hairstyles like Afros and braids as it becomes the latest company to shed policies widely criticized as discriminatory amid nationwide demands for racial justice.

The delivery company, which has more than 525,000 employees worldwide, said it was also eliminating gender-specific rules as part of a broader overhaul of its extensive appearance guidelines, which cover hair, piercings, tattoos and uniform length.

UPS said that Carol Tomé, who in March was named the first female chief executive in the company's 113-year history, had "listened to feedback from employees and heard that changes in this area would make them more likely to recommend UPS as an employer."

"These changes reflect our values and desire to have all UPS employees feel comfortable, genuine and authentic while providing service to our customers and interacting with the general public," the company said in a statement.

The policy change, previously reported by The Wall Street Journal, comes amid a growing national movement to ban racial discrimination against people based on their natural hairstyle. Many companies, responding to months of protests against systemic racism, have also sought to address discrimination by overhauling brand names and marketing images and by diversifying their ranks.

California last year became the first state to ban discrimination based on hairstyle and hair texture by passing the Crown Act — an acronym for Create a Respectful and Open Workplace for Natural Hair. New York and New Jersey soon followed with their own versions of the law, and a federal version passed the U.S. House in September.

In February, the Oscars highlighted the issue when it named "Hair Love," a film about an African-American father learning to style his daughter's natural hair in his wife's absence, best animated short.



DeAndre Arnold, center, with the “Hair Love” filmmakers at the Oscars. Valerie Macon/Agence France-Press — Getty Images

The actress Gabrielle Union and the former N.B.A. star Dwyane Wade, the married producers of “Hair Love,” invited to the ceremony a Black high school student in Texas who had been suspended because of the way he wore his dreadlocks.

The student, DeAndre Arnold, was one of a number of Black people who said they had been singled out in the workplace or in school because of their hair.

In 2018, an 11-year-old Black student at a Roman Catholic school near New Orleans was asked to leave class because administrators said her braided hair extensions violated school rules, according to a lawyer for her family.

In 2017, Black students at a charter school in Massachusetts complained that they had been subjected to detentions and suspensions because they wore hair extensions, prompting the state’s attorney general to order the school to stop punishing students for wearing hairstyles that violated the school’s dress code.

In 2018, UPS agreed to pay \$4.9 million to settle a lawsuit filed by the U.S. Equal Employment Opportunity Commission, which said the company had failed to hire or promote Muslims, Sikhs, Rastafarians and others whose religious practices conflicted with its appearance policy.

The commission said the company had for years segregated workers who wore beards or long hair in accordance with their religious beliefs into nonsupervisory, back-of-the-facility positions without customer contact.

The company’s new policy clarifies that beards and mustaches “are definitely acceptable as long as they are worn in a businesslike manner and don’t create a safety concern,” according to UPS documents reviewed by The Journal. The new rules took effect immediately.

The policy also permits natural hairstyles “such as Afros, braids, curls, coils, locs, twists and knots,” according to The Journal. And it eliminates guidelines specific to men and women. “No matter how you identify — dress appropriately for your workday,” the policy states.

The Teamsters, which represents UPS workers, said it was “very pleased” with the changes.

“The union contested the previous guidelines as too strict numerous times over the years through the grievance/arbitration process and contract negotiations,” the union said in a statement. “We have proposed neatly trimmed beards during several previous national negotiations.”

Some legal specialists called UPS’s policy change long overdue.

“Though UPS has defended its grooming policy in past civil rights litigation, it appears that UPS may now better appreciate that its natural hair ban maintains centuries old race-based exclusion of Black workers from employment opportunities simply because they wear their hair as it naturally grows,” said D. Wendy Greene, a professor at Drexel University’s Thomas R. Kline School of Law and an architect of the Crown Act.

“In doing so, UPS’s grooming policy sent a clear message to Black workers that they were required to either change or extinguish a fundamental part of their racial, cultural, and sometimes religious identity to be a member of the organization,” Professor Greene said.

Angela Onwuachi-Willig, a professor of law and dean of the Boston University School of Law, who has researched hair codes, said the change at UPS “recognizes that allowing people to be their authentic selves is good for business.”

Policies that ban natural Black hairstyles are clearly discriminatory, she said, because they deem Black hair to be “inherently unprofessional.”

Dominique Apollon, vice president for research at Race Forward, a racial justice advocacy organization, said companies that forbid natural Black hair send the message that “white standards of beauty and white comfort are ultimately the default.”

“I’d like to see these sorts of policy changes accompanied by a deeper reckoning with the past, and with a humility that unfortunately doesn’t come often in our litigious society,” he said. “Companies like UPS need to acknowledge that these sorts of policies have had long-term effects, and will continue to have ramifications or racial outcomes unless more is done.”