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EMPLOYEE HAIRSTYLES PROTECTED UNDER NYC HUMAN RIGHTS LAW

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The New York City Commission on Human Rights has issued landmark [guidance](#) stating that employer policies on appearance and grooming that ban natural hair or hairstyles constitute unlawful discrimination under the city's human rights law (NYCHRL). These policies disproportionately impact black people, the commission [says](#), and are "rooted in and perpetuate racist notions of what is considered 'professional' or 'appropriate' in the workplace." The commission also notes that "Black hairstyles are protected characteristics under the NYCHRL because they are an inherent part of Black identity." Employers who don't comply with the guidance face financial penalties; the commission can also force internal policy changes and rehiring.

UNLAWFUL PRACTICES

Under the guidance, specific violations include:

- Adopting grooming or appearance policies that ban or require the alteration of natural hair or hair styled into twists, braids, cornrows, Afros, Bantu knots, fades or locs.
- Adopting policies that force employees to straighten, relax or otherwise manipulate their hair to conform to employer expectations
- Disparaging or mistreating an employee based on their natural hair or hairstyle — for example:
 - Forcing blacks to obtain supervisory approval before changing hairstyles but not imposing the same requirement on other people
 - Requiring only black employees to alter or cut their hair or risk losing their jobs
 - Telling black employees with locs that they can't be in a customer-facing role unless they change their hairstyle
 - Refusing to hire a black applicant with cornrows because the hairstyle doesn't 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

The guidance provides options to address “legitimate” health or safety concerns, such as the use of hair ties, hair nets, head coverings and safety equipment that can accommodate various hair textures and hairstyles.

PENDING INVESTIGATIONS

The commission is currently investigating seven cases based on discriminatory practices related to natural hairstyles. Some trends noted in the cases involve black employees:

- Being forced to wear their braided hair up when employees of other ethnicities can wear their long styles down
- Being fired for wearing her natural hair down
- Being told that locs are unacceptable and unclean and being forced to change their hair as a condition of employment

RELATED RESOURCES

- [Guidelines](#) on Race Discrimination on the Basis of Hair (NYC Commission on Human Rights, February 2019)
- [Press Release](#) (NYC Commission on Human Rights, 18 Feb 2019)

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