



US: NEW JERSEY EMPLOYERS CANNOT DISCRIMINATE BASED ON HAIR

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New Jersey recently became the third state to prohibit discrimination in the workplace on the basis of hair, under [legislation signed](#) on Dec 19, 2019. This law will “ensure people of color are free to wear their hair however they feel best represents them,” said NJ Senator Sandra B. Cunningham, a primary sponsor of the legislation. “No one should ever be told it is ‘unprofessional’ to embrace their culture.”

NEW JERSEY LAW

The "Create a Respectful and Open Workplace for Natural Hair Act" (CROWN Act), amends the [New Jersey Law Against Discrimination](#), which bars employers from discriminating against individuals on the basis of protected categories, such as race. The CROWN Act clarifies that prohibited race discrimination includes discrimination on the basis of “traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles.” Protective hair styles include, but are not limited to, braids, locks and twists. The Act codifies Division on Civil Rights [agency enforcement guidance](#) from September 2019.

HAIRSTYLE PROTECTIONS ELSEWHERE IN US

In 2019, [New York](#) and [California](#) banned discrimination based on hair, while [Washington, DC](#), and other cities prohibit discrimination based on personal or physical appearance, including hairstyles and beards. At least one appeals court has rejected the Equal Employment Opportunity Commission (EEOC)'s stance that a workplace policy banning dreadlocks is racial discrimination barred by Title VII of the Civil Rights Act of 1964 ([EEOC v. Catastrophe Mgt. Solutions](#), No. 14-13482 (11th Cir. Sept. 15, 2016)). However, some courts have agreed with EEOC's [position](#) that certain workplace grooming policies can have a racially disparate impact prohibited by Title VII. Workplace policies restricting hairstyles or beards may also run afoul of Title VII's [ban on religious discrimination](#).

RELATED RESOURCES

Non-Mercer Resources

- [Press Release](#) (Governor's office, Dec. 19, 2019)

- [S3945](#) (New Jersey Legislature)
- [New Jersey Law Against Discrimination](#) (Government website)
- [Enforcement Guidance](#) (Division on Civil Rights, September 2019)
- 2019 Ch. 154 ([S 4037](#) and [A 4204](#)), Discrimination Against Religious Attire (New York Legislature)
- [2019 Chapter 58 \(SB 188\)](#) (CA Legislature, July 3, 2019)
- [Enforcement Guidance 17-03: Unlawful Treatment Based on Personal Appearance, Political Affiliation and Matriculation](#) (Washington, DC, Office of Human Rights, Sept. 18, 2017)
- [EEOC v. Catastrophe Mgt. Solutions](#), No. 14-13482 (11th Cir. Sept. 15, 2016)
- [Religious Garb and Grooming in the Workplace: Rights and Responsibilities](#) (EEOC, March 6, 2014)
- [Section 15, Race and Color Discrimination](#) (EEOC Compliance Manual, April 19, 2006)

Mercer Law & Policy Resources

- [US: California Employers Can't Discriminate Based on Hair](#) (July 11, 2019)
- [New York Bans Discrimination Based on Religious Clothing, Facial Hair](#) (Aug. 19, 2019)

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