



## WHAT EMPLOYERS AND SCHOOLS NEED TO KNOW ABOUT THE CROWN ACT

Massachusetts has passed the Creating a Respectful and Open World for Natural Hair Act (“CROWN Act”), which bans discrimination against employees, students, and other individuals on the basis of natural or protective hairstyles historically associated with race. At the federal level, CROWN Act legislation has passed the House of Representatives and is pending in the U.S. Senate.

In Massachusetts, the CROWN Act amends the definition of “race” contained in the state’s Fair Employment Practices Act (M.G.L. c. 151B), as well as other Massachusetts laws applicable to schools, to include protections against such discrimination on the basis of traits historically associated with race, including but not limited to, hair texture, hair type, hair length, and protective styles. Protective hairstyles are to include braids, locks, twists, bantu knots, hair coverings and other formations.

The Massachusetts Commission Against Discrimination (“MCAD”) is required to promulgate rules or issue guidelines regarding the discrimination protections expanded by the CROWN Act. Employers and schools should not wait for the MCAD guidelines and should amend their equal employment opportunity policies, anti-discrimination policies, and any grooming or other appearance-related policies to ensure that the language appropriately reflects the added protections to race as a protected class. A violation under the expanded protections may result in liability under Massachusetts’ anti-discrimination statutes.

To ensure compliance with the CROWN Act, employers and schools may want to consider avoiding language in their grooming or personal appearance policies that categorizes specific hairstyles or textures as “unkempt,” or in the alternative, “socially acceptable.” Such choice of words can create a presumption that some hairstyles or textures are less socially acceptable than others. Instead, employers can enforce grooming requirements specific to a certain position or function of the job that apply to all employees regardless of race, hairstyle, or texture, such as a requirement to keep hair away from the face or pulled back. This same approach can apply to school grooming and uniform policies as well. Employers and schools should make efforts to ensure that the policies are enforced equally to all employees, students, and other individuals rather than selectively.

Employers and schools should also inform their managers, teachers, and other employees regarding policy changes and provide training on how to address potential policy violations. These preventative measures will help to ensure a welcoming environment for all hairstyles, textures, and the like, historically associated with race, in the work and school setting as required by the CROWN Act.



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