

## Creating a Respectful and Open World for Natural Hair (CROWN) Act Prohibition of Discrimination Based on Hairstyle and other Traits Historically Associated with Race September 8, 2022

On July 26, 2022, the Governor signed [Chapter 117 of the Acts of 2022, entitled “An Act Prohibiting Discrimination Based Upon Natural and Protective Hair Styles” \(the “Act”\)](#), also referred to as the “CROWN Act”. The Act, which takes effect on **October 24, 2022**, prohibits discrimination against individuals in workplaces, school organizations, and places of public accommodation based on “traits historically associated with race”. The Act further defines those traits to include, but not be limited to “hair texture, hair type, hair length and protective hairstyles” such as “braids, locks, twists, Bantu knots, hair coverings and other formations.”

Violation of these new prohibitions may expose Massachusetts employers to the range of penalties contained in the Massachusetts anti-discrimination statute, G.L. c. 151B. As such, it is important for all employers, including public employers, to review their Equal Employment Opportunity and/or anti-discrimination policies, as well as any other policies or codes that may limit or interfere with an employee’s ability to wear natural and protective hairstyles. To the extent that any necessary policy amendments would reach and/or affect groups of employees covered under a collective bargaining agreement, employers should provide notice to affected unions of any changes they intend to implement for the purpose of compliance with the Act.

The Massachusetts Commission Against Discrimination is required to update its rules, regulations, and policies to effectuate the intended prohibition on discrimination based on hairstyles, among other “traits historically associated with race.” Accordingly, we anticipate further guidance from the Commission regarding the practical effects of this legislation. It is possible that this guidance will explain whether the Act is limited to protective hairstyles, or whether there are other “traits historically associated with race” that will now expressly provide the foundation for a race-based discrimination claim. We will keep you informed in this regard.

Finally, the Act also specifically precludes policies that limit or restricts public school students from participating in sports or athletic events based upon hairstyles historically associated with race. We understand that the Department of Elementary and Secondary Education will be providing further guidance on implementation of this new statutory prohibition.

If you have any questions about any of these areas, please do not hesitate to contact your KP Law Labor and Employment attorney or Attorney Michele Randazzo at [mrandazzo@k-plaw.com](mailto:mrandazzo@k-plaw.com).

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