

CLIENT ALERT: Massachusetts Now the Latest State to Prohibit Discrimination Based on Natural and Protective Hairstyles

On July 26, 2022, Massachusetts Governor Charlie Baker signed [House Bill No. 4554](#), “An Act Prohibiting Discrimination Based on Natural and Protective Hairstyles” (“the Act”) into law, which goes into effect on Monday, October 24.

With the Governor’s signature, Massachusetts becomes the eighteenth state to enact an anti-hair discrimination statute prohibiting discrimination based on an individual’s hairstyle, commonly referred to as the CROWN Act. “CROWN” stands for “Creating a Respectful and Open World for Natural Hair.” In the years since California introduced and enacted the inaugural CROWN Act in 2019, numerous states have passed legislation inspired by California’s CROWN Act with the intent to provide protection against discrimination based on race-based hairstyles. Connecticut, Maine, Tennessee, New Jersey, and New York are among the seventeen states to have previously enacted such laws. On March 18, 2022, the U.S. House of Representatives passed measure [H.R. 2116](#), a federal version of the CROWN Act. However, as of the date of publication, the Senate has not considered or voted on the measure.

The Massachusetts law expands the coverage of the state antidiscrimination law to prohibit workplace discrimination against employees because of their hairstyles “including, but not limited to, hair texture, hair type, hair length . . . [and ‘protective styles’ such as] braids, locks, twists, Bantu knots, hair coverings and other formations.” The Act also prohibits school discrimination against students because of the hairstyles they adorn. While schools and related entities should anticipate further guidance from the Department of Elementary and Secondary Education on the administration of the Act in schools, the Massachusetts Commission Against Discrimination has been tasked with adopting rules and regulations relating to employment-related obligations set forth in the Act.

In the meantime, employers with current dress codes that include hairstyle restrictions should contact their M&J attorney to ensure all policies and practices comply with the law going forward.

Rebecca LaPierre is an attorney with Morgan, Brown & Joy, LLP, and may be reached at (617) 788-5066, or rlapierre@morganbrown.com. Morgan, Brown & Joy, LLP focuses exclusively on representing employers in employment and labor matters.

This alert was prepared on July 27, 2022.

This publication, which may be considered advertising under the ethical rules of certain jurisdictions, should not be construed as legal advice or a legal opinion on any specific facts or circumstances by Morgan, Brown & Joy, LLP.