

By: Representatives Paden, Summers

To: Judiciary B; Workforce Development

HOUSE BILL NO. 136

1 AN ACT TO CREATE THE "CREATE A RESPECTFUL AND OPEN WORKPLACE  
 2 FOR NATURAL (CROWN) HAIR ACT"; TO PROHIBIT CREATION OF WORKPLACE  
 3 AND SCHOOL POLICES THAT DISCRIMINATE ON THE BASIS OF NATURAL  
 4 HAIRSTYLES; TO PROHIBIT DISCRIMINATION BY AN EMPLOYER, SCHOOL,  
 5 SCHOOL DISTRICT OR ADMINISTRATOR ENGAGED IN COMMERCE ON THE BASIS  
 6 OF HAIR TEXTURE; TO PROHIBIT TERMINATION, REDUCTION OF WORK HOURS,  
 7 OR PAYING A REDUCED SALARY OR WAGE OR EXPULSION OR DISMISSAL BASED  
 8 ON HAIR TEXTURE; TO PROVIDE THE REMEDIES FOR ANY PERSON WHO IS  
 9 AGGRIEVED BY VIOLATION OF THIS ACT; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** This act shall be known and may be cited as the  
 12 "Create A Respectful And Open Workplace For Natural (CROWN) Hair  
 13 Act."

14 **SECTION 2.** The Mississippi Legislature finds:

15 (a) That discrimination based on "natural hairstyles"  
 16 exists in industries engaged in commerce or in the production of  
 17 goods for commerce, schools throughout the United States and  
 18 society as a whole:

19 (b) Such differentials depresses the wages, living  
 20 standards, quality of education and quality of life for employees  
 21 and students of color, and such depression has a negative impact



22 on their health and efficiency and drop-out rate, thereby  
23 increasing the poverty rate in Mississippi;

24 (c) That workplace, school and any polices and dress  
25 codes that restrict natural hairstyles, including but not limited  
26 to afros, braids, twists and locks have a disparate impact on  
27 African Americans, Latinas and other ethnic groups;

28 (d) That hair texture has historically been one of the  
29 many determining factors of race; and

30 (e) That acting in accordance with the constitutional  
31 values of fairness, equity and opportunity for all requires the  
32 Legislature to ban any policies that discriminate or treat any  
33 person unfairly in any manner.

34 **SECTION 3.** (1) No employer, school, school district or  
35 administrator may create a dress code or policy that prohibits  
36 natural hair from being worn in the workplace during workplace  
37 hours, school hours or during workplace or school events. For  
38 purposes of this act, the term "natural hair" means afros, braids,  
39 twists, locks and any similar hairstyle.

40 (2) No employer, school, school district or administrator  
41 shall discriminate in any manner against any person by paying a  
42 salary or wage, refusing to provide a salary or wage increase,  
43 deny a promotion or other employment opportunity, or expel or in  
44 any manner discipline a student or employee on the basis of any  
45 natural hairstyle worn by the person. For employers, when  
46 comparing an employee who does not wear natural hair if such



47 employees are performing equal work on jobs that require equal  
48 skill, effort and responsibility to perform, and which are  
49 performed under similar working conditions, except where such  
50 decision is made pursuant to:

51 (a) A seniority system; however, time spent on leave  
52 due to a pregnancy-related condition and parental, family and  
53 medical leave, shall not reduce the seniority-level of an  
54 employee;

55 (b) A merit system;

56 (c) A system which measures earnings by quantity or  
57 quality of production; or

58 (d) A differential based on any bona fide factor other  
59 than hairstyles, if the factor:

60 (i) Is job-related with respect to the position  
61 and necessary for the business; and

62 (ii) Accounts for the entire differential.

63 An employer who is paying a wage rate differential in  
64 violation of this subsection shall not, in order to comply with  
65 the provisions of this subsection, reduce the wage rate of any  
66 other employee.

67 (3) For purposes of administration and enforcement of this  
68 act, any amounts owed to an employee that have been withheld in  
69 violation of this act shall be deemed to be unpaid minimum wages  
70 or unpaid compensation.



71 (4) It shall be an unlawful practice for an employer,  
72 school, school district or administrator to retaliate or in any  
73 other manner discriminate against any person because that person  
74 has opposed a practice made unlawful by this act or because that  
75 person has made a charge, filed a complaint, or instituted or  
76 caused to be instituted any investigation, proceeding, hearing, or  
77 action under or related to this act, including an investigation  
78 conducted by the employer, or has testified or is planning to  
79 testify, or has assisted, or participated in any manner in any  
80 such investigation, proceeding, or hearing under this act.

81 (5) (a) A civil action asserting a violation of this act  
82 may be maintained against any employer, school, school district or  
83 administrator in any court of competent jurisdiction by any one  
84 (1) or more employees for or on behalf of the employee, a group of  
85 employees, and other employees similarly situated. Any such  
86 action shall commence no later than two (2) years after the  
87 discriminatory practice declared unlawful by this act has  
88 occurred. A discriminatory practice occurs when a discriminatory  
89 compensation decision or other practice is adopted, when an  
90 employee is subjected to a discriminatory compensation decision or  
91 other practice, or when an employee is affected by the application  
92 of a discriminatory compensation decision or other practice,  
93 including each time wages, benefits, or other compensation is paid  
94 based on the discriminatory compensation decision or other  
95 practice.



96 (b) If an employer, school, school district or  
97 administrator is found in violation of this act, the aggrieved  
98 person may recover in a civil action the amount of their unpaid  
99 wages; liquidated damages; compensatory damages; punitive damages  
100 as may be appropriate, where such person demonstrates that the  
101 employer, school, school district or administrator acted with  
102 malice or reckless indifference; other equitable relief as may be  
103 appropriate; and the costs of the action and reasonable attorney's  
104 fees.

105 **SECTION 4.** This act shall take effect and be in force from  
106 and after its passage.

