

By: Representative Paden

To: Judiciary A; Business and Commerce

HOUSE BILL NO. 49

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 (1) of
29 the 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.

