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To: Business and Commerce; Judiciary A

HOUSE BILL NO. 687

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 OR
 4 PROTECTIVE HAIRSTYLES; TO PROHIBIT DISCRIMINATION BY AN EMPLOYER,
 5 SCHOOL, SCHOOL DISTRICT OR ADMINISTRATOR ENGAGED IN COMMERCE ON
 6 THE BASIS OF HAIR TEXTURE; TO PROHIBIT TERMINATION, REDUCTION OF
 7 WORK HOURS, OR PAYING A REDUCED SALARY OR WAGE OR EXPULSION OR
 8 DISMISSAL BASED ON HAIR TEXTURE; TO PROVIDE THE REMEDIES FOR ANY
 9 PERSON WHO IS AGGRIEVED BY VIOLATION OF THIS ACT; AND FOR RELATED
 10 PURPOSES.

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

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

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

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

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



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

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

30 (d) That hair texture has historically been one (1) of
31 the many determining factors of race; and

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

36 **SECTION 3.** (1) No employer, school, school district or
37 administrator may create a dress code or policy that prohibits
38 natural or protective hairstyles from being worn in the workplace
39 during workplace hours, school hours or during workplace or school
40 events. For purposes of this act, the term "natural hair" or
41 "protective hairstyles" means and includes, but is not limited to,
42 afros, braids, twists, locks and any natural or protective
43 hairstyles that promotes the health of hair and protects from
44 damage.

45 (2) No employer, school, school district or administrator
46 shall discriminate in any manner against any person by paying a
47 salary or wage, refusing to provide a salary or wage increase,



48 deny a promotion or other employment opportunity, or expel or in
49 any manner discipline a student or employee on the basis of any
50 natural or protective hairstyle worn by the person. For
51 employers, when comparing an employee who does not wear natural
52 hair or protective hairstyles if such employees are performing
53 equal work on jobs that require equal skill, effort and
54 responsibility to perform, and which are performed under similar
55 working conditions, except where such decision is made pursuant
56 to:

57 (a) A seniority system; however, time spent on leave
58 due to a pregnancy-related condition and parental, family and
59 medical leave, shall not reduce the seniority-level of an
60 employee;

61 (b) A merit system;

62 (c) A system which measures earnings by quantity or
63 quality of production; or

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

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

68 (ii) Accounts for the entire differential.

69 An employer who is paying a wage rate differential in
70 violation of this subsection shall not, in order to comply with
71 the provisions of this subsection, reduce the wage rate of any
72 other employee.



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

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

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



98 of a discriminatory compensation decision or other practice,
99 including each time wages, benefits, or other compensation is paid
100 based on the discriminatory compensation decision or other
101 practice.

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

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

