

By: Senator(s) Turner-Ford, Blackmon,
Simmons (12th), Hickman, Brumfield, Jackson,
Butler, Simmons (13th), Norwood

To: Judiciary, Division A

SENATE BILL NO. 2387

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

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

16 (a) That discrimination based on "natural
17 hairstyles"/"Protective Hairstyles" exists in industries engaged
18 in commerce or in the production of goods for commerce, schools
19 throughout the 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 hairstyles meant to protect naturally curled
27 or coiled hair / Protective Hairstyles, including but not limited
28 to afros, braids, twists and locs/locks have a disparate impact on
29 African Americans, Latinas and other ethnic groups;

30 (d) That hair texture has historically been one of the
31 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 Protective Hairstyles from being worn in the workplace during
39 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 afros, braids, twists, locs/locks
42 and any natural hairstyle which promotes the health of the hair
43 and protects the hair from damage.

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



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

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

59 (b) A merit system;

60 (c) A system which measures earnings by quantity or
61 quality of production; or

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

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

66 (ii) Accounts for the entire differential.

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

71 (3) For purposes of administration and enforcement of this
72 act, any amounts owed to an employee that have been withheld in



73 violation of this act shall be deemed to be unpaid minimum wages
74 or unpaid compensation.

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

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



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

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

110 (c) If a student is expelled from school because of a
111 natural hairstyle or Protective Hairstyle, the student will be
112 allowed to make-up any missed assignments to maintain or restore
113 the academic standing of the student prior to expulsion.

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

