

Labor & Employment and Education Law Alert: NYS Prohibits Race Discrimination Based on Hairstyle

On July 12, 2019, Governor Cuomo signed the CROWN Act which amends the New York State Executive Law and the New York State Education Law to prohibit race discrimination based on hairstyle and other “traits historically associated with race.” According to the Governor’s press release, the amendments are primarily designed to protect “people of color—particularly women—[who] have been marginalized and discriminated against simply because of their hair style or texture.”

The amendments expand the definition of prohibited race based discrimination under both the Executive Law and the Education Law to include “ancestry, color, ethnic group identification, and ethnic background” including traits historically associated with race such as “hair texture and protective hairstyles.” The term “protective hairstyles” includes “braids, locks and twists.”

Employers in New York City were already prohibited from engaging in such discrimination under the New York City Human Rights Law according to enforcement guidance issued by the New York City Commission on Human Rights. Also, employees have successfully advanced federal employment discrimination claims under Title VII based on immutable characteristics like hair texture, but have seen less success in asserting claims based on hairstyle. This amendment to the Executive Law ensures the same protections for nearly all employees throughout the entire State whether based on protective hairstyles or texture.

The amendments also protect students at public elementary and secondary schools by expanding the anti-bullying provision of the Education Law which is commonly known as the Dignity for All Students Act. Now, harassment or bullying of students based on protective hairstyles or texture by employees or students on school property or at school functions is prohibited. The amendments only apply to public schools. Private, religious and denominational institutions remain exempt from the Act.

Visit our [Labor & Employment](#) and [Education](#) Practice Areas to learn more about the legal services we can provide in this area. If you have any questions or would like more information on the issues discussed in this communication, please contact [Robert C. Whitaker, Jr.](#)