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New Jersey Bans Discrimination Based on Natural Hairstyles

New Jersey has become the latest state to prohibit discrimination on the basis of hairstyle, type or texture with the enactment of the "Create a Respectful and Open Workplace for Natural Hair Act" (CROWN Act). Effective December 18, 2019, the amendment to the New Jersey Law Against Discrimination (NJ LAD) expands the definition of "race" to include "traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles." The hairstyles specifically identified as protective hairstyles under the new law include but are not limited to braids, locks and twists. It is now illegal in the State of New Jersey to target people at work, school or in public spaces based on these traits.

This law was prompted by the incident last December that made national news where a referee forced a New Jersey high school student to cut off his dreadlocks or forfeit a wrestling match. Governor Murphy signed the law, S3945, on the one-year anniversary of the school incident and stated in a press release: "No one should be made to feel uncomfortable or be discriminated against because of their natural hair. I am proud to sign this law in order to help ensure that all New Jersey residents can go to work, school, or participate in athletic events with dignity."

An individual who claims a violation of the CROWN Act can file a discrimination complaint in the New Jersey Division of Civil Rights, which investigates and enforces NJ LAD violations, or file a lawsuit directly in state court. A successful claimant who proves a violation of the law could be entitled to recover lost wages, emotional distress damages, punitive damages and reasonable attorney's fees. The CROWN Act makes New Jersey the third state in the country to prohibit race discrimination based on hairstyles, following California and New York. Similar bans are being discussed in multiple state legislatures across the country, including Pennsylvania.

Comment: Employers in the State of New Jersey in private and public sectors, including school districts and places of public accommodation, should review the new CROWN Act and update their employee handbooks and internal workplace policies, and train their managers and supervisors.

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