

# Lawyer Insights

## Future of Texas bill that bans discrimination of natural hair textures uncertain

By Taylor Tompkins

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Despite being neglected and subsequently dying in the Texas House, supporters of the CROWN Act hope the bill will still get attention from the state senate.

The legislation is aimed at eliminating discrimination in dress and grooming policies associated with race in workplaces, among other venues. The act would ban discrimination based on natural hair textures or protective styles such as twists, cornrows, braids and dreadlocks.

Black women are 1.5 percent more likely to be sent home because of their hair, according to a 2019 study. Black women are also 80 percent more likely to feel that they have to change their hair from its natural state to fit in at the office and black women's hair is 3.4 times more likely to be perceived as unprofessional.

Hair can be a visible indicator of how welcoming a company is to people with different backgrounds, said Myrtle Bell in a February interview with the Dallas Business Journal. Bell is University of Texas at Arlington's associate dean for diversity, racial equity and inclusion in the College of Business.

"You could also find some information (about companies) if you looked at how people look in the organization," she said. "Is their hair natural? Can the African American women wear their hair naturally?"

State and municipalities across the nation have passed some form of the act, with similar federal bills also introduced.

According to report by Hunton Andrews Kurth lawyers, there is not much case law that extends protections against discrimination to hairstyles.

Amber Rogers, who is a Dallas-based partner at Hunton Andrews Kurth and one of the authors of the report, said there are discrimination laws in Texas that touch on things such as race and religion that would impact the way an employee wears their hair. However, nothing specifically touches on hair, so it is important for employers to make sure they are neutral when writing dress and grooming policies. After ensuring their policy is neutral, employers should ensure they're also enforcing it neutrally.

"Let's say that you're saying it's unprofessional that people wear their hair in a style that is not natural as it grows out of their head," she said. "But if you think about it, most people are not wearing their hair in a way that naturally grows out of their head.

"You have people who maybe have a different ethnicity who have curly hair but straighten their hair every day or dye their hair. People who are balding and shave their heads... all of these things that you want to

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make sure that you're not just letting your personal preference for things get in the way and that you're treating people fairly."

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