

DECEMBER 2022 NEWSLETTER

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BUSINESS LAW: WORKPLACE POLICIES CONCERNING HAIRSTYLES CAN BE DISCRIMINATION

1. AWARDS:

Pozzuolo Rodden Pozzuolo, P.C., is pleased to announce that Joseph R. Pozzuolo, Esquire has been voted and selected as a TOP ATTORNEY by Philadelphia Life and Suburban Life magazines. This honor is limited to no more than 5% of the attorneys in Pennsylvania.

Speakers are available upon request to Joseph R. Pozzuolo at Joe@Pozzuolo.com

2. BLOGS:

The following are a few of the business, tax, employment, estate planning and business litigation blogs posted on our main website www.pozzuolo.com:

- a. Protecting Against Business Lawsuits;
- b. Choosing A Retirement Plan; and,
- c. The Use Of A Will In An Estate Plan.

Please visit our website www.pozzuolo.com for more information on these and other relevant business, tax, estate, business litigation and employment topics.

Seminar speakers are available upon request to Joseph R. Pozzuolo, Esquire at Joe@Pozzuolo.com

BUSINESS LAW

WORKPLACE POLICIES CONCERNING HAIRSTYLES CAN BE RACE-BASED HAIR DISCRIMINATION

Many employers have dress code policies relating to what employees can and cannot wear while working. Sometimes, these policies may include references to types of hairstyles that employees are or are not permitted to wear while working. Oftentimes, dress code and/or grooming policies have prohibited certain hairstyles such as braids, locs, twists, bantu knots, etc. and other times can be as simple “hair must be worn professionally”. Federal and state courts throughout the United States have held that these policies have had a discriminatory impact on employees as often times the hairstyles that are banned are associated with certain races and/or national origins. As a result of policies banning certain hairstyles in work places, in recent years, legislation, with Californian being the first, has been on the rise that prohibits discrimination based upon a person’s hair texture or style.

As of the writing of this article, nineteen (19) states have enacted laws, often called “Creating a Respectful and Open World for Natural Hair” or CROWN Acts, which prohibit discrimination based on hair textures and/or hairstyles which are generally associated with race and/or national origin. Thus far, these states include: Alaska, California, Colorado, Connecticut, Delaware, Illinois, Louisiana, Maine, Maryland, Massachusetts, Nebraska, Nevada, New Jersey, New Mexico, New York, Oregon, Tennessee, Virginia, and Washington. Other states are currently working to enact similar legislation at this time as well and many already have legislation filed or pre-filed. The current and pending legislation generally expand or amend current human rights and/or anti-discrimination laws to include traits like “protective hairstyles” in the definition of “race.” Some cities and local municipalities/counties, like Philadelphia, have also created ordinances to include these protections.

Federally speaking, the U.S. House passed the CROWN Act in March 2022 and as of this date, the U.S. Senate has not yet passed the CROWN Act. If the CROWN Act passes in the U.S. Senate and the President signs the bill, discrimination based on the texture of natural hair would be illegal under Titles VI and Title VII of the Civil Rights Act of 1964 and other Federal civil rights laws.

As an employer, it is important to ensure that all of your policies and company handbooks are up to date and in compliance with any CROWN Act protections that are in

place in your state, city and even county. Specifically, employers should pay special attention to grooming and dress codes to ensure that they do not violate the CROWN Act and cause discrimination. Employers are permitted to require a “professional appearance” but should not ban or restrict hairstyles as part of the policy. It is also advisable to create and provide training to management and supervisors regarding hairstyle discrimination, especially in the hiring process.

We will provide an update article with up to date Federal requirements should the U.S. Senate pass the CROWN Act and the President sign the bill into law.

If you are an employer and want to ensure that you are in compliance with the CROWN Act requirements where your business is located, please contact our office to speak with one of our attorneys. We can help you to review and update your current policies and/or help you craft new policies and procedures that are in compliance with your local and state CROWN Act requirements.

This newsletter is courtesy of Pozzuolo Rodden Pozzuolo, P.C.

To subscribe, unsubscribe, or for any questions, please contact us at INFO@POZZUOLO.COM.