



The

Louisiana



Crown Act:

What Is It and
Who Does It Affect?



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The Louisiana Crown Act (the Act) was signed into law on June 16, 2022, and prohibits race-based hair discrimination. Effective Aug. 1, 2022, the Act protects a person from being denied employment, education, public accommodations and housing opportunities because of his/her hair texture and natural, protective or cultural hairstyle.

The Louisiana Employment Discrimination Law has been amended to include the Act. Specifically, pursuant to La. R.S. 23:332, it shall also be unlawful discrimination in employment for an employer, an employment agency, a joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, and an insurer, with respect to its insurance agent, to intentionally discriminate against any individual because of the individual's "natural, protective, or cultural hairstyle." La. R.S. 23:332(A)-(F), (H). "Natural, protective, or cultural hairstyle" shall include, but is not limited to, afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls and hair styled to protect hair texture or for cultural significance. La. R.S. 23:332(I).

Additionally, the Louisiana Commission on Human Rights law has been amended with the passage of the

Act. Pursuant to La. R.S. 51:2232, "discriminatory practice in connection with public accommodations" now also includes "any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of" that person(s) natural, protective or cultural hairstyle. La. R.S. 51:2232(5). The ability of parishes and municipalities to adopt and enforce ordinances, orders and resolutions prohibiting discrimination, and penalties for violations thereof, has also been extended to include natural, protective or cultural hairstyles. La. R.S. 51:2236(A).

Under the Louisiana Equal Housing Opportunity Act, it is now unlawful to discriminate against any person in the sale or rental of housing based on that person's natural hairstyles. La. R.S. 51:2606(A)(1)-(5). It is also unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against or to deny any person access to or membership or participation in the provision of brokerage services based on that person's natural, protective or cultural hairstyle. La. R.S. 51:2607, 2608.

Educational institutions are also prohibited from discriminating against students based on their hairstyles. Pursuant to La. R.S. 17:111, no person shall be refused admission into or be excluded

from any public school in the state of Louisiana on account of that person's natural, protective or cultural hairstyle. La. R.S. 17:111(A).

Gov. John Bel Edwards commented on June 21, 2022, "Hair discrimination is racial discrimination, and discrimination is not a Louisiana value." Traditionally, black people of all nationalities have felt the need to hide their natural, protective and cultural hair out of fear that their hair would be considered unprofessional, unkempt or untamed. The passage of the Act is designed to prevent these occurrences and insecurities and to restore pride in natural and protective styles. However, with this concept comes doubts, uncertainties and confusion on the part of the target audiences listed in the laws above.

One perspective is that businesses, schools, employers and people must be careful when micromanaging hairstyles. Historically, protective styles have been associated with race or national origin. However, natural, protective or cultural hairstyles are often culturally appropriated and, when worn by other races, are not actually "protective styles." But how can businesses, schools, employers and people prevent non-blacks from wearing the same hairstyles without subjecting themselves to liability? Is a culturally appropriated hairstyle still cultural and, therefore, protected — e.g., "Kim Kardashian" braids, culturally known as Fulani braids? Although the Act aims to





protect black people of all nationalities from hair discrimination, it will likely be widely applied under the provision of the law that protects any culturally significant hairstyle. Also, businesses, schools, employers and people must be careful of other Title VII claims that could be triggered — e.g., dreadlocks can be a protective style, cultural style or worn for religious purposes. Moreover, although there is a clear definition for what is considered a “natural, protective or cultural hairstyle,” which includes afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls and hair styled to protect hair texture or for cultural significance, there are many other hairstyles that can fall under the ambit of the Act.

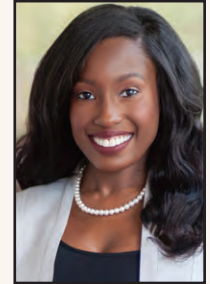
Inevitably, businesses, schools, employers and people who fall under the Act will need to revamp existing grooming and dress code policies in effect to comply with the Act. Policy language must be tailored to the specific needs of the entity without adversely impacting a specific group of people. For example, enforcing a policy that requires “neat, smooth or straight hair” and prohibits “frizzy, course or kinky” hair could be facially discriminatory against some natural hair textures. Similarly, enforcing policies on hair color in a way that disparately impacts a certain race may also be risky. Moreover, updating handbooks alone may be insufficient without also implementing tailored cultural sensitivity

training to educate supervisors, managers and employees on how to address hairstyles in their respective environments.

Has Louisiana opened the flood gates to claims now available for hair discrimination? It’s too soon to tell. Yet despite the unknowns, the Act is certainly a step in the right direction. Similar laws have already been passed by 17 other states (California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Nebraska, Nevada, New Jersey, New Mexico, New York, Oregon, Tennessee, Virginia and Washington).

The federal version of the law, named “The Creating a Respectful and Open World for Natural Hair Act of 2022” (the CROWN Act of 2022), was introduced in March 2021 and will also prohibit race-based hair discrimination on a federal level. The CROWN Act of 2022 protects people from being denied employment and educational opportunities, from discrimination under any program or activity receiving federal financial assistance, from discriminatory housing practices, and from otherwise being subjected to a practice prohibited under the Civil Rights Act of 1964 because of their hair texture and natural, protective or cultural hairstyle. On March 18, 2022, the U.S. House of Representatives passed the CROWN Act of 2022 by a 235-189 vote. The bill was referred in the U.S. Senate on March 21, 2022, but failed to pass by unanimous consent in December 2022.

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