

Hairdos and Don'ts

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The New York City Human Rights Law prohibits employers, housing providers, and providers of public accommodations from discriminating against an individual on the basis of race. The New York City Commission on Human Rights (the "Commission") [issued guidance banning discrimination based on an individual's hair](#), specifically the hair and hairstyles traditionally worn by Black people.

Last year, the Supreme Court refused to hear a case filed by a Black woman whose job offer was rescinded when she refused to cut off her dreadlocks. The company had a hairstyle policy that banned dreadlocks and said that an employee's "hairstyle should reflect a business/professional image" and that prohibited "excessive hairstyles." New York City has now stepped up and taken a stand against these grooming policies.

The Commission has found that bans or restrictions on hair or hairstyles "are often rooted in white standards of appearance and perpetuate racist stereotypes that Black hairstyles are unprofessional." Although grooming policies impact many communities, the Commission's guidance focuses on hairstyles commonly associated with Black people and the race discrimination they suffer as a result of biased appearance policies.

"There is a widespread and fundamentally racist belief that Black hairstyles are not suited for formal settings, and may be unhygienic, messy, disruptive, or unkempt."

The Commission has added Black hairstyles to the list of protected racial characteristics. Employers covered by the NYC Human Rights Law that "enact groom or appearance policies that ban or require the alternation of natural hair or hair styled into twists, braids, cornrows, Afros, Bantu knots, fads, and/or locs may face liability . . . because these policies subject Black employees to disparate treatment." Grooming policies may not be implemented "to promote a certain corporate image, because of customer preference, or under the guise of speculative health or safety concerns." Similarly, schools and other places of public accommodation in New York City may not treat Black people differently or harass them because of their hair or hairstyles.

The Commission's guidelines are an attempt to lessen the physical and psychological harm to Black individuals who are forced to choose because their careers and their personal and cultural identity through their hairstyle.

Employers in New York City with grooming or appearance policies should consider alternative options to addressing any legitimate safety or health concerns besides a complete ban on certain hairstyles. Policies should be inclusive of all "racial, ethnic, and cultural identities and practices associated with Black and historically marginalized communities." Grooming policies prohibiting hairstyles or requiring employees to alter their hair, requiring only Black employees to cut or alter their hair in order to keep their jobs, refusing to hire Black applicants with a hairstyle that "does not fit the 'image'" of the employer, or requiring Black employees to hide their hairstyles would all be violations

under the Commission's new guidance.

Employers outside of New York City should also consider revising any grooming policies they may have should other cities and state follow the Commission's lead. Hair discrimination may be the next area where state and local laws set stricter standards while federal guidance remains silent.