Challenges Against Hair Discrimination Mount

In many states, legislators and scientists are calling for an end to natural hair bias by employment, education and housing gatekeepers.

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In 2019, California became the first state to pass the CROWN (Creating a Respectful and Open World for Natural Hair) Act. Since then, Colorado, Connecticut, Delaware, Maryland, Nebraska, New Jersey, New Mexico, New York, Illinois, Oregon, Virginia, Washington and Nevada have passed versions of this law, which legislators crafted to protect individuals from discrimination based on their hairstyles in schools, the workplace and housing, reports Stateline, an initiative of The Pew Charitable Trusts.

This year, lawmakers introduced versions of the act in 19 other states with varying degrees of success. Five states passed the measure; five others denied rulings; and bills in the other states are pending. The law also spawned similar legislation in nearly three dozen cities and counties protecting the civil rights of those who sport race-identified hairstyles, such as braids, locks, twists and Bantu knots, and styles utilizing natural textures.

Racial discrimination on the basis of hair is prohibited by Title VII of the Civil Rights Act of 1964, but the law just covers Afros. Only recently passed state laws or local ordinances offer legislative protections for other kinds of natural hairstyles usually worn by Black people.

Advocates lobbied for a federal law, and in September 2020, the House of Representatives passed the CROWN Act. However, to date, the Senate has not moved on the measure.

Last year, findings from an investigation conducted by Michigan State University (MSU) and Duke University published in the journal Social Psychological and Personality Science revealed that Black women with natural hair routinely face discrimination in the workplace, reported a press release from MSU's Broad College of Business.

For the inquiry, investigators conducted four studies that reviewed evaluations by hundreds of individuals who rated women job applicants through their profiles on Facebook and LinkedIn. (The job was in consulting, an industry with extremely conservative dress norms.)

Results from each study showed that participants assessed Black women wearing natural

hairstyles as being less professional and competent and recommended these applicants less often for interviews compared with Black women who wore relaxed hairstyles and white women whose hair was straight or curly.

“We were dismayed at these results: Hairstyles should be a personal choice and are in no way indicative of one’s professionalism or competence,” said Christy Zhou Koval, PhD, an assistant professor in MSU’s department of management and the lead researcher for the inquiry. “Our findings suggest that Black women face disproportionate disadvantages in the labor market as a result of something that should really be irrelevant to one’s job performance.”

Interestingly, scientists noted that Black women who wore natural hairstyles were less likely to encounter discrimination in the advertising industry, which is characterized by more relaxed and nontraditional workplace settings.

Researchers concluded that the bias against natural hair in certain businesses must be addressed to ensure that Black women receive employment opportunities based solely on their skills and abilities.

“I think the first thing is for employers to be aware that such bias exists, so de-bias training is important,” suggested Koval. “We also need formal policies in place to explicitly ban behaviors that perpetuate the natural hair bias.”

In many instances, Black women risked damaging their hair and scalp with caustic straighteners and paid exorbitant fees for hairstyling to escape this workplace bias.

Despite this, Koval is optimistic. “The encouraging news is that we are seeing things moving in the right direction, with recent policies and legislation seeking to correct the natural hair bias, but we need more,” she said. “The burden should not be on Black women; they should have the freedom to style their hair as they like and be able to express their authentic selves on social media and at work.”

In the future, Koval would like to conduct additional research on circumstances that either increase or decrease bias against natural hair.

“Do hairstyles matter less when you’ve worked your way up the organization and are the CEO of the company? And is the natural hair bias worse when you’re just starting out in your job, when you still need to prove your ability and competence to your employer?” Koval wonders. “Being able to identify the specific contexts that activate the natural hair bias would be an important next step for this line of research.”

To learn more about sociopolitical issues associated with Black hair, read “Orlando Girl Back in School After Hair Controversy.”

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