

More states are trying to protect black employees who want to wear natural hairstyles at work

"I like my natural hair now," said Cherie Scurry-Burns, a hairstylist in Washington, D.C. The natural hair "movement has made it a win-win. You're still being yourself. You're still protecting your hair. But you still have so many options to be somebody else." (Marvin Joseph/The Washington Post)

[Jena McGregor](#)

In 2017, at a gala luncheon hosted at the opulent Cipriani 42nd Street in New York, Minda Harts found herself seated next to a recruiter for corporate board positions. Over cocktails and a plated fish entree, the two talked about race in the boardroom; the recruiter, a white woman, complained about the challenges of finding black women to be corporate directors.

To test how she'd respond, Harts, who founded a career development company for women of color and had a [book](#) on the topic released in August, asked the recruiter who she would feel more comfortable putting forward as a candidate for a board: a woman of color with a sleek ponytail, or one with a natural hairstyle such as locs or an Afro. The recruiter said the woman with the ponytail, Harts recalled. "The phrase she used was 'clean-cut,'" Harts said.

Harts said she wasn't altogether surprised, given the woman had said it was difficult to find black female directors. But it was a reminder that "these unconscious and conscious biases keep us from even having the opportunity to have a seat at the table. We haven't even had the chance to introduce ourselves, and there [are] these assumptions of unprofessionalism," Harts said.

"I'll be honest with you: I wear my hair straight probably 99 percent of the time because, being in corporate America, I've seen how clients who have braids and natural hairstyles can be looked upon."

Concern about the damage caused by heat and chemical straightening and the support offered by online communities are contributing to the latest iteration of the natural hair movement, with some black women adopting locs, braids, soft curls and otherwise embracing their cultural heritage.

"I love my hair. My hair is my baby in a lot of ways," Sam McGee said. "I take care of it like a child. It's a full-time job. I love my hair now, but it's been a process to get to this point. For the longest time I thought if my hair wasn't straight then I wasn't pretty, and it came a lot from my mom, but she didn't mean it, she just didn't know how to deal with my natural hair. My hair is a beast. It's almost untamable. It takes discipline." (Whitney Matewe)

Several states have recently taken steps to push employers, schools and the broader culture to move with them, and help dismantle a culture of discrimination experienced by black women and men who say they continue to face implicit or explicit pressures to conform, unwelcome comments or even outright discrimination.

[New Jersey](#), [Tennessee](#), [Michigan](#), [Wisconsin](#), [Illinois](#) and other states have proposed legislation to explicitly ban race-based hair discrimination — tackling a remaining loophole in the law governing discrimination in workplaces, schools and other public places. [California](#) and [New York](#) were the first to sign legislation into law in July, and New York City issued [guidelines](#) on the issue earlier this year. The topic has gotten attention from Democratic presidential candidate Pete Buttigieg as well. "Hair discrimination is racial discrimination, and we ought to recognize that at the national level, too," he [said](#) at Essence Fest, an event produced by the company behind the black women's magazine.

The legislation is backed by lawmakers in at least eight states and by a coalition that includes the civil rights groups Color of Change, National Urban League and Western Center on Law & Poverty, as well as the marketing heft of beauty brand Dove. Unilever, which owns Dove and has pointed its focus toward society's beauty standards for women and featured diverse figures in its campaigns, has also [provoked consumer rage](#), including with a much-criticized ad for body wash.

[After years of 'glacial' change, women now hold more than 1 in 4 corporate board seats](#)

Black hair has a long history of being politicized and stigmatized in the workplace — for men as well as women, said Lori Tharps, a professor at Temple University and co-author of ["Hair Story: Untangling the Roots of Black Hair in America."](#)

"If a black person was going to be part of corporate culture, they would be expected to not only dress the part but dress their hair the part," Tharps said.

She said the new laws are getting traction because the latest natural hair movement — which differs from the protest movements of the 1960s — has "almost normalized" natural hairstyles such as braids, twists and locs. "We have a critical mass now," she said.

That's been fueled by the Internet, particularly YouTube with its community and how-to videos about wearing natural hairstyles, said Gillian Scott-Ward, a psychologist in New York who directed a 2017 [documentary](#) on identity and natural hair.

"It allowed everyday people to document their natural hair journey — this is how I wash it; this is how I detangle it; this is how I deal with the fact that my mom wants to disown me; this is how I talk to my boss about it."

At a time when diversity issues are getting more attention, employment lawyers say the new state laws did not face significant opposition from the business community. And they said that while some grooming policies may specifically prohibit certain styles, more common are general guidelines that call for "professional" or not "extreme" looks that can disproportionately lead to bias against black employees or students.

Such policies can have an unintended effect on some ethnic groups, said [Corinn Jackson](#), an attorney at Littler Mendelson who represents employers.

Patricia Okonta, an attorney with the NAACP Legal Defense and Educational Fund, which was not involved in the coalition, said the legislation "recognizes that people should have access to opportunities and resources regardless of their hair texture and regardless of their race."

The LDF currently [represents](#) a 7-year-old boy and his family in an administrative complaint with the Florida Department of Education after he was denied entry to a private school because of his [locs](#); the organization was also [involved](#) in the case of Chastity Jones, a woman who wore her hair in locs and said her job offer was [rescinded](#) because of her hairstyle. The U.S. Supreme Court declined to hear her case last year.

Stories alleging hair-based discrimination have gone viral on social media, including Andrew Johnson, a New Jersey [student-wrestler](#) who was forced to have his locs cut; Kerion Washington, a

Texas [teen](#) whose mother said he was not hired at Six Flags because of his hairstyle; and Brittany Noble Jones, a former news anchor in Mississippi who [alleged](#) that her decision to wear a natural hairstyle was a factor in her dismissal. In a Medium post, Noble Jones [claimed](#) her news director said her natural hair was “unprofessional and the equivalent to him throwing on a baseball cap to go to the grocery store.”

Sandra Daniels, a Six Flags representative, said in an email that the amusement park modified its grooming policy this spring and male employees “may now wear dreadlocks — provided, per our standard guidelines — they are well-groomed and do not extend past the bottom of the collar.” Nexstar Broadcasting and its station, WJTV-TV, said in a statement that it stood by its decision, and that Noble Jones was fired for other reasons. “Allegations that Ms. Jones’s employment was terminated for her choice of hairstyles have no basis in fact and are vigorously denied,” the company said.

Most related incidents don’t result in legal action, said Wendy Greene, a professor at Kline School of Law at Drexel University. Lawsuits are expensive and time consuming, and only a few states and municipalities “expressly prohibit appearance discrimination,” she said in an email. As a result, many lawyers will not advise that their clients pursue a lawsuit “in light of the restrictive interpretations of federal civil rights law” and the gaps in local protections the new laws are trying to fix.

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Stories like that of Jones, the Alabama woman whose case was declined by the Supreme Court, were part of what led Dove to get involved, said Esi Eggleston Bracey, who leads beauty and personal care for Unilever in North America. Bracey spoke about the issue with the National Black Caucus of State Legislators last year, she said in an interview. “I am someone with textured hair and I’ve worn textured hair, and I’m very committed personally to driving this commitment,” she said.

California state Sen. Holly J. Mitchell (D), who wears her hair in locs, said Bracey’s talk resonated with her own experience and those of young black women in her district. She said her staff suggested drafting legislation, dubbing it the CROWN Act (“Create a Respectful and Open Workplace for Natural Hair”).

It's just allowing your hair to be free," Vernita Bediako said. "I think if it curls, kinks, locs, then that's the form that it wanted to go in; not to put a product in your hair to conform to a style that society deems as appropriate or attractive. It's allowing your hair to be just that, your hair. I've always had locs, and I've always been incredibly in love with the way my hair is, even when I would get teased as a kid. Dreadlocks honestly give you a bout of courage to just step out and show people who you are; it causes you to be transparent." (Whitney Matewe)

“It’s not just about hair. It’s about choice and about people being empowered to be who they are culturally in the workplace,” Mitchell said in an interview.

Dove’s [efforts](#) on the issue follow its [long history](#) of [cause marketing campaigns](#) focused on beauty standards but also come after an uproar that erupted in October 2017 over an online Dove ad. It depicted a smiling black woman taking off a skin-colored shirt to show a smiling white woman — an ad many found reminiscent of historically racist imagery. Amid strong backlash, Dove apologized and removed the post with the ad.

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Bracey and [Joy Collective](#), a marketing firm hired by Dove that noted Dove’s 2017 “embarrassing PR mishap” in text about the CROWN Act that it has since removed from its website, said the current efforts are not a direct response to past ads. “Dove has always been dedicated to championing women’s individual beauty so that it is respected and celebrated authentically,” Bracey said in an email. “When I

joined Unilever in January 2018, my goal was and still is to create systemic change in the beauty industry and to celebrate beauty inclusivity.”

Employment lawyers say they won't be surprised if more states adopt the provision or if businesses amend their policies. Companies with employees in multiple states “tend to look at the most restrictive state or state with the most protection” and use that as the default, said Natalie Fujikawa, an attorney for Fisher Phillips.

She will advise clients to do workplace training that includes discussions about bias or unwelcome comments around hair, conversations that could raise awareness and perhaps make more people comfortable with natural hair styles at work.

"Having my hair natural is such an experience because I get to be my raw, authentic self," Gabby Hayes said. "I remember once in high school a girl said, 'Gabby's hair is so nappy, even when she straightens it it's still nappy,' and I remember thinking, 'What does that mean and who taught you that that was okay?' " (Whitney Matewe)

Some still aren't. Harts recalls recently getting back from vacation with braided hair and not having time to get it blown straight before a meeting. “I felt uncomfortable — I felt people were judging me because of the narrative we've been told.”

Marie Smith, a lawyer in New Jersey, said she's never been discriminated against at work but until recently wore a wig daily, in part to avoid comments or perceptions from co-workers in an office where there are no other black female attorneys. “For me it's been more of a proactive thing,” said Smith, adding she was taught, growing up, to straighten her hair for an interview. “I've heard about too many bad reactions to natural hair to be willing to take that risk myself.”

But with the arrival of the new laws, she's begun wearing more natural styles in the office. “It's 2019,” she said. “I kept thinking about it — I was like, ‘Why am I putting myself through this?’ ”

Meanwhile, Lucrecia Johnson, an attorney in Washington, D.C., recalled the time she was working at a Big Law firm and a white colleague asked if her hairstyle — twists pinned up on top of her head — was “heavy” and then reached out to touch it. “I'm not a sideshow,” recalled Johnson, who has since founded her own firm. “When you see something you like on people, you don't reach to touch it, you tell me you like my dress” or hair.

She thinks it's great that states are passing such laws, but said lasting change will come from more awareness and cultural shifts. “It's a hearts and minds thing,” she said. “The more it's seen [in the workplace], the less likely someone will begin to question it. That's when the real change will occur.”

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