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Client Alert

New Hampshire – CROWN Act Prohibits Race-Based Hair Discrimination in Employment

WHAT'S NEW: On July 3, 2024, Governor Sununu signed into law HB 1169, providing New Hampshire workers with legal protection under the state's version of the CROWN Act, which becomes effective September 1, 2024.

WHY IT MATTERS: The CROWN Act stands for "Creating a Respectful and Open World for Natural Hair." The law prohibits race-based hair discrimination. Specifically, the act protects a person from being denied employment and protects employees against discrimination in the employment relationship.

A national legislative effort began in 2019 as a collaboration between the soap maker Dove and three nonprofits: the National Urban League, Color of Change, and Western Center on Law and Poverty. Currently 25 states have passed a version of the CROWN Act providing protections for cultural and ethnic hairstyles for their citizens. New Hampshire is the 26th state to enact this type of legislation.

WHAT THIS MEANS FOR NEW HAMPSHIRE EMPLOYERS: Employers should be prepared to incorporate this new law's protections into their discrimination policies. As an example, an employer's discrimination policy can contain the following language as a means of integrating the Act:

> "The following protected class(es) is/are considered integrated, to the extent they are not already listed, into the Equal Employment Opportunity Policy of the handbook: Persons who wear a protective hairstyle. "Protective hairstyle" means hairstyles or hair type, including braids, locs, tight coils or curls, corn rows, Bantu knows, Afros, twists and head wraps."

WHAT EMPLOYERS SHOULD DO:

- Incorporate the CROWN Act into your EEO policy training and resources to educate employees and management about the CROWN Act and the potential consequence of hair-based discrimination.
- Create an inclusive environment: Foster a culture that embraces diversity and inclusion. Encourage open dialogue and understanding among employees to help break down stereotypes and promote a respectful workplace.
- Address complaints promptly: Ensure a process is in place for employees to report potential violations of the CROWN Act and ensure timely investigation and appropriate action related to such complaints.

Please reach out to your Engage Human Resources Partner if you have any questions concerning this alert or other H.R.-related matters.