



Commission on Human Rights

FOR IMMEDIATE RELEASE: February 18, 2019

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NYC COMMISSION ON HUMAN RIGHTS ANNOUNCES NEW PROTECTIONS AND ENFORCEMENT ACTIONS AGAINST DISCRIMINATION BASED ON NATURAL HAIRSTYLES IN EMPLOYMENT, EDUCATION, AND PUBLIC ACCOMMODATIONS

In new legal enforcement guidance, the Commission establishes appearance and grooming policies that ban natural hair or hairstyle—and disproportionately impact Black New Yorkers—are unlawful discriminatory treatment under the NYC Human Rights Law

Commission currently investigating 7 cases involving discrimination based on natural hair or hairstyle

NEW YORK –The NYC Commission on Human Rights released today new legal enforcement guidance that defines discrimination on the basis of natural hair and hairstyles, which disproportionately impact Black people, under the New York City Human Rights Law. The guidance states that employers and providers of public accommodation such as fitness clubs, schools, nightclubs and youth clubs cannot force Black people to change their natural hair as a requirement to be admitted in or retain affiliation with those settings. Discrimination on the basis of race in New York City has been illegal for decades. By issuing this guidance, the Commission reaffirms that such policies are rooted in and perpetuate racist notions of what is considered “professional” or “appropriate” in the workplace and public spaces and are violations of the NYC Human Rights Law.

“Bias against the curly textured hair of people of African descent is as old as this country and a form of race-based discrimination,” said **First Lady of NYC Chirlane McCray**. “There are too many places, from schools to workplaces and beyond, where the idea that the hair that grows on the heads of people of African descent is, in its natural state, not acceptable. That prejudice extends to traditional hairstyles, designed as much for practicality as for beauty, but are seen as undesirable by European standards. This bias is deeply embedded in the messages, spoken and unspoken, that we receive every day. This new policy moves us closer to ensuring every New Yorker can live free of stigma in our city.”

“Policies that limit the ability to wear natural hair or hairstyles associated with Black people aren’t about ‘neatness’ or ‘professionalism;’ they are about limiting the way Black people move through workplaces, public spaces and other settings,” said **NYC Human Rights Commissioner and Chair Carmelyn P Malalis**. “This new legal enforcement guidance will help school administrators, employers, and providers of public accommodations to understand that Black New Yorkers have the right to wear their hair however they choose without fear of stigma or retaliation. We’re excited to take this step because every New Yorker deserves to be treated with the dignity and respect that the City Human Rights Law is designed to ensure.”

Today’s guidance strengthens protections under the New York City Human Rights Law, which goes further than many U.S. municipalities in protecting the rights of individuals in the workplace, schools, and public accommodations, including state and federal law. Some courts have narrowly interpreted federal civil rights law to allow this form of discrimination.

Along with the release of the guidance, the Commission is announcing that it is currently investigating 7 discrimination cases on the basis of natural hairstyles. Some of the trends the Commission’s law enforcement is seeing in these cases involve black employees:

- being forced to wear their braided hair up when employees of other ethnicities can wear their long styles down;
- being fired for wearing her natural hair down and;
- being told that locs are unacceptable and unclean and being forced to change her hair as a condition of employment.

Specific violations of natural hair protections under the Law in employment, education, and public spaces include:

- Grooming or appearance policies that ban or require the alteration of natural hair or hair styled into twists, braids, cornrows, Afros, Bantu knots, fades, and/or locs may face liability under the Law because these policies subject Black employees to disparate treatment;
- Policies that force employees to straighten, relax, or otherwise manipulate their hair to conform to employer expectations. The existence of such policies constitutes direct evidence of disparate treatment based on race and/or other relevant protected classes under the Law;
- Disparaging or mistreating an employee based on their natural hair or hairstyle;
- A school policy that prohibits natural hair, locs, cornrows, twists, braids, Bantu knots, fades, or Afros;
- Harassing, subjecting to adverse treatment, or otherwise disciplining any student because they choose to wear their hair in a style commonly associated with Black people.

The above protections extend to all users of public accommodations, including businesses such as restaurants, fitness clubs, stores, and nightclubs, and other public spaces, like parks, libraries, healthcare providers, and cultural institutions.

The New York City Human Rights Commission is the City agency charged with enforcing the New York City Human Rights Law, which protects against citywide discrimination based on 24 protected categories. The Commission will investigate and prosecute all instances of racial discrimination based on this legal guidance.

If a member of the public believes they have been discriminated against based on wearing a natural hairstyle in the workplace, school, or public accommodation they should call 311 and ask for the Commission on Human Rights to get assistance.

Read the guidance [here](#).

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“Black hair is one of the most policed part of Black bodies. This form of racism, harassment, and discrimination follows Black New Yorkers in numerous settings, inhibiting their educational, economic, and social advancement, and jeopardizing their mental and physical health. Today’s announcement declaring the unlawfulness of policies based on appearance, grooming, and natural hair or hairstyles associated with Black people is a step forward in ensuring safe and welcoming environments for Black New Yorkers. I applaud Commissioner Malalis and the NYC Human Rights Commission for their significant work in expanding protections for Black New Yorkers under New York City’s Human Rights Law. Safe and equal educational and employment opportunities are central to the strength of all of New York’s families and communities, and are critical to making New York the fairest big city in America,” said **Jacqueline Ebanks, Executive Director, NYC Commission on Gender Equity**

"From Shirley Chisholm to Adam Clayton Powell Sr. and beyond, New York City's African diaspora is a cornerstone of our shared history and culture and a key driver of our economy," said **Bitta Mostofi, Commissioner of the Mayor's Office of Immigrant Affairs**. "No one's aspirations should be jeopardized by how they style or wear their hair, and now the force of our local laws will protect that right. Commissioner Mala is and the NYC Commission on Human Rights continue to be progressive champions for all New Yorkers and MOIA is proud to work alongside our sister agency."

“Racist policies have no place in New York City where our diversity is one of our greatest strengths,” said **Department of Consumer Affairs Commissioner Lorelei Salas**. “This guidance formally makes policies that discriminate against a specific group illegal—an essential step in bringing equality and fairness to our city’s workplaces and other places that provide public accommodations.”

"This legal guidance protecting Black people's rights to wear our hair how we want has been a long time coming," said **NY State Senator Robert Jackson**. "I have seen our community wrestle with this discrimination on the basis of hair styling, when we should be able to take pride in the diversity of forms our hair can take." said State Senator Robert Jackson of Manhattan. "I am so happy to see this new guidance finally defending personal grooming rights of Black New Yorkers."

"It is unfortunate that many people of African descent have felt compelled to conform their natural hair to the stereotypical look of ‘professionalism’ for years,” said **Council Member Adrienne Adams**. “In an age where employers, educational administrators and so many more discriminate against people of color because of their choice to wear natural hair particularly in school and in the workplace, I welcome this new legal enforcement guidance from the New York City Commission on Human Rights. ALL New Yorkers, regardless of race, deserve fairness and respect."

Kimberle Crenshaw, Professor of Law, Columbia Law School and Distinguished Professor of Law, University of California, Los Angeles. Director of the Columbia University Center for Intersectionality and Social Policy Studies and Co-founder and Executive Director of the African American Policy Forum: “This guidance addresses a dimension of discriminatory treatment that is often overlooked in part because of its disproportionate burden on Black people, particularly Black women and girls. Black people have too often been forced to relinquish their preferred hairstyles in order to accommodate arbitrary and aesthetic expectations that require chemical alternations and manipulations to suppress or alter their natural hair texture. These discriminatory demands not only undermine their physical well-being but also their access to employment, their enjoyment of educational opportunities, and their dignity. Today’s Guidance clearly affirms the right of all people to wear their hair without arbitrary and unfair burdens and precludes the singling out of Black people that results from discomfort with certain hair textures and styles.

Joanne N. Smith, Founder and President of Girls for Gender Equity: "Girls for Gender Equity is committed to removing the institutional barriers which prevent cisgender and transgender girls of color and gender non-conforming youth of color from meeting their full potential. The root causes of discrimination based on natural hair are racism and misogynoir, specifically, beliefs which have long diminished the physical appearance of Black people. This guidance makes clear that schools and employers must honor the self-expression and identities of all students and begin to undo the pervasive and harmful messaging that all New Yorkers - and especially young people - receive about who they are. We thank the New York City Commission on Human Rights for again, leading the way in making our city safer for all of us."

Ria Tabacco Mar, Senior Staff Attorney, ACLU: “Far too often, Black people are shamed and excluded from jobs or school because of objections to natural hairstyles, but courts have been slow to recognize that bias against natural Black hair is a form of race discrimination. Today, New York City has taken an important step toward ensuring that all of us have the freedom to work and learn regardless of how we wear our hair.”

Dr. Gillian Scott-Ward, Ph.D, clinical psychologist and filmmaker, “Back to Natural,” “This is a powerful statement that NYC does not accept the psychological and physical harm that comes from grooming standards that infer Black students and adults are inferior, or inherently inappropriate or unacceptable in school and work environments. Ultimately, this is about giving Black people freedom to exist in our bodies; allowing us to determine for ourselves how we want to present, enabling us to contribute

to our communities as our best and most authentic selves. I am honored that Back to Natural has been able to contribute to conversation and change for our community.”

Janai Nelson, Associate Director, Legal Defense Fund: "Hair policing of persons of African descent in employment, academic, recreational or other settings has a long and ignominious history and reflects present-day anti-Black bias. LDF is committed to ensuring that this baseless discrimination has no place in our society. This new guidance sends an important message that discriminatory hair-policing will not be tolerated in New York City and is a model for other jurisdictions to help prevent discriminatory hair policies and practices."

“For too long, schools and workplaces have used hair policies as a justification for discriminating against communities of color,” said **José Calderón, President of Hispanic Federation.** “We know firsthand that these policies are based on antiquated and stereotypical standards of professionalism and hurt people of color by presuming them to be unfit and denying them certain employment opportunities. Hispanic Federation commends the NYC Commission on Human Rights for strengthening protections against racial discrimination on the basis of hair. It is unfortunate that in this day and age, we are still fighting for this most basic acknowledgement of equality for all New Yorkers.”

Afua Atta-Mensah, Esq., Executive Director Community Voices Heard: “For far too long Black women and other women of color have been forced to alter our natural hair--using harmful chemicals, in many cases--to gain and maintain employment. This hurdle is especially pernicious for low-income women of color who have yet another monetary requirement thrust upon them, adding yet another unfair barrier to employment. This guidance catalyzes an important discussion and will, hopefully, lead to a far-reaching reckoning as pertains to pervasive and systemic discriminatory practices against Black women and women of color in the workplace. As an organization that was founded by and for low-income New Yorkers--primarily women of color--**Community Voices Heard** fully supports the Commission's clarification of the NYC Human Rights Law as it relates to Black hair and hairstyles associated with Black people, appropriately placing the burden of combatting racial discrimination on employers, and not on Black women.”

“We applaud the NYC Human Rights Commission's willingness to name anti-black racism and recognize hair as cultural expression worthy of legal protection, said **Chitra Aiyar, Executive Director of the Saide Nash Leadership Project.**” We look forward to sharing this guidance with our Nashers (the young women and gender-expansive youth with whom we work) both as a tool for them to assert their rights at school and in the workplace and as an indication that a New York City agency sees and values them. “

“American culture has consistently marginalized the natural features of people of African descent. They are discriminated against by employers, landlords, schools, and other institutions. This discrimination is deeply rooted in racism and misogyny, and uniquely targets Black women, femmes and gender non-conforming people – some of the most vulnerable people in our community. By issuing this guidance the New York City Commission on Human Rights is pushing this city to be truly inclusive and accepting of every New Yorker. We hope that this guidance will push institutions to re-evaluate and change the way they interact with Black people and to uproot their anti-black racism. We applaud the New York Commission on Human Rights for taking this meaningful step towards protecting the rights of New Yorkers of African descent.” **Anne Oredoko, Supervising Attorney, The Legal Aid Society**

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