

# LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-20-04

## A RESOLUTION ON EMBRACING A DIVERSE PHYSICAL TRAITS IN THE WORKPLACE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) is dedicated to the wellness and academic and professional advancement of African American people;

WHEREAS, the State of California became the first state in the nation to ban discrimination against black students and employees over their natural hairstyles with the enactment of the Create a Respectful and Open Workplace for Natural Hair (CROWN) Act;

WHEREAS, the history of our nation is riddled with laws and societal norms that equated “blackness,” with certain physical traits, for example, dark skin, kinky and curly hair to a badge of inferiority, sometimes subject to separate and unequal treatment;

WHEREAS, this idea also permeated societal understanding of professionalism, is closely linked to European features and mannerisms, which penalizes those who do not naturally fall into Eurocentric norms;

WHEREAS, these norms require many minorities alter their appearances, sometimes drastically and permanently, in order to be deemed professional in schools and workplaces;

WHEREAS, despite the great strides in American society, hair remains a rampant source of racial discrimination with serious economic and health consequences, especially for Black individuals;

WHEREAS, school and workplace dress code and grooming policies that prohibit natural hair, including afros, braids, twists, and locks, have a disparate impact on Black individuals as these policies are more likely to deter Black applicants and disproportionately burden or punish Black students and employees more than any other group;

WHEREAS, federal courts have recognized Title VII of the Civil Rights Act of 1964 prohibits discrimination based on race, and therefore protects against discrimination against afros;

WHEREAS, the courts do not understand that afros are not the only natural presentation of Black hair, Black hair can also be naturally presented in braids, twists, and locks;

WHEREAS, in a society in which hair has historically been one of many determining factors of a person’s race, and whether they were a second-class citizen, hair today remains a proxy for race; and

WHEREAS, exclusion from academic spaces and workplaces because of a Black person’s hair or other features leads to reduced access to educational and economic opportunities and continues to exacerbate the achievement and wealth gaps between African Americans and other racial and ethnic groups.

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THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes that continuing to enforce a Eurocentric image of professionalism disparately impacts Black individuals and excludes them from some schools and workplaces in direct opposition to the United States' Constitutional values of equity and opportunity for all a form of racial discrimination;

BE IT FURTHER RESOLVED, that the NBCSL encourages state policymakers and their membership to introduce legislation that prohibits discrimination against traits historically associated with race, including, but not limited, to natural hair textures and protective hairstyles; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the Unites States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

**SPONSOR: Senator Holly J. Mitchell (CA)**

**Committee of Jurisdiction: Labor and Workforce Development Policy Committee**

**Certified by Committee Co-Chair: Senator Ronald L. Rice (NJ)**

**Ratified in Plenary Session: Ratification Date is December 6, 2019**

**Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President**