

News & Types: Client Advisories

# Illinois CROWN Act Prohibits Hair Discrimination

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By: Naureen Amjad, Riebana E. Sachs

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## Executive Summary

On June 29, 2022, Governor JB Pritzker signed into law Senate Bill (SB) 316, the “Create a Respectful and Open Workplace for Natural Hair” Act (the “CROWN Act”). The CROWN Act amends the Illinois Human Rights Act (“IHRA”) to expand the definition of “race” to combat unlawful discrimination. The new definition includes “traits associated with race, including, but not limited to, hair texture and protected hairstyles such as braids, locks, and twists.” The CROWN Act will become effective January 1, 2023. The following includes a brief summary of the CROWN ACT, actions businesses must soon take and how they can begin preparing now.

In August 2021, Governor Pritzker signed into law SB 817, also known as the Jett Hawkins Act, which banned hairstyle discrimination in Illinois schools and took effect on January 1, 2022. The CROWN Act follows and expands these protections under the IHRA to employment, housing, financial transactions, and public accommodation sectors. With respect to the employment sector specifically, the CROWN Act prohibits employers from discriminating against employees because of certain hairstyles and hair textures which are actually or perceived to be associated with a particular race. Governor Pritzker stated that “no Illinoisan should face discrimination based off the way they style their hair. Not in schools. Not in the workplace. Not anywhere.”

While the CROWN Act includes “hair texture and protective hairstyles such as braids, locks, and twists,” it is not an exhaustive list of protected characteristics and may include other traits commonly associated with an actual or perceived race. Even though the IHRA expressly allows employers to “enact a dress code or grooming policy that may include restrictions on attire, clothing or facial hair to maintain workplace safety or food sanitation,” restrictions for other reasons would likely run afoul of the new law. The IHRA’s bona fide qualification exemption that permits hiring or selecting between persons for bona fide occupational qualifications on the basis of a standard that is necessary for safe or efficient job performance, remains unchanged.

By passing the CROWN Act, Illinois joins sixteen other states with similar laws, including California, Colorado, Connecticut, Delaware, Louisiana, Maryland, Maine, Nebraska, Nevada, New Mexico, New Jersey, New York, Oregon, Tennessee, Virginia, and Washington.

Employers should review their hiring processes and appearance or grooming policies soon to ensure they comply with and do not surpass what the CROWN Act allows. Employers may also wish to consider training all employees to educate them about these new changes.

Please contact Naureen Amjad, Riebana E. Sachs or a member of the Employment, Labor and Benefit Group with any questions.