

TEXAS EXPANDS RACIAL DISCRIMINATION PROTECTIONS WITH THE CROWN ACT

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The landscape of employment discrimination continues to evolve and expand, making it incumbent on employers to stay apprised of these changes. Most recently, Texas enacted The Crown Act, effective September 1, 2023, focusing on racial discrimination based on a person's ethnically distinctive hair style.

The Texas Crown Act prohibits employers, labor unions, employment agencies, schools and lessors and sellers of real estate from discriminating based on race because of a person's hair texture or protective hairstyle commonly or historically associated with race. The Act prohibits racial discrimination based on hair texture and "protective hairstyle" which includes braids, locks and twists and makes it an unlawful employment practice under the Texas Labor Code for which compensatory damages, punitive damages, backpay, front pay, reinstatement and attorneys' fees may be awarded.

This law can be particularly impactful for retail establishments, restaurants, and any other business with "customer facing" staff or salespeople where management has preconceived notions about the presentation they expect from their employees.

This means that employers need to (1) immediately review their employee handbooks, dress codes, grooming policies and hiring practices to assure compliance with the Act and (2) update their training practices and materials to specifically address these issues in order to assure that their employees and applicants are not subjected to discrimination because of the texture of their hair or for styling their hair in a manner commonly or historically associated with race.

If you have any questions about the Act and its implications for your business, please do not hesitate to contact our labor and employment team.



Related Practices

Labor and Employment

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