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How Does Michigan's New CROWN Act Impact Dental Practices?



By Jodi Schafer, SPHR, SHRM-SCP
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Question: Recently, I heard on the news that Michigan has passed a new law called the CROWN Act that will impact workplaces. I'm not familiar with it. Does our practice need to do anything in response?

Answer: The Michigan Legislature passed the CROWN Act in June 2023. This legislation, signed into law by Gov. Gretchen Whitmer, enhances Michigan's Elliott-Larsen Civil Rights Act by prohibiting hair-based discrimination. The Creating a Respectful and Open World for Natural Hair Act expands the definition of race as a protected classification to include "traits historically associated with race, including, but not limited to, hair texture and protective hairstyles." Notably, 22 other states have adopted similar legislation.

The legislation is based on research that shows that Black women's hair is 2.5 times more likely to be perceived as unprofessional, and that Black women with coiled or textured hair are two times as likely to experience microaggressions in the workplace than Black women with straight hair.¹

The CROWN Act prohibits employers, educational institutions, and businesses from discriminating against an individual based on that person's hair texture or protective hairstyle, which includes everything from natural afros to braids, dreadlocks, twists, and bantu knots. Therefore, Michigan employers cannot make decisions about hiring, firing, promoting, or otherwise treating someone differently because of the way they wear their hair *if* the texture or hairstyle is historically associated with race.

Your practice should update its training and reporting processes to include hair-based discrimination. Managers should be educated about this new policy as well.

In light of the Michigan CROWN Act, your practice should thoroughly review its current policies, outlined in your employee handbook and other documents, to remove any hair restrictions that disproportionately affect people of certain racial, ethnic, or cultural backgrounds.

Below is example language that might be utilized to update your equal opportunity policy:

[PRACTICE NAME] is an equal opportunity employer and does not discriminate against individuals on the basis of race (including traits historically associated with race such as hair texture and protective hairstyles), religion, color, sex (including gender identity and sexual orientation), age, national origin, disability, height, weight, marital status, veteran status, genetic information, pregnancy, childbirth or related conditions or other protected classifications, in any aspect of employment.

Your practice still has the right to institute dress and grooming policies that align with safety protocols (like requiring hair nets or hair to be pulled back) and policies that promote the image you want to project, so long as they don't run afoul of the CROWN Act protections. For example, you may still restrict/prohibit hair dyed in unnatural shades (i.e., green or pink). But, weigh the perceived benefit of your grooming policy choices against the potential cost of doing so — i.e., potentially limiting your candidate pool.

Your practice should update its training and reporting processes to include hair-based discrimination. Managers should be educated about this new policy as well, and they should understand what they can and cannot restrict when it comes to employees' hair. ●

Jodi Schafer's revised *Most-Asked Human Resources Questions* is now available at the MDA store for free download. Visit store.michigandental.org.

Reference

1. CROWN 2023 Workplace Research Study, Dove and LinkedIn. Available at <https://www.thecrownact.com/research-studies>.