

2020 Regular Session

SENATE BILL NO. 328

BY SENATOR BARROW

DISCRIMINATION. Provides relative to race for discrimination purposes. (8/1/20)

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AN ACT

To enact R.S. 23:335 and R.S. 51:2232(11) and 2603(13), relative to discrimination; to provide that race includes certain traits historically associated with one's race or ethnicity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The legislature finds and declares the following:

A. The history of our nation is riddled with laws and societal norms that equated "blackness," and the associated physical traits, for example, dark skin, kinky and curly hair to a badge of inferiority, sometimes subject to separate and unequal treatment.

B. This idea also permeated societal understanding of professionalism. Professionalism was, and still is, closely linked to European features and mannerisms, which entails that those who do not naturally fall into Eurocentric norms must alter their appearances, sometimes drastically and permanently, in order to be deemed professional.

C. Despite the great strides American society and laws have made to reverse the racist ideology that black traits are inferior, hair remains a rampant source of racial discrimination with serious economic and health consequences, especially for Black individuals.

1 D. Workplace dress code and grooming policies that prohibit natural hair, including
2 afros, braids, twists, and locks, have a disparate impact on Black individuals as these policies
3 are more likely to deter black applicants and burden or punish black employees than any
4 other group.

5 E. Federal courts accept that Title VII of the Civil Rights Act of 1964 prohibits
6 discrimination based on race, and therefore protects against discrimination against afros. The
7 courts do not understand that afros are not the only natural presentation of black hair. Black
8 hair can also be naturally presented in braids, twists, and locks.

9 F. In a society in which hair has historically been one of many determining factors
10 of a person's race, and whether they were a second class citizen, hair today remains a proxy
11 for race. Hair discrimination targeting hairstyles associated with race is racial discrimination.

12 G. Acting in accordance with the constitutional values of fairness, equity, and
13 opportunity for all, the legislature recognizes that continuing to enforce a Eurocentric image
14 of professionalism through purportedly race-neutral grooming policies that disparately
15 impact black individuals and exclude them from some workplaces is in direct opposition to
16 equity and opportunity for all.

17 Section 2. R.S. 23:335 is hereby enacted to read as follows:

18 **§335. Race discrimination in employment**

19 **As used in this Part, discrimination as to race includes discrimination**
20 **based on traits historically associated with a person's race or ethnicity including**
21 **but not limited to hair texture and hairstyles as braids, locks, and twists.**

22 Section 3. R.S. 51:2232(11) and 2603(13) are hereby enacted to read as follows:

23 §2232. Definitions

24 As used in this Chapter:

25 * * *

26 **(11) "Race" as used in this Chapter includes traits historically associated**
27 **with a person's race or ethnicity including but not limited to hair texture and**
28 **hairstyles as braids, locks, and twists.**

29 * * *

1 §2603. Definitions

2 As used in this Chapter:

3 * * *

4 **(13) "Race" as used in this Chapter includes traits historically associated**
5 **with a person's race or ethnicity including but not limited to hair texture and**
6 **hairstyles as braids, locks, and twists.**

7 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

SB 328 Original DIGEST 2020 Regular Session Barrow

Present law prohibits race discrimination in employment, as to complaints involving the La. Commission on Human Rights, and under the La. Equal Housing Opportunity Act.

Proposed law provides that race under these programs includes traits historically associated with a person's race or ethnicity including but not limited to hair texture and hairstyles as braids, locks, and twists.

Effective August 1, 2020.

(Adds R.S. 23:335 and R.S. 51:2232(11) and 2603(13))