

Senate Bill 286

By: Senators Anderson of the 43rd, Williams of the 39th, Davenport of the 44th, Seay of the 34th, Butler of the 55th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 8-3-201 of the Official Code of Georgia Annotated, Article 1 of
2 Chapter 1 of Title 20 of the Official Code of Georgia Annotated, and Chapter 1 of Title 34
3 of the Official Code of Georgia Annotated, relating to definitions relative to fair housing,
4 general provisions regarding education, and general provisions regarding labor and industrial
5 relations, respectively, so as to prohibit discrimination based on natural hairstyles historically
6 associated with race; to provide for legislative findings; to provide for definitions; to provide
7 for a civil cause of action; to provide for related matters; to repeal conflicting laws; and for
8 other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 The General Assembly finds and declares the following:

12 (1) The history of our nation is riddled with laws and societal norms that equated
13 "blackness" and the associated physical traits, for example, dark skin and kinky and curly
14 hair, to a badge of inferiority and subjected Black individuals to separate and unequal
15 treatment;

16 (2) Those ideas also permeated societal understanding of professionalism.
17 Professionalism was, and still is, closely linked to European features and mannerisms,
18 which entails that those who do not naturally fall into Eurocentric norms must alter their
19 appearances, sometimes drastically and permanently, in order to be deemed professional;

20 (3) Despite the great strides American society and laws have made to reverse the racist
21 ideology that Black traits are inferior, hair remains a rampant source of racial
22 discrimination with serious economic and health consequences, especially for Black
23 individuals;

24 (4) Workplace dress code and grooming policies that prohibit natural hair, including
25 afros, braids, twists, and locks, have a disparate impact on Black individuals as these

26 policies are more likely to deter Black applicants and burden or punish Black employees
27 than any other group;

28 (5) Federal courts accept that Title VII of the Civil Rights Act of 1964 prohibits
29 discrimination based on race, and therefore protects against discrimination against afros.

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

32 (6) In a society in which hair has historically been one of many determining factors of
33 an individual's race, and whether that individual was a second class citizen, hair today
34 remains a proxy for race. Therefore, hair discrimination targeting hairstyles associated
35 with race is racial discrimination; and

36 (7) Acting in accordance with the constitutional values of fairness, equity, and
37 opportunity for all, the General Assembly recognizes that continuing to enforce a
38 Eurocentric image of professionalism through purportedly race-neutral grooming policies
39 that disparately impact Black individuals and exclude them from some workplaces is in
40 direct opposition to equity and opportunity for all.

41 **SECTION 2.**

42 Code Section 8-3-201 of the Official Code of Georgia Annotated, relating to definitions
43 relative to fair housing, is amended by adding new paragraphs and revising paragraphs (13),
44 (14), and (15) as follows:

45 "(13) 'Protective hairstyles' includes, but is not limited to, such hairstyles as braids, locks,
46 and twists.

47 (14) 'Race' includes traits historically associated with race, including, but not limited to,
48 hair texture and protective hairstyles.

49 ~~(13)~~(15) 'Respondent' means:

50 (A) The person or other entity or the state or local government or agency accused in
51 a complaint of an unfair housing practice; and

52 (B) Any other person or entity identified in the course of an investigation and notified
53 as required with respect to respondents so identified under subsection (d) of Code
54 Section 8-3-207.

55 ~~(14)~~(16) 'State' means the State of Georgia.

56 ~~(15)~~(17) 'To rent' means to lease, to sublease, to let, and otherwise to grant for a
57 consideration the right to occupy premises not owned by the occupant."

58

SECTION 3.

59 Article 1 of Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to
60 general provisions regarding education, is amended by adding a new Code section to read
61 as follows:

62 "20-1-11.

63 (a) As used in this Code section, the term 'protective hairstyle' means braids, locks, twists,
64 or other textured hairdressing historically associated with an individual's race.

65 (b) No individual shall be subjected to discrimination on the basis of such individual's
66 protective hairstyle in any program or activity conducted by an educational institution that
67 receives, or benefits from, state financial assistance, or enrolls pupils who receive state
68 student financial aid."

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SECTION 4.

70 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
71 provisions regarding labor and industrial relations, is amended by adding a new Code section
72 to read as follows:

73 "34-1-11.74 (a) As used in this Code section, the term:

75 (1) 'Employer' means any individual or entity that employs one or more employees and
76 shall include the state and its political subdivisions and instrumentalities.

77 (2) 'Protective hairstyle' means braids, locks, twists, or other textured hairdressing
78 historically associated with an individual's race.

79 (b) No employer shall fail or refuse to hire nor shall any employer discharge or
80 discriminate against any individual with respect to wages, rates of pay, hours, or other
81 terms and conditions of employment because of such individual's protective hairstyle
82 unless such protective hairstyle restricts such individual's ability to engage in the particular
83 job or occupation for which he or she is eligible.

84 (c) Any individual who is aggrieved by an alleged violation of this Code section may
85 institute a civil action against the persons engaged in such alleged violation. Such action
86 may be maintained in any court of competent jurisdiction and shall be commenced no later
87 than one year after the alleged violation occurred. The court may grant as relief, as it
88 deems appropriate, any permanent or temporary injunction, temporary restraining order,
89 or other order, including, but not limited to, the hiring or reinstatement of the plaintiff to
90 such individual's original position or an equivalent position, back pay, court costs, and
91 reasonable attorneys' fees."

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SECTION 5.

93 All laws and parts of laws in conflict with this Act are repealed.