

Bodman PLC

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Michigan Prohibits Hair-Based Racial Discrimination

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On June 15, 2023, Michigan Governor Gretchen Whitmer signed Senate Bill 90, which amends the Elliott-Larsen Civil Rights Act (“ELCRA”) to prohibit discrimination based on traits historically associated with race, such as hair texture and protective hairstyles. This amendment has immediate effect.

ELCRA currently prohibits employment discrimination based religion, race, color, national origin, age, sex, height, weight, and marital status. Known as the Creating a Respectful and Open World for Natural Hair Act (“CROWN Act”), Senate Bill 90 expands the protected class of “race” to be “inclusive of traits historically associated with race, including but not limited to, hair texture and protective hairstyles.” Protective hairstyles include braids, locks, and twists.

This is the third time Michigan has amended ELCRA this year. In March 2023, Michigan added “sexual orientation” and “gender identity or expression” to the list of enumerated protected classes. In May 2023, Michigan amended ELCRA to prohibit employer discrimination based on abortion by amending the definition of “sex” to include “pregnancy, childbirth, the termination of a pregnancy, or a related medical condition.” Unlike the CROWN Act, these prior amendments will take effect 90 days after the end of the 2023 Regular Legislative Session, which will likely be mid to late March 2024.

The CROWN Act has immediate effect as of June 15, 2023. In order to avoid liability, employers should review their policies and procedures regarding discrimination and provide corresponding training to human resources and managerial employees.

Please contact any member of [Bodman’s Workplace Law Group](#) if you need assistance with reviewing/drafting your non-discrimination policies, or for advice on investigating/responding to complaints. Bodman cannot respond to your questions or receive information from you without establishing an attorney-client relationship and clearing potential conflicts with other clients. Thank you for your patience and understanding.

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