

Testimony of Kimberly Y. Robinson, Esq.
In SUPPORT of
House Bill 1444- Discrimination-Discrimination - Definition of Race - Hair Texture and Hairstyles

House Bill 1444 defines “race,” for the purpose of Maryland anti-discrimination law, as including traits associated with race, including hair texture, afro hairstyles, and protective hairstyles. The bill also defines “protective hairstyle” as a hairstyle that includes braids, twists, and locks. In 2020, one would think there should be no need for such legislation. Indeed, by 2020, one would think we would no longer see racial discrimination cases, but we do. The legacy began 401 years ago when the forced migration of Africans to America persists. Today, despite moving past slavery, segregation, separate but equal and Jim Crow, discrimination continues to impact the life circumstances and economic opportunities for Black Americans. One sometimes subtle but impactful way this occurs today is hair discrimination.

I have seen people make light of this topic, believing it trivial or insignificant. Yet conversations around hair and work are perennial for Black people. As Black people ascended in the work world, messages communicated through popular culture and official dress codes often made clear that to display a professional aesthetic is to take all necessary steps to conform to a Euro-centric standard of beauty. Straight, silky hair is generally centered as the preference. This has led Black women to chemically alter their hair with relaxers, use heat to press their hair straight or feel pressured to conceal their natural hair with wigs or hair weaves to fit in. Natural Black hair, its texture and associated hairstyles have been described by far too many as patently unprofessional, unacceptable and not suitable for a professional work environment.

EEOC v. Catastrophe Management Solutions furthered this struggle for Black employees when the 11th Circuit held that “Title VII prohibits discrimination based on immutable traits” but failing to recognize that certain hairstyles, including dreadlocks, though culturally associated with race, “are an immutable characteristic of black persons.” For the Court to recognize on one hand that there are difference in our hair texture based on race but fail to acknowledge that those difference lead to different care, styling and grooming needs was a misguided and myopic understanding of hair from both a biological and cultural perspective. The court splitting hairs in this way, leaves Black girls and boys, men and women at a disadvantage. House Bill 1444 addresses these issues.

House Bill 1444 clarifies in Maryland statute that hair texture is in fact a component of race. It extends appropriate protections to those hair styles associate with specific hair textures. It shoes not interfere in anyway with safety regulations. It does not extend protections for artificially hair colors. It affirms that as a Black woman, the way my hair grows from my scalp is acceptable and professional and that hairstyles bests suited for my hair are as well.

In 2020, one would think such legislation is unnecessary. Sadly, a cursory google search shows that Black girls and boys are often suspended or disciplined in school for their hair styles. Black job seekers and employees are reprimanded or counseled about their hair styles as they relate to dress codes. House Bill 1444 is needed to ensure that Maryland make a clear statement about the protections and respect that should be afforded to all citizens and extend that protection under the law. **For these reasons, I urge your favorable report on House Bill 1444.**