



CONSENT CALENDAR
April 23, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Rigel Robinson, Cheryl Davila, and Ben Bartlett
 Subject: Support for SB 188 (Hairstyle Anti-Discrimination Law)

RECOMMENDATION

Send a letter to Senator Mitchell, Senator Skinner, and Assemblymember Wicks supporting SB 188, which would amend the California Fair Employment and Housing Act to prohibit racial discrimination on the basis of hairstyle.

BACKGROUND

Under the 1959 California Fair Employment and Housing Act (FEHA), it is unlawful to engage in discrimination on the basis of certain protected characteristics in the workplace or housing sector. Protected categories include an individual's actual or perceived race, religious beliefs, disability status, marital status, sex, or sexual orientation.

SB 188 (Mitchell) would amend FEHA in order to "provide that the definition of race also include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, and would define protective hairstyles for purposes of these provisions." In other words, it eliminates forms of disparate impact discrimination that occur in appearance and grooming codes, and clarifies that individuals of all races have the right to maintain natural hair.

The mission of SB 188 is consistent with local goals, as stated in Berkeley Municipal Code Section 1.22.010, declaring "the City of Berkeley shall promote: (1) Higher standards of living, full employment, and conditions of economic and social progress and development; (2) Solutions of local economic, social, health and related problems; and regional cultural and educational cooperation; and (3) Universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

This proposed FEHA amendment is a crucial step for California to take towards eliminating racial discrimination in all its forms.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

[Title of Report]

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CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170
Mars Svec-Burdick, Intern

Attachments:

1: Letter of support

2: Bill Text - SB 188:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB188

April 23, 2019

The Honorable Holly Mitchell
California State Senate
State Capitol, Room 5050
Sacramento, CA 95814

RE: SB 188, Mitchell, Hairstyle Anti-Discrimination Law
Support from the Berkeley City Council

Dear Senator Mitchell:

The Berkeley City Council would like to convey support for your bill SB 188, regarding protections against racial discrimination on the basis of hairstyle.

As proposed, this bill addresses ongoing discrimination faced by racial minority groups in the workplace and housing sector. Current law does not go far enough to prevent disparate impact discrimination in appearance and grooming codes, wherein hair styling rules may permit members of some groups to wear their hair naturally, but requires others to undergo more extensive procedures. SB 188 is an important and necessary reform because it closes this loophole, by amending the 1959 California Fair Employment and Housing Act (FEHA) to include natural hairstyle and other inherited personal traits under the protected category of race.

This proposed FEHA amendment is consistent with the City of Berkeley's mission to observe universal human rights without distinction according to race or nationality, and represents a crucial step towards ensuring workplace and housing equality for all Californians.

Thank you for introducing this important piece of legislation, and striving to eliminate racial discrimination in all its forms.

Sincerely,

Berkeley City Council

CC: Senator Nancy Skinner
Assembly Member Buffy Wicks

