

Submission to the NSW Law Reform Commission

Review of the Anti-Discrimination Act (NSW) 2025
From: ENABLE WOMEN AFRICA (EWA)

Hair-based Discrimination Affecting Black Girls
(early childhood, primary, secondary) and Black
Women at Work in NSW



Enable
Women
Africa
Inspiring Hair Freedom

About ENABLE WOMEN AFRICA (EWA)

ENABLE WOMEN AFRICA (EWA) is an advocacy organisation dedicated to inspiring hair freedom, raising greater awareness of hair discrimination in Australia that affect Black women and girls but goes largely unnoticed but those that affect, but its impact is immense. Hair discrimination is faced by Black women and girls across schools, workplaces and public life. We are a newly formed charity foundation working at the intersection of anti-racism, gender equity and cultural safety, partnering with families, educators, employers and policy makers to build practical, lasting change.

SUMMARY

Hair-based discrimination targets Black African women and girls' hair. It functions as racial discrimination because our hair texture and afro-styles are racialised markers tied to African ancestry and culture. Yet NSW law does not expressly protect against hair-based discrimination. School grooming policies, "no hat, no play" rules and workplace appearance standards continue to punish or stigmatise natural Black African hair, because our hair grows out, not down, so our hair often does not suit the prescribed hats for school children. Therefore, asking school children to tie it up or down means we have to resort to adding "fake extensions" into our natural hair to meet school or workplace standards and policy. This is a form of exclusion preventing our children in early childhood, primary, secondary and Black women at work in NSW from learning, play, advancement and income. Not forgetting these practices of adding extra hair to meet these policies is an extra burden on already tight budgets of these families.

We recommend amending the Anti-Discrimination Act 1977 (NSW) (ADA) to (1) explicitly prohibit discrimination, harassment and vilification related to Black African women and girls hair and texture (as a form of race discrimination and/or a standalone protected attribute); (2) require inclusive school and workplace policies; (3) create safeguards against punitive practices; (4) mandate training for educators and managers; (5) embed co-design with affected communities; (6) improve data, enforcement and remedies; and (7) integrate cultural hair competencies into TAFE/industry training so every salon can provide safe, basic services. As it stands, most salons in NSW do not cater for Black African women and girls' hair, which results in communities having to travel far for such services.

These reforms align with contemporary guidance and international precedents, including the UK Equality and Human Rights Commission's school guidance recognising hair discrimination as race discrimination and the growing body of "CROWN Act" laws in the United States. They also complement the ADA review's aims to modernise protected attributes, strengthen indirect discrimination tests, and promote substantive equality.

WHY THE NSW ANTI-DISCRIMINATION LAW NEEDS TO BE AMENDED

Current gaps: The ADA prohibits discrimination on the basis of race and other attributes, and it added civil protection against religious vilification in 2023. But the Act doesn't explicitly recognise hair discrimination, leaving room for grooming rules and subjective "neat hair" standards to indirectly exclude Black students and workers. The review itself notes concerns with how attributes are expressed and the difficulty of proving indirect discrimination.

Schools: Uniform and grooming rules across Australia often require "neat" hair, ban beads/locs/braids or fail to accommodate Afro-textured hair under "no hat, play in the shade" sun-safety policies—rules that can exclude children from play and outdoor learning when standard hats don't fit our hair or cultural styles.

Workplaces: Appearance policies still code "professionalism" against natural Black hair. International evidence shows measurable harm: Black women are more likely to be judged as "unprofessional" based on hair, to alter hair for interviews, or to face pressure to conform, patterns mirrored in Australian experiences EWA documents. Our founder, Gloria Tabi, speaks about this in her recent TEDx Talk, [here](#).

Comparative guidance: The United Kingdom Equality and Human Rights Commission (UK, EHRC) explicitly treats certain hair rules as potential indirect race discrimination, similar to the US CROWN Act. Here in Australia, NSW should offer similarly clear protection.

SOCIAL, ECONOMIC, ENVIRONMENTAL IMPACTS

Exclusion from learning and leadership: Hair-based rules can deny children access to play, sport, swimming, excursions and leadership, impacting wellbeing, confidence and belonging.

Identity harm: Hair discrimination undermines cultural identity and dignity; early-life discrimination predicts longer-term mental-health harms.

Lost income and opportunity: Discriminatory "professional appearance" norms depress interview success and advancement for Black women.

Forced chemical use: When people feel compelled to chemically straighten or conceal hair to meet biased standards, it increases exposure to chemicals and harsh treatments, which emerging studies associate with health risks.

Waste footprint: Fake extensions and wigs that Black women and girls use to meet school and workplace standards are not biodegradable, which contributes to environmental waste and other health impacts. But if Black African women and girls' natural hair is protected under the law, it will help reduce Salon effluents, and costs reduced when natural styles are accepted, also as the norm

EVIDENCE FROM LIVED EXPERIENCE & PUBLIC INCIDENTS

EWA's community consultations in NSW (and elsewhere) report that Black girls have been excluded from play due to hats that do not fit braids/locs/Afro styles ("no hat, no play"); disciplined or sent home or Black women's natural hair is labelled "untidy" or "unprofessional," echoing well-documented international patterns.

Media and advocacy in Australia have repeatedly flagged hair-policy problems in schools, showing the issue is neither isolated nor trivial.

LAW AND POLICY RECOMMENDATIONS

- 1) Explicit protection against hair-based discrimination
- 2) Inclusive school uniform & grooming policies (consulted with the community that this affects)
- 3) Safeguards against punitive practices
- 4) Education & training for teachers and staff
- 5) Consultation and co-design
- 6) Protection against hair-related bullying & harassment
- 7) Positive representation and affirmation (schools and workplaces could display Black African natural hair on brochures and on Television)
- 8) Accountability and enforcement
- 9) Workplace protections (The US CROWN Act-style reforms)
- 10) TAFE & vocational training reforms
- 11) Strengthen indirect discrimination tests & burden of proof
- 12) Positive duty to prevent hair discrimination

IMPLEMENTATION ROADMAP (PRACTICAL STEPS)

Legislative drafting: Add explicit hair clauses across discrimination, harassment, vilification, and victimisation; insert notes under "race"; update definitions and examples.

Policy directives: Department of Education circular mandating grooming/uniform audits; provide model inclusive language and hat/swim-cap standards consistent with SunSmart goals.

Training: Fund statewide modules for teachers/leaders and HR/managers; accredit Afro-hair Continuing Professional Development (CPD) training for hairdressers.

Procurement: Pilot satin-lined/open-structured hats via small grants.

Data & evaluation: Add hair-related items to incident/complaint systems; publish annual dashboards; commission an independent evaluation with community oversight.

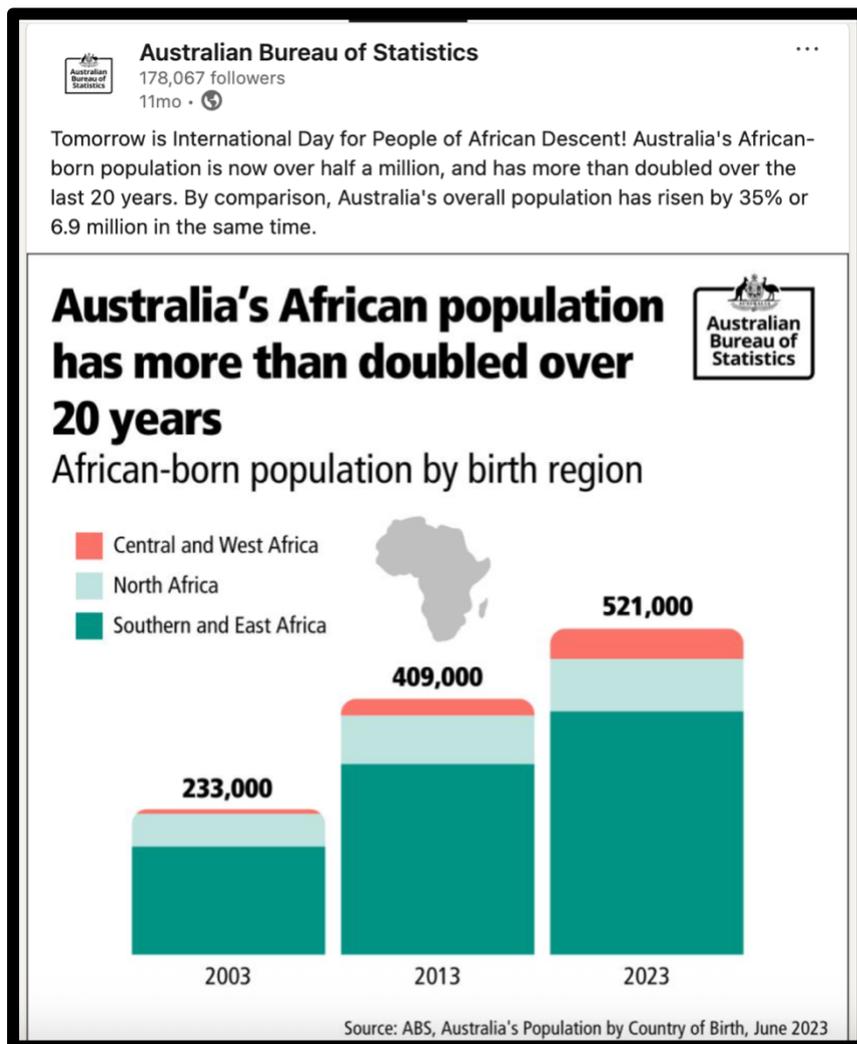
HUMAN RIGHTS ALIGNMENT

These reforms promote substantive equality, protect cultural expression, and reduce systemic barriers across education and the workforce, consistent with international human rights principles and national anti-racism policy directions.

CONCLUSION

Hair-based discrimination is a predictable, preventable form of racial harm that begins in preschool and shadows Black women into their careers. NSW can lead the country by naming it, banning it and building practical systems, policies, training, inclusive products and clear remedies that let every child learn and every woman work without altering who they are.

Hair discrimination affects far more Australians than many realise. According to ABS data, the African-born population in Australia has more than doubled over the past 20 years, now exceeding 500,000 people (over half a million!!). This growth underscores the urgency for NSW to provide clear protections and inclusive policies that reflect the diversity of its communities.



ENABLE WOMEN AFRICA (EWA) supports the publication of this submission.

Contact:

Gloria Tabi

Founder/CEO of EWA

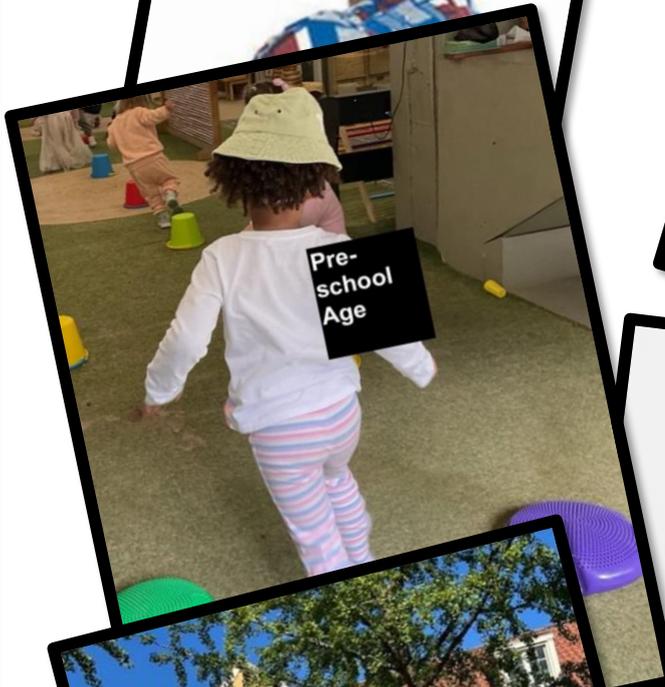
Researcher of Race, Racism & Anti-racism

Western Sydney University

Executive members of EWA

1. Gloria Tabi, Founder/CEO
2. Gill Dunn, Secretary
3. Bernard Baffour, Treasurer
4. Amanda Joseph

IMAGES TO ILLUSTRATE POINTS RAISED



LIVED EXPERIENCE EXPLAINED No.1

By: **Saskia Powell**

“Throughout my 14 years of working in Australia, I have repeatedly experienced both microaggressions and overt acts of discrimination related to my natural hair.

On a micro level, former managers and colleagues have made negative comments when I wore my hair out, told me to “fix my hair,” or insisted I pull it into a slick bun to appear “professional.”

Requiring heavy gels and tension, causing frequent tension headaches and migraines. I was told my hair looked “better” when wearing a straight wig, and with constant use, they cause tension alopecia and has done to many of the women in my family.

Co-workers have touched my hair without consent, compared me to animals or fictional aliens, and made remarks about my hair being “weird.” These daily microaggressions were deeply damaging and left me feeling excluded.

The most serious incident occurred when I wore neat, protective braids. I was instructed to remove them and return to a bun, as my braids were deemed outside of “uniform standards.”

I explained the cultural and protective significance of braids, provided evidence of professional figures across industries wearing them, and made a case for inclusion.

Instead of creating space for education, the issue was escalated to a statewide organisational vote, where the conclusion was simply that my hair was “not professional.” With no room for dialogue or change, I was forced to remove my braids under the fear of losing my job.

Policies that define professionalism through the lens of straight hair are discriminatory. They not only exclude Black women but also send a damaging message that their natural selves are not acceptable.

Change must start with policy reform that protects natural and protective styles, ensuring dignity, equity, and true inclusion in Australian workplaces, so that Black women and girls can participate in workplaces and schools without being forced to compromise their health or identity”.

IN NEWS

ABC Everyday / By Bakri Mahmoud Oct 2018

[Why can't I be myself?: Black women reject racism and embrace their natural hair](#)

SBS / By Maani Truu, July 2020

[A campaign is calling for NSW schools to stop discriminating against afro and braided hair](#)

LIVED EXPERIENCE EXPLAINED No.2

By: Dr. Berhan M Ahmed

CEO | Africause youth & Community service

Dr. Berhan M. Ahmed has dedicated decades to working with Black African Sudanese Australians

“Dear Gloria,

Thank you for your powerful and inspiring message, and my apologies for the delayed reply; I was unwell with the flu and out of action for a little while.

Your advocacy on hair discrimination speaks directly to the lived realities of our community, and I deeply appreciate the way you are pushing this issue forward. If I may add, racism is not only experienced in schools and workplaces, but also in how Africans struggling with mental health, substance abuse, and homelessness are treated. Too often, they are dehumanised and dismissed as “dirty” because of their skin colour, and the silent systems of neglect mean that help is rarely offered.

These experiences show why the Anti-Discrimination Act review is such an important moment. It is a chance to ensure our voices are not only heard but also reflected in lasting legal protections that safeguard dignity, identity, and humanity in all forms.

Thank you again for your leadership through Enable Women Africa, and please count on my support as we work together to bring these systemic issues into the light”.

Warm regards,
Dr Berhan Ahmed

Dr. Berhan M Ahmed
CEO | Africause youth & Community service
Victorian Australian of the Year 2009
Adjunct Professor, The University of Melbourne and Victoria University