

Telling Employees “What Not to Wear”

In the tumultuous sixties, employers and employees often clashed over long hair and tie-dyed shirts. Today, a workplace dispute may occur over piercings or skin art.

What is at stake? Essentially, the rights of employees to look and dress as they please versus an employer’s desire to maintain a professional appearance.

Background: Under Title VII of the Civil Rights Act of 1964 and subsequent amendments, dress and grooming codes that are discriminatory can cause legal complications. The key is to set up a company policy that relates to either health or safety in the workplace or the company’s public image.

The basic guideline is that management may set a reasonable policy for dress and grooming. It may also be possible to establish separate rules for men and women. But be aware of these three key points:

1. The company must have some legitimate business purpose behind its policy. For example, it would be unreasonable for most manual laborers to be required to wear suits and dresses.
2. Be sure all employees are advised of the policy. The policy should be included in a written employee manual. If there is no manual in place, now may be a good time to create one.
3. Make the policy as fair as possible. For instance, allowing one gender to come to work dressed casually while the other has to wear uniforms may be considered unreasonable. Consider special situations such as religious affiliations.

Caution: Using common sense is important. If the policy is reasonable under the circumstances, it should be able to stand up to any legal challenges.