

What do we need to know before implementing a mandatory dress code?

Q. Are we free to institute any mandatory dress code that we'd like?

A. Mandatory dress codes have been creating issues for employers for years. Studies show a direct relationship between appearance and success in the workplace—not only for individuals, but for employers as well.

Wanting to project a certain image is an integral part of doing business, but it can present practical and legal problems. Dress and appearance codes can lead to union grievances, unfair labor practice charges, costly lawsuits and negative publicity.

In recent years, companies have paid millions to settle claims brought by employees claiming that appearance-based hiring practices and policies discriminated against women and minorities.

Whether your business is a professional sports league, retail clothing chain or anything in between, your dress and appearance code may raise several legal issues.

As long as employers keep a few simple rules in mind, employee dress code and appearance issues should remain manageable. We suggest the following principles:

- **Create a policy based on business-related reasons** (e.g., to present a professional appearance, to promote a positive working environment and limit distractions, and to ensure safety while working). Explain your company's rationale in the policy so employees will understand the reasons for the restrictions.
- **Require employees to have an appropriate, well-groomed appearance.** Dress and appearance codes should not overly burden one gender or the other.
- **Communicate the policy** through handbooks or memos. Be sure to explain the policy to job candidates.
- **Apply the dress code uniformly** to all employees. However, be prepared to make exceptions if required by law. Do not make employment decisions on gender-specific behavioral expectations, and do not tolerate behavior by one gender but not the other.
- **Make reasonable accommodations** when situations require an exception. Be prepared to accommodate requests for religious practices and disabilities in particular.
- **Apply consistent discipline** for dress code violations.
- **Review contract terms** to determine bargaining obligations before implementing any new dress or appearance policies if your company is subject to a collective bargaining agreement.