



October, 1999

## Successful Handling of Employee Dress Code Issues

Your consultant remembers the days when white shirts and ties, shop uniforms and dresses for the female office employees were taken as a matter of fact, on how you dressed for work. But times do change including our own tastes and means of expression when it comes to work attire. I think about the call received from a distributor owner a few months ago. Seems one of his employees showed up to work with seven earrings strategically piercing his face. This manner of appearance was totally unacceptable especially considering that the employee was a driver having extensive customer contact. He was told, in a proper manner, that his appearance detracted from the professional and positive image the company wanted to convey with the public. The earrings would have to go or the employee would be assigned to another job, if available. The employee complied. Or, consider the following:

### A Sample Case Study

---

Betty had all the qualifications to make a great receptionist. She was intelligent and personable. Unfortunately her choice of dress was not exactly in keeping with the company's conservative image.

"That outfit you're wearing may be perfectly acceptable for a cocktail lounge. But it's totally out of place in a business office. Please go home and change immediately," the office manager said to Betty.

"There is absolutely nothing wrong with this dress. Several customers have even complimented me on it. Besides, no one ever told me this company had a dress code."

"We always left 'dress' to the good judgment of the employee. In your case, it appears that stronger action is necessary. So I'm telling you to change that dress immediately."

"And I'm telling you there is nothing wrong with it and. I'm not going to change it."

### The Solution:

An employee wears an inappropriate dress to the office and refuses to go home and change when she's confronted by her supervisor. On the surface, this would appear to be a clear case of insubordination. A little scratching below the surface, however, may uncover the fact that this employee had a good case, particularly if she were fired. Not having a written dress policy sends a clear message to employees that the company does

not consider it to be important. In effect it says "use your own judgment," a dangerous assumption considering some of the outfits that are worn today.

Strategy: In absence of a written dress code, the supervisor would be wiser to take a more tactful approach, such as, "That dress is probably appropriate for some occasions but I'm afraid that work isn't one of them. Would you please not wear it again." Of course, if the outfit is completely outlandish, the supervisor would be justified in asking the employee to go home and change. In most cases, a short, private conversation will be all that's necessary. Meanwhile, the company should take steps to write a dress policy. If there is a dress code in effect, the supervisor has the right to enforce it immediately.

When a distributor imposes a dress policy, there are a few factors to consider:

- the dress code should be clear, unambiguous and consistently enforced.
- it must be directly related to business needs
- it must be communicated to all employees
- it must not involve any offensive or demeaning stereotypes, e.g., requiring women to wear uniforms while allowing men to dress as they wish.

Distributor policies also do not have to be lengthy or complex when addressing dress code issues. The following sample policy recognizes that proper dress is primarily a matter of good judgment based on safety and company image concerns. Also, it tries to avoid the personal bias a supervisor might show in the absence of a policy.

#### **XYZ Company Dress Code**

Employees are expected to dress appropriately for the job. In determining what employees will wear, the following factors will be considered:

1. The nature of the work.
2. Safety considerations, such as necessary precautions when working near equipment, chemicals or hazardous waste.
3. The nature of the employee's public contact such as customers, and the normal expectations of outside parties with whom the employee will work.
4. The prevailing practices of other workers in similar jobs.

When an employee's dress does not comply with established standards, the normal response will be to discuss the matter with the employee. If continued counseling fails to bring the desired response, the supervisor may initiate disciplinary action. The supervisor may send the employee home to change when their dress is blatantly controversial or unacceptable.

## Some Final Supervisory Tips . . . .

1. Don't expect employees to conform to your personal taste where dress is concerned. But you have a right to enforce dress codes that are based on safety, and directed at protecting the company's interest, or are required for business reasons to enhance the company's image.
2. Remember to be tactful when handling dress questions based on religious beliefs. Avoid criticisms that can sound even harsher when replayed in court. Still, if a company is able to prove that employee safety is at risk, most courts would not uphold a religious discrimination charge.
3. Enforce every dress rule that has a safety connection. For instance, no court would uphold an employee's right to wear a turban in a hard hat area.
4. Use the same rule of thumb that the courts do when evaluating a dress code policy based on public image: Does the attire of the employee act as a discredit to the employer? If not, the supervisor should be extremely careful about enforcing a dress code, no matter how out of the ordinary the outfit might be.
5. Don't change the rules in a band-aid fashion just because it suits your purpose. To be considered fair, the rules must be consistent.
6. A tactful comment to an employee in a borderline case may be all that's necessary. Make sure you deliver it in private, and make a favorable comment when the employee shows up in more appropriate dress.
7. Use disciplinary action when it is required, but only after proper warning is given. If the employee violates the dress code again, send him or her home to change.

As always, your Human Resource Consultant encourages distributor managers to call when touchy dress code issues arise in the workplace.

Dan Golombieski  
NWSA Human Resource Consultant  
**J.L. Nick and Associates, Inc.**

4934 Peach Street  
Erie, PA 16509

(814) 864-4052 (Voice)  
(814) 864-1283 (Fax)  
[jlnick@erie.net](mailto:jlnick@erie.net) (E-mail)