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**Blog article by Jacqui McKee, Director of Advice and Compliance**

## **Workplace dress codes: what to wear at work?**

Should employers have rules about what their employees wear to work? Blog article for employers by Jacqui McKee, Director of Advice and Compliance at the Equality Commission NI

Recent stories in the media have raised the profile of the issue; from the woman sent home for refusing to wear high heels to the recent European Court of Justice decision allowing employers to ban the wearing of visible religious symbols. Employers could be forgiven for thinking it's all a hornets' nest.

Jacqui McKee We recognise that there can be good business reasons for employers to specify the wearing of a uniform or a corporate style and that there may also be specific health, safety and hygiene requirements which impact on dress codes.



But we also want to ensure that employers are aware that there may be equality implications of employer dress codes. We have therefore published new online guidance on the equality and anti-discrimination aspects of specifying a dress code for your organisation.

Importantly, workplace dress code requirements must be fair, proportionate and nondiscriminatory. They should relate to the job, be reasonable in nature and there should be fair and clear reasons for dress and appearance requirements, especially where they are restricting or enforcing what an employee may wear. As with all workplace policies, dress codes should be communicated clearly to employees and applicants and should be consistently applied and regularly reviewed.

Employees should be attentive to difficulties that may arise if they impose the same requirements on all of their employees. Such a dress code may indirectly discriminate against employees on the basis of one of the protected equality groups.

## **Common sense**

Sometimes media coverage of cases does not pick up the nuance of specific court cases. For instance, while the recent ECJ decision ruled that a dress code policy that bans any visible signs of their religious, philosophical or political beliefs and which is applied consistently could be legitimate, so long as it was strictly necessary it did not say that employers could as a general rule ban the wearing of religious symbols. What we recommend is a common sense approach and seeking accommodations with employees where necessary. Any restriction governing items that are worn for genuine religious reasons, such as crosses, crucifixes or the hijab, should be connected to a real business or safety requirement or you may find yourself discriminating against your staff on racial or religious grounds.

As an employer, you also need to be mindful of the possible difficulties someone with a disability might have in complying with your dress code, and be fully prepared to make reasonable adjustments for a disabled person.

As far as standards of dress or appearance for men and women are concerned, your dress code can impose different standards on the sexes, but one should not be more onerous to observe than the other, and there may be issues of comfort and safety which again should be applied consistently to men and women. It's important to remember that your dress code has to be appropriate for or adaptable to suit pregnant workers.

Political opinion is covered under the equality legislation in Northern Ireland in the same way as religious belief. Most employers here have dignity at work policies which generally restrict the wearing of anything that could militate against a good and harmonious working environment, for example, the wearing of some sportswear in the workplace.

As well as online guidance on all these issues at [www.equalityni.org/dresscodes](http://www.equalityni.org/dresscodes), we can advise you directly by phone 028 90 890888, email [edenquiries@equalityni.org](mailto:edenquiries@equalityni.org) or you can sign up for our free employer ezine (see ECNI Newsletter subscription below or email [ezine@equalityni.org](mailto:ezine@equalityni.org))