



The Illustrated Worker: Tattoos, Body Piercings - What's an Employer To Do?

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The increasing popularity of "body art" – in the form of tattoos and piercings – is providing challenges for employers in every industry and profession.

Although some employers, particularly in traditionally creative fields, may encourage employee displays of body art as a form of self-expression, many others worry that their employees' visible body piercings and tattoos may be off-putting or even offensive to customers, investors and the public at large.

What is an employer to do? Those with too-stringent grooming and dress code requirements risk driving off talented employees and hurting employee morale, while at the same time, an employer may have legitimate concerns that an employee's mode of self-expression will offend clients.

Employers have wide latitude to establish dress and grooming policies under the law, but it also makes sense to consider the underlying reasons for appearance requirements before implementing a strict policy. Obviously, not all positions require traditional business dress and not all positions involve interactions with customers or the public. This means that strict grooming and dress policies prohibiting all displays of tattoos and piercings may be unnecessary, and perhaps demoralizing, to a growing segment of employees.

Employers must also consider how to respond if an employee asserts a right to a particular tattoo, jewelry or hairstyle on religious grounds. You cannot treat employees or applicants more or less favorably because of religious beliefs or practices. In fact, you must accommodate employees' sincerely held religious practices, unless doing so would impose an undue hardship.

No matter how employers deal with these issues, applicable policies should be clearly stated in writing and readily available to all employees. While employers still retain wide latitude, practical, social and legal factors are requiring more careful consideration of such requests that might have been readily (and safely) dismissed several years ago.

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