

DO'S & DON'TS OF DRESS CODE CREATION & ENFORCEMENT: PIERCINGS, TATTOOS & MORE

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There is no question that tattoos, body piercings and other forms of self-expression have become commonplace in modern society, especially amongst Generation X. As a result, employers have to deal with these issues in the workplace, even in offices that traditionally have had conservative dress and appearance expectations such as medical offices

Although we as a society seem to have become much more accepting of individuals' choices for self-expression, we don't necessarily think that this is good for business. So the question remains, can an employer curb the limits of its employees' self-expression in the form of tattoos, piercings, extremes in dress, jewelry, and hairstyles at work without getting sued? The answer is yes! In fact, employers have a lot of control over the dress and appearance of their employees. The key is to carefully draft and consistently enforce a reasonable dress code.

There is no legal requirement for a dress or appearance policy. But, having such a policy in place before a tattoo, nose ring, haircut, or head covering becomes an issue allows you to defend claims of discrimination. More importantly, a well written policy can help protect a company's public image, promote a productive work environment, comply with health and safety standards, and even prevent claims of unlawful harassment.

A well drafted appearance policy should address all aspects of employee dress and appearance and should clearly explain that the company's professional atmosphere is

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maintained, in part, by the image it presents to its patients and vendors. Thus, the policy should state that all employees are expected to present a neat and well-groomed appearance.

Although employers are well within their rights to set limits and restrictions on employee dress and appearance, employers should be cautious of some potential pitfalls with such policies, including claims for gender, religion, national origin, race and disability discrimination claims. In this regard, employers should carefully consider employee complaints that the policy interferes with their rights.

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