



Mineral



Question of the Week

SEPTEMBER 14, 2022

QUESTION

Can employers provide feedback on a potential hire's or current employee's clothing? We're trying to decide how to approach appearance and dress in the workplace.

ANSWER

If an employee's clothing does not conform to your personal appearance rules or dress code policy, you can certainly let the employee know, ask them to change, and discipline them for violating the policy. Regarding job applicants, we would not recommend you comment on their clothing during the interview process. That said, if the job will entail wearing special or expensive attire, such as a tailored suit every day, we do recommend communicating that expectation in the job posting and during the interview. Informing a new hire that they'll have to drop hundreds or thousands of dollars on a new wardrobe after they've started would not go over well. The same goes for tattoos and piercings — applicants should understand your expectations ahead of time.

If you don't yet have a personal appearance or dress code policy, we recommend creating one. It should reflect your work environment and focus on a few points.

First is employee safety. Hazards in the workplace may necessitate that your employees wear personal protective equipment or specific attire (e.g., steel-toed shoes) or avoid other attire (e.g., sandals, dangling jewelry) that could pose a hazard around machinery.

Second is to ensure you're not creating a policy that is discriminatory. In some cases, a policy may seem neutral or reasonable, when in reality, it negatively affects a certain group of people. For example, requiring that women wear makeup, that men are clean-shaven, or that hair not be frizzy might sound like reasonable standards for "professionalism," but are all rife with discrimination. You'll want to make sure that any policy you write doesn't burden a particular gender, race, religion, or other protected class. You can learn more about protected classes on the platform.

Third, consider your company culture. Is your culture formal or casual? As the world moves to more casual wear, many employers are shifting in the same way, trusting their employees to know how to "dress for their day." On the other hand, the more formal your work environment, the more specific your dress code may need to be (in particular, if there are things you never want to see in the workplace, call them out). Either way, help your staff understand how formal or casual they should be dressed when they report for work, and don't assume that they know what you mean by "business casual."

Whatever your policy, remember that you'll have to enforce it consistently and address any violations.

This Q&A does not constitute legal advice and does not address state or local law.