

Inclusive Dress Code

Dress code and uniform can be integral for an organisation in upholding employer brand and image. Most organisations will have a dress code policy or uniform guidelines that employees must adhere to; however, lack of flexibility or consideration of all protected characteristics could be exclusive or even discriminatory in their practices. This factsheet explores the considerations for creating an inclusive dress code policy.

What is a dress code policy?

A dress code policy is a set of guidelines to ensure employees know what is expected and appropriate to wear for work. This may differ by job role and/or industry and may include styles such as 'business formal', 'business casual', 'casual', and/or 'uniform'.

Considerations for an inclusive dress code policy

A dress code policy must be inclusive, allowing employees to express their identity without fears of repression or unsafety. An inclusive dress code policy can ensure employees feel they belong and are accepted within an organisation, and it is recommended an Equality Impact Assessment is used to ensure the policy is not excluding or unlawfully discriminating of any protected groups.

Health and Safety implications may be taken into consideration for industries such as construction, healthcare, and hospitality, as well as brand image and appearance for customer service roles, however they must be reasonable and applied equally to all. Allowing some degree of flexibility for decisions to be made with support of the policy, can ensure all employees are treated equally and fairly based on any protected characteristics. Any objections to the policy should be considered on an individual basis, and flexibility in application of the policy can allow for reasonable adjustments and individual circumstances to be considered.

Dress code policy and the protected characteristics

Disability

Disabled employees and employees with health conditions may need to wear certain clothing to be able to manage their conditions. For instance, individuals may need to access certain areas of the body for injections or may require more freedom of movement. It is important to consider disabled people when creating a policy to ensure they can continue to wear clothing that supports them, which will not impact their disability, and reasonable adjustments must be made if required.

Example: Some employees may need slide on shoes rather than laced as they may be unable to bend down easily to tie their laces and/or be able to tie their laces due to limited or restricted movement in their hands.

Race & Ethnicity

In terms of appearance and grooming, telling Global Majority employees to have their hair a certain way can be leaving them with no option or more expensive options. Expecting Global Majority employees to adhere to European beauty standards is discrimination.

Example: Telling a black employee that braids are prohibited as they are not deemed professional in a dress code policy means that, their own hair or culture is not acceptable. It is important to give people the freedom to decide how to wear their hair.

Religion & Belief

Similar to above, requiring staff to wear or not wear certain items of dress, or to dress/present in a certain way, could give rise to direct or indirect discrimination on the grounds of Religion & Belief.

The Government Equality Office (2018) have put together guidance on dress code and Religion & Belief discrimination which states that:

“The UK is an integrated and cohesive society with a proud tradition of religious tolerance within the law, and employers should be flexible and not set dress codes which prohibit religious symbols that do not interfere with an employee’s work.”

(Government Equality Office, 2018)

Employees should feel that they can practice and observe their faith and religion without fear of discrimination, and how they observe their faith and religion could be reflected through their choice of wear. For example, some people may wear long sleeves so as to cover their arms, or wear headwear such as a kippah for Jewish people, a turban for Sikhs, a hijab for Muslim women, or even wear items of jewellery such as a crucifix necklace for Christians or have a nose ring piercing for Hindu women.

Hair length and facial hair can also be an important element linked to identity for some religions. It is important that this is respected in a dress code, as asking someone to cut their hair a certain way or be clean shaven could also be an act of discrimination.

Any restrictions of the above must be based on a real business need and/or on health and safety grounds, with clear justification. Reasonable adjustments could be considered depending on an employee’s role within the organisation and should be based on individual circumstances.

Sex / Gender

The Government Equality Office (2018) have put together guidance on dress code and sex discrimination which states that:

“Dress codes can be a legitimate part of an employer’s terms and conditions of service. There are different ways of achieving a professional “look” among employees, but it is important that a dress code does not discriminate, for example, by allowing both men and women to wear trousers in the workplace.”

(Government Equality Office, 2018)

According to government guidelines, dress policies for different genders do not have to be identical, however, the standards imposed should be equivalent. This means there must be similar or equivalent expectations for employees of all genders.

While government guidelines are very traditionally binary and specific to 'male' and 'female' wear in their language, consideration should also be given to transgender and non-binary employees. Language used in a dress code policy must be inclusive of all genders and employees should be allowed to wear clothing that best suits their gender identity. For example, non-binary colleagues should be allowed to wear clothing that best aligns with their gender identity and sense of self and should not be assigned particularly items of clothing based on assumption.

Employers have a duty of care towards their employees to ensure they feel safe in the work environment, and employees must not be subjected to harassment by colleagues and/or customers. It is therefore essential to have safeguarding policies and procedures in place to protect employees from discrimination.

There are some great examples of organisations relaxing their dress code guidelines to allow for more freedom and flexibility of gender expression – see [Virgin](#) and [Disney Parks](#) as recent examples.

For transgender people, their gender identity (the gender with which they identify with) is not the same as the sex they were assigned at birth. Many will undergo the process of aligning their life and physical identity to match their gender identity, and this journey is called transitioning. Transitioning relates to an individual who proposes to go through, is going through, or has gone through a process, or part of a process, to change their gender. This does not have to involve any medical supervision.

Transgender employees should be allowed to wear attire they feel matches their gender identity. If there is a staff uniform, they should be supplied with the choice of all available clothing to allow them to choose the uniform in which they will feel most comfortable. It is essential to let the employee decide what works best for them, as opposed to making assumptions or forcing employees to wear clothing they feel uncomfortable wearing.

For those who are transitioning, their choice of uniform may change throughout their time as an employee, and their request for different items of uniform during or after their transition should be accommodated.

Grooming / make-up and expectations of appearance should not place a higher disadvantage for those of a certain gender. While it may be acceptable to have requirements for brand image, these requirements must be health and safety compliant, reasonable, applied equally, and not indirectly discriminate against other protected characteristics such as Religion & Belief and/or Disability.

Other dress code considerations in relation to Sex / Gender may be for those experiencing the menopause and those who are pregnant (which is also related to the protected characteristic of Pregnancy & Maternity). Again, flexibility and guidelines such as what clothes can be worn, looser / more relaxed clothing options, or whether an employee can purchase their own clothing (and whether this may be reimbursed) can be helpful.

Dress code policy: going beyond the protected characteristics

Socio-economic status

Employees from lower socio-economic backgrounds may find it difficult to cover the cost of uniform. Providing free uniform or an annual uniform allowance can help to cover costs and alleviate the risk and challenges of employees having to use money from their own salary/wages.

When employees are invited to formal events with a black-tie dress code, again, consider covering the cost of clothing hire or providing an allowance to help alleviate the cost of the event. This could be a huge benefit to employees who may not be able to afford the purchase of new clothing / expensive smart dress and could be the difference between them attending or not attending an event.

Other considerations can also include dress up / dress down days, training days, team away days and the expectation around these and whether uniform could also be a choice of wear on these days, as this may be an easier and cheaper option.

Tattoos, piercings, hair colour, and jewellery

Consideration and guidance must be given within a dress code policy on all the above, as while some employers may have rules in relation to brand, professional image, and health & safety regulations, employers must be careful that it does not discriminate on the grounds of a protected characteristic.

Tattoos (and henna), piercings, and jewellery, may fall under the protected characteristic of Religion & Belief. Employers should also consider the reasons for not allowing the above and consider the impact this may have on current and prospective employees and whether the reasons for not allowing any of the above relate to a true business need and are justifiable.

Lanyards and badges

Some organisations provide lanyards for employees to wear as it can be an item which ensures the employee is easily identifiable as part of their dress code or uniform and can also be used for security reasons.

If a lanyard is not provided, consider whether employees can wear their own and if so, implement guidelines as to what is or is not acceptable.

Employees may also choose to display badges on their lanyard (which may relate to a staff network group, trade union, political beliefs, and/or include their pronouns). Again, if any of these relate to a protected characteristic, consider the regulations around this, and if they do not relate to a protected characteristic, provide guidance in relation to what is or is not acceptable to wear, and the reasons for this.

Conclusion

When creating an inclusive dress code policy, it is important to include a note within the policy regarding trust and to ensure line managers have received the correct training regarding the policy to avoid any discrimination claims, and ensure all employees are treated individually. A dress code policy should not directly or indirectly discriminate against any protected characteristics.

Top tips for employers

Below are some top tips for when implementing / updating an inclusive dress code policy:

- Ensure the policy does not directly or indirectly discriminate against any protected characteristics by using an equality impact assessment
- Carefully consider health and safety, brand, and professional image implications
- Keep language within the policy gender neutral
- Include a note within the policy regarding trust and ensure line managers have received the correct training regarding implementation of the policy to avoid any discrimination claims and fair treatment across the organisation
- Allow for flexibility and reasonable adjustments dependent on individual circumstances
- If the guidance does not relate to a protected characteristic, ensure any reason for a rule is appropriate, reasonable, and can be justified as a real business need by the organisation (for health and safety reasons etc.)
- Consult with staff networks, policy working groups etc. and seek out feedback in relation to the policy and what impact this may have on those with protected characteristics
- Consider how the policy may impact different areas / teams within the organisation as well as current and prospective employees
- Review and update the dress code policy regularly to ensure it is current and up to date with current legislation and societal norms

Resources:

<https://www.acas.org.uk/archive/dress-code>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/709535/dress-code-guidance-may2018-2.pdf

<https://www.davidsonmorris.com/work-uniform-laws/>

<https://www.hrdept.co.uk/blog/employers-need-know-enforcing-dress-code-work/>

<https://app.croneri.co.uk/topics/discrimination-and-equality-appearance-and-dress-codes/how-implement-dress-code?topic=3975>

<https://www.aspiringtoinclude.com/jobseekers/faith-and-religion/dress-code-and-religious-discrimination-in-the-workplace/>

<https://www.equalityhumanrights.com/guidance/religion-or-belief-workplace/religion-or-belief-dress-codes-and-religious-symbols>

<https://www.aspiringhr.com/news-and-stories/employee-dress-code/>

<https://www.forbes.com/sites/micahsolomon/2015/01/12/how-rethinking-employee-dress-codes-tattoos-and-piercings-improves-customer-service-and-the-customer-experience/>

<https://www.personneltoday.com/hr/tattoos-in-the-workplace-dress-codes-hair-piercings/>

<https://www.indeed.com/hire/c/info/inclusive-dress-code-policy>

<https://everfi.com/blog/workplace-training/5-crucial-components-for-creating-an-inclusive-dress-code/>

<https://www.g2.com/articles/dress-code-policy>