



# Recruitment Industry Update

## February 2017

### DRESS CODES



As a member of the REC, Recruitment & Employment Confederation, we are committed to keeping up to date with industry news and, as such, have put together a brief update for you too. We hope you find it useful.



We've seen a lot of media coverage about workplace dress codes, following a report\* published by the parliamentary committees for Petitions and for Women and Equalities. The report outlines how discriminatory dress rules at work are banned under the Equalities Act 2010, but says that in practice the law is not applied properly to protect workers of either gender.

This is the latest instalment in a long-running debate about what is and is not acceptable. As REC members, we have a responsibility to understand the legal requirements and to provide sound advice.

#### WHAT IS A DRESS CODE?

Many businesses want to portray a particular corporate image, which can mean imposing restrictions or requirements on what workers wear. Specific requirements may also be imposed for health and safety reasons.

Dress codes will include clothing and footwear, but can also extend to jewellery, hair length or style, beards, tattoos and piercings.

#### DISCRIMINATION LAW

A business has wide discretion about the dress code it imposes, but it should ensure that its dress code does not directly or indirectly discriminate against any worker on the grounds of one of the nine protected characteristics set out in the Equality Act 2010.

Attention should be paid to sex, gender reassignment, religious, race and disability issues. EHRC has published a Statutory Code of Practice on Employment\*\* which includes a section on dress codes to assist you.

Rules about appearance will not be discriminatory simply because they impose different restrictions or requirements on men and women, provided they are of a common standard of smartness or conventionality, with neither gender treated unfavourably.

#### DRESS CODES REQUIRE A BUSINESS CASE

Dress code must reflect legitimate business needs or health and safety requirement. There are key questions to determine whether a business case exists:

- **What are the business reasons for imposing the particular restriction or requirement?**
- **Can the business' aims be achieved irrespective of its dress code or by alternative means?**
- **Should the restriction or requirement apply to all workers or can it apply only to customer facing roles?**
- **Will the requirement create a health and safety issue?**

Wearing high heels can cause a number of health issues and so a business requiring them could find the requirement exacerbates an existing health problem or leads to a new one over time.

#### IS YOUR DRESS CODE UP TO THE JOB?

If your business cannot demonstrate that its dress code reflects legitimate business needs or health and safety requirement, then it could be found to discriminate if it refuses to engage someone with braids or who wishes to wear a piece of jewellery which demonstrates their religious faith.

Even if there is no discrimination claim, you will wish to avoid your reputation being discussed on social media at the very least.

As a recruitment consultancy, we may ask questions and push back if necessary, but we will always put forward the best candidate.

**If you would like any further information on this or any other recruitment issue please call us on 01482 650399**

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\* <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmpetitions/291/291.pdf>

\*\* <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>