



# Dress Codes And Appearance Policies - A Practical And Legal Guide For The Dental Office

Publication

11.01.13

No law requires an employer to maintain a dress/appearance policy. But for good business reasons, many professional workplaces choose to adopt a policy. A well-written policy can help protect your office's public image, promote a productive work environment, comply with health and safety standards, and even prevent claims of unlawful harassment and discrimination.

## Draft an effective policy

The goal of the policy should be to state your company's expectations while preserving your flexibility to make decisions. A well-drafted appearance policy should address all aspects of employee dress and appearance and explain that the company's professional atmosphere is maintained, in part, by the image it presents to its patients, visitors, and vendors. The policy should require that all employees present a professional, neat, and well-groomed appearance.

But how do you define "professional," "neat," and "well-groomed?" Deal with the specifics — define what you expect in terms of clothing, shoes, uniforms, jewelry, and perfumes, as well as the placement, number, and content of tattoos and other body art. Address the extremes in dress, such as clothing that is too baggy or too revealing. Finally, inform employees about the consequences if they report to work in violation of the policy. Will they be sent home to change? Will they be paid for that time?

## Tattoos, body art, and piercings

There is no question that tattoos, body piercings, and other forms of self-expression have become commonplace. Although society seems to have become much more accepting of individuals' choices for self-expression, it may not be a good idea for a professional office. Although some are hesitant to do so, employers can set limits on self-expression in the form of tattoos and piercings, and extremes in dress, jewelry, and hairstyles. The key is to carefully draft and consistently enforce the policy.

One option is to prohibit visible tattoos and multiple body or facial piercings. Some employers have found this provision too strict and have adopted less stringent policies. Even employers that permit body piercings or tattoos may find it necessary to set limits. Your policy should clearly spell out what is permitted. If you permit the display of tattoos, you might prohibit the display of sexually graphic, violent, or otherwise offensive tattoos, or you may require that employees limit the number of visible

tattoos.

### **The legal limits**

Although employers are well within their rights to set limits and restrictions on employee dress and appearance, be cautious of some potential pitfalls with such policies, including claims for gender, religion, national origin, race, and disability discrimination. Employers should take seriously any employee complaints that the policy interferes with their legally protected rights.

In recent high profile cases, employers have faced expensive lawsuits from employees claiming the employer interfered with their religious beliefs when they prohibited the wearing of certain religious items such as hajibs. Employers must consider how to respond if an employee asserts a right to a particular tattoo, jewelry, or hairstyle on religious or other protected grounds. You cannot treat employees or applicants more or less favorably because of religious beliefs or practices. And you must accommodate employees' sincerely held religious practices, unless doing so would impose an undue hardship.

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