



Understanding Dress Code Liabilities



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Understanding Dress Code Liabilities

If you are in the human relations department and your company has had the occasion to implement a dress code, then you have likely gone through many different stages of administration. The dress code of a company has many implications for its employees - religious, sexual and emotional. No matter what you do, you will likely make someone angry.

The best that a human relations employee can do when he or she is responsible for implementing and enforcing a company dress code is to exercise discretion and leave room for flexibility without allowing the employees of the company the ability to completely cast the rules away. This is no easy task and riding this line is the essential skill of human relations.

There are many liabilities as well as advantages of a company dress code. This article will focus on the liabilities of the dress code because of the negative implications that these liabilities may possibly have on workforce productivity as well as litigation against the company. The article will also focus on how a human relations employee can more easily navigate the shark infested emotional waters of the personal feelings of the employee.

Learning the Limitations on a Dress Code

There are definitely societal rules, both written and unwritten, that dictate what a company may and may not do with its dress code. Public politics do not stop at the door of the private business, and the dress code is no exception. As a matter of fact, the dress code is one of the most sensitive political issues that a human relations employee will ever have to deal with.

The Religious Implications of Implementing a Dress Code

Under law, there can be no private dress code that infringes on the religious beliefs of any employee. This law is not stated directly as a single entity protecting religious expression in private employment; however, many legal experts agree that there are many laws regarding the subject that are written in such a way that any employee who feels that his or her religious beliefs are being infringed upon by the dress code of a private company and is censured for it may be able to obtain recourse within the court system. As such, it behooves the human relations department to steer clear of any rules of dress which may inhibit anyone from expressing a religious belief that is tightly held.

It is sometimes best to take an assessment of the religious affiliations of employees before making large or sweeping changes to a dress code. Although employees do not have to reveal their religious affiliation when giving their basic information for employment, a human relations director can unofficially obtain this information by saying that obtaining is for the good of the employees, which it is. This information grab should also be completely voluntary with no censure for any employee who does not wish to participate.

Although there can be no precise assessment of the social politics at any particular time that can be generalized in a white paper, suffice it to say that the best human relations employees will have a knowledge of the protected classes within society and make special pains to avoid offending them during any changes in the rules of dress within a company. This can be a tight business, especially when sexual implications are included in the discussion.

The Sexual Implications of Implementing a Dress Code

Human relations employees must face facts: Men and women are treated differently at the office and in the justice system. Although a human relations employee must remain neutral, it is never a bad thing to admit the political truth of a situation in order to create a stable and fair dress code for everyone in a company regardless of sex, religious affiliation or personal feelings. With this in mind, the human relations department should take great pains to ensure that both sexes are allowed to express themselves without offending the other.

There is a fine line between being stylish on the job and being sexually provocative. Each and every company must decide where this line is for itself within the compliance of government precedent. It behooves a human relations department to see exactly where the wind is blowing in regards to recent cases involving the dress code of a private company in the case of women.

A human relations professional must navigate the dress code based not only on government scrutiny, but also on the fashion that is common within the industry of the company. For instance, in a Wal-Mart, men and women can dress the same and there should be very little complaints from either sex; however, in a law firm or in a marketing company, women should be allowed to indulge in the business fashion of the day without being told that they are infringing on the rights or on the "feelings" of the opposite sex. The rules that a private company implements should take all of these qualitative values into account. It should also be open to change based upon the new fashions that become common in the market.

Men's fashion tends to be much simpler even in higher level business; however, this does not mean that the dress code of the company should be written with only women in mind. Men should be able to work in the office without becoming distracted by the way that women dress in the office. The more lax the dress code, the more likely that the company will have potential problems between the sexes. In this way, the dress code should be very precise in general while leaving room for individual case by case analysis by the human relations employee should there be any kind of disagreement that is not cut and dry. Because the human relations department should be in charge of writing the policy, there should be no problems with creating this kind of a rule set.

The Emotional Implications of Implementing a Dress Code

Once you have created a policy that takes into account the religious and sexual liabilities that the company will have to undergo, a human relations employee must consider the much vaguer notion of emotional implications: Some employees just like to dress a certain way. There are different cultural beliefs between age groups as well as between geographical regions. All of these things should be taken into consideration as the human relations employee that is responsible for the writing of the dress code accumulates personal information about the employees that are in the company.

Perhaps the most important aspect of the emotional implications of administering a company dress code is the productivity of the individual vs the productivity of the entire workforce. Although this will be discussed in depth below, the major factor that a human relations employee should recognize is that not everyone is going to be happy at the same time.

Studying Productivity and the Dress Code

There have been many studies from reputable research organizations such as Harvard, Northwestern and Brown Universities, among others, which have studied the effect of dress code on everyone from elementary school students to high end professionals. What most of them have found is that there is a point at which an inhibiting dress code inhibits performance; however, there is definitely such a thing as too much freedom.

The studies are too numerous to list here, and any interested parties should simply Google the topic and find the information that is readily available online. However, to summarize the findings, the line that a human relations department should endeavor to ride in a business environment has to do with a very quantitative measure that can be mathematically deduced (with the resources of a high end research lab). Barring this, a human resources department will have to use its instincts as well as its ability to quantify the psychographics of the office. Below are a few guidelines for your department.

1 - Be sure that your dress code guidelines more or less adhere to the standard of the industry that your business is in.

You must give your employees the chance to compete in the marketplace, especially if your company is in high end, enterprise level work where style is as important as substance. If your employees must outreach to other companies or to the general public, you will need to be a bit more lax.

If your employees require creativity to succeed at their work, then the dress code is a part of that creativity. You must find the balance that allows your employees to express themselves without offending others around the office.

2 - Give your employees latitude to make their own standards.

Before you rule down edicts from on high, you should ask your employees what they consider to be appropriate attire for the office. Even better, if you simply observe the standards that your employees give themselves, you can step away from the role of creating hard and fast rules and stick to simply arbitrating disputes between individuals.

Once you have determined the internal standard that your employees have created for themselves, then you must determine how appropriate those standards are for the industry that your business is in. If there is a mismatch, bring it to the attention of your employees under the umbrella of productivity within the market rather than something that must be done for no reason. Giving your employees the reasoning behind any dress code rules that you must pass down will save you from those rules becoming a liability. Employees will understand why the dress code actually helps them in their work and they will police themselves.

3 - You must learn how much your employees actually adhere to dress code standards.

One of the most important aspects of implementing a dress code is actually having employees respect and follow it. It will definitely be easier to create this type of business environment if you follow the steps above and allow your employees to self-create the code and be as fully involved as they possibly can in the creation of future rules. When this is the case, your employees will be happy to follow rules that they believe they set up for themselves.

However, every once in a while you will have an individual who simply does not want to play ball even when you have taken all of the advice above. Although you do want to cultivate an air of creativity and openness, this may be the time where being too lax can actually cause a liability rather than the other way around. If your employees see that the rules that they have set are not being respected, then they will quickly fall apart. It is always best for the human relations department to try to exercise diplomacy in order to create this balance; however, do not be afraid to uphold the company culture.

4 - Set the company culture in stone once it has been discovered; however, be open to change as your industry changes and as your company changes.

The culture that your employees set will give you the raw data that you will need to set your company dress code in stone without creating liabilities for yourself within the company. This is not a one-time process. Culture within a marketplace as well as within a business is always changing. The rules that you set up with your employees must be flexible and open to change as the market requires. Pay constant attention to the cultural changes that are taking place so that you never fall behind the standards that are being set around you. You should look as if you are on the cutting edge of discovering these standards. You can do this by simply being the first to state quantitatively the trends that are being formed.

The Legal Liabilities of Implementing a Dress Code

As stated before, there are many legal ramifications of implementing a dress code. This is why involving your employee base is perhaps the most important aspect of forming the company culture and creating a dress code: It will protect you from many types of litigation. Basically, the more liability for the creation of the policy that you can shift away from yourself and the company, the safer that the company will be from litigation.

In order to make the law as small of a liability as possible, the following tips are usually helpful.

1 - Get the right help from a dedicated, reputable lawyer.

There is no substitute for having the right kind of help when it comes to implementing a dress code. If your company does not have the budget for legal assistance if you are being told to implement big changes in policy, then make it known that you will not be able to change very much without the appropriate legal counsel. No human relations employee or department can be responsible for understanding the volumes of law that have been generated on office culture, government oversight, the protection of certain classes and minorities and the other nuances of law that apply here.

Make sure that you have help from a reputable lawyer that has direct experience in your area. Your chosen lawyer should have advised companies that are similar in size and scope to your company for the best results.

2 - When in doubt, err on the side of caution.

The human relations department of most companies will usually have a reputation for conservatism; this reputation should be well earned when it comes to an internal dress code. When in doubt, limit. This is the opposite side of the creativity that you must engender in your employee base by allowing as much freedom in the dress code that you possibly can. Remember that this creativity is based on the observations that you and your employees have observed within the company as well as the culture of the market that you are serving. However, the limitations must come from you. These limitations can and should be based on the advice that you receive from the lawyers that you have hired to help you.

Every cautionary measure that you create within the dress code should have a precedent, either legal or cultural. Once it has been made company culture, refer to it in a diplomatic manner if you have an employee with a problem.

3 - Keep up with new laws on the books about employee dress codes.

Learning about the laws for company dress codes and receiving advice about them is not a one-time deal. You must be sure to keep up with new laws as they are passed and new cases that are coming through the legal system, especially cases that refer to your industry specifically.

Creating the Dress Code for Your Company With as Few Liabilities as Possible

Once you are taking all of the above legal, cultural and emotional aspects of your company and your industry into consideration, you will be ready to fully address the implementation of your company dress code.

It may be impossible to fully immunize your company from all the liabilities that the administration of a company dress code entails. However, if you follow the steps in this article, you will go a long way in protecting your company from losing money or productivity if any problems should arise from one or more of your employees about the dress code.

Above all, make sure that any changes that you make are for the best of the greatest number of your employees. They will certainly appreciate the effort as long as you keep them involved and make them aware of the reasoning behind any changes. If you keep your ear to the ground, you will be able to consult with your employees as to any changes that should be made to the dress code in the future to keep them competitive within the marketplace and happy within the company itself.

In order to protect yourself and your company legally, make sure that the dress code is publicly noted for all employees to see. Each and every change should be documented and sent to employees individually. Be sure to keep meticulous documentation of all of your correspondence with employees about the company dress code and any problems that they may have.

Be sure to keep plenty of legal help on hand for troublesome cases. Respect the cultural needs of your employees and be sure to underwrite any infringement of the personal culture of your employees with a legal or cultural precedent. Any limitation that you make on an employee in this area should have a direct correlation to his or her productivity in the market. This correlation should be able to be shown to the employee upon demand and should be completely quantitative.

Keep the emotions of your employees in mind, but also make sure that you keep them in check. Although emotions affect productivity much more readily than any of the other potential liabilities that are listed within this article, it is, after all, the least important when it comes to professional behavior. Stand firm if your employees are simply creating a hard time for you when it comes to respecting the dress code that you and the employee base have agreed upon based on legal and cultural precedents. Make sure that you have documentation for any and all confrontations that employees create with you about the dress code, especially those that are based on qualitative, emotional precedent. This will help to protect you and your company legally if the case goes outside the company.

Lastly, make sure that you administrate the dress code fairly across all people within your company. You will have to exercise a great deal of discretion with individual cases; there is no such thing as a hard and fast law that will only be interpreted one way. As a human relations professional, it is your job to not only inform your employee base about the dress code, but how that dress code will be interpreted. Most of the flexibility that you will have within the dress code will be in the individual decisions that you make.

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