

I Dyed My Hair Pink And My Boss Threatened To Fire Me



THE QUESTION

I work as a delivery driver for a manufacturing company. I dyed my hair neon pink and now my boss is threatening to fire me if I don't dye it back to its normal colour. He says that because I have a front-facing role and interact with customers, I have to be presentable. But I'm just delivering to factories and no one there is trying to make an impression. Everyone is pretty grubby. There is no specific rule or mention in my employment contract or our company dress code against having bright hair colours. Could I actually be fired if I don't comply with this request?

THE FIRST ANSWER

Sophie Purnell, founder and employment lawyer, Purnell Employment Law, Calgary

It's possible your employer could terminate your employment but, on the facts provided, firing you for cause – without notice or pay in lieu of notice – would be hard to justify.

Employers are allowed to set and enforce reasonable policies and guidelines about professional appearance, especially for staff who deal with customers. Disputes tend to come up when an employee has an unconventional look such as neon pink hair.

Whether your employer can insist you change your hair colour, and terminate your employment if you don't comply, depends on factors such as: whether the direction from your boss is grounded in a legitimate business interest, whether you had knowledge of that expectation and if the direction from your boss is connected to a genuine business concern.

This should be set out in a policy or a clearly communicated expectation which is enforced consistently and backed by a clear warning that refusing could lead to discipline and continued refusal could result in discipline and potentially termination. But, on the facts you describe, it would be difficult for your employer to establish just cause over simply neon pink hair.

Your employer could still decide to end your employment even if you've done nothing seriously wrong. In that case, you'd be owed working notice or pay in lieu of notice depending on your contractual and legal entitlements.

A practical next step is to ask your employer to point to the specific business concern and to explore a compromise – such as covering your hair with a cap during deliveries. If the threats escalate, speak with an employment lawyer.

THE SECOND ANSWER

Cynthia Lazar, labour and employment lawyer, workplace investigator, Taylor McCaffrey LLP, Winnipeg

Employers can set dress codes within the workplace, including as it relates to hair colour. However, such codes must not violate human rights legislation which protects workers from discrimination stemming from certain protected characteristics.

Having colourful hair is not a protected characteristic on its own, and so does not attract the protection of the human rights legislation. That said, human rights legislation may be activated when the hair colour is related to a protected characteristic such as race, religion or age. For example, a rule that employees are not allowed to have gray or white hair would likely discriminate against people on the basis of age, which is a protected characteristic.

Can you be fired for changing the colour of your hair for reasons that are not protected by human rights legislation? Yes, but the consequences of that dismissal depend on the specific situation. If there is a well-defined dress code or policy which has been clearly communicated to all employees and consistently enforced, and the employee has been warned and given an opportunity to remedy the situation, and despite this the employee refuses or neglects to comply with the dress code, there may be a termination for cause, without notice or pay in lieu of notice. Absent these factors, the employee may still be dismissed, but it will be without cause, and the employee will be entitled to notice or pay in lieu of notice.

If you are in a unionized workplace, consult your union, as other considerations may apply. The law in Quebec may differ.

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The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

[Cindy Lazar](#) is a regular contributor to the The Globe and Mail's weekly "Work Life" newsletter. This question and answer is from the July 28 issue.

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