Dress Code and Religious Accommodation



Discerning reasonable dress for the office is not as easy as asking what the boss wants. On one hand, management has the right to craft and establish a desired image for the business, but on the other hand, employees have the right to reasonable self-expression and religious freedom.

An employee whose religion requires certain grooming or clothing choices may expect a workplace to accept those practices, but in some cases, an employer's legitimate business interests may take precedence.

How Does Your Dress Code Measure Up?

1. ***Does Your Dress Code Policy Interfere With an Employee's Life Outside of Work?*** Requiring an employee to shave a beard, remove a tattoo, or cut or colour hair may not be enforceable. Those restrictions have implications beyond work. If the removal of facial hair can be demonstrated as a safety concern, a policy restricting facial hair may stand. The odds are such a policy will not stand.

2. ***Does Your Dress Code Embarrass an Employee?*** Requiring an employee to wear a 'uniform' or 'costume' that is embarrassing to a person due to religion may not be sufficient justification for an employee to refuse compliance. A requirement to wear a costume such as a bunny suit or a historically accurate costume or even a revealing work uniform may be necessary to perform the job.

3. ***Does Your Policy Restrict Wearing Religious Items?*** Can an employer ban employees from wear religious clothing and accessories? If your business can prove it has legitimate need for a rule that bans religious accessories, you may have a case for such a rule. If an employee is working in a position requiring face-to-face customer interactions, clothing that conceals the employee's identity may be against company policy. However, if an employee conducts all work over the telephone, a ban on certain clothing may be difficult to justify.

Gather the Proof

If a workplace dress code is based on a question of image, it may be necessary to gather objective evidence that the code serves a business need and failure to follow the code could put a business at risk. Options for gathering proof include:

- A well designed and conducted survey of customers
- Tracking and recording specific customer complaints

- Demonstrating consistency within the industry
- Demonstrating a community expectation and standard

When crafting the policy try to be specific and not vague. Indicating ‘professional attire’ is too broad. Specifying ‘shorts and skirts in the summer no shorter then 3 inches above the’ may be more useful.

The bottom line on dress code and religion is that an employer needs to have objective evidence that a particular dress code is needed for health and safety reasons or to serve a legitimate business interest.

When legitimate need cannot be demonstrated working together to accommodate an employee’s religious beliefs may be the course of least resistance.

HR Insider Resources

Dress Codes and Personal Grooming Policies How Far Can They Go