

# Who Decides What Your Employees Should Wear?



By Tara Orchard

Whether or not your workplace has an official dress code the question of proper workplace attire is rarely a straightforward proposition. Speaking to someone about their attire can be a challenge as it can bring into the conversation issues of prejudice and personal preferences.

People are different; we think, feel, act and react differently because we have developed different filters and perceptions over the course of our lives. When you are in a position that requires you to address a concern about the attire of another person you need to begin by checking in with the question of your own perception and the role it may be playing in your decision making process.

## **Style over Substance**

Let's imagine that an employee has raised a concern about the attire of another employee and that you find yourself agreeing with this employee's assessment. What is your conclusion based on? Ask yourself if you can identify exactly what it is that you are feeling or reacting to. If your workplace has a specific dress code that specifies a uniform and a way to wear a uniform, or mentions that blue jeans are not appropriate and the person is not following these clearly written expectations, then your path to a conversation is straightforward.

But sometimes the situation is more ambiguous. The clothing may be technically appropriate but the quality of the clothing may be an issue because it is unwashed, damaged or ill fitting, culturally different or a question of generational or gender preferences. It can be useful to determine if your issue with the clothing is more about style, or is it about substance.

## **What Looks Good On Her May Not Work on Him**

Clothing style is a very personal choice. Even within a set of guidelines that seem clear the interpretation, implementation and application of those guidelines can vary based on individual differences.

Before you take the steps to address the situation, resolve for yourself what the issue really is. If the attire is well maintained, nice quality and well fitted, but

very different from others in the workplace, is the issue one of personal taste, a result of a generational or cultural difference or relevant to different roles in the organization? If you stand back and look at the situation from different angles you may find that the issue is less about the person wearing the clothing and more about the perceptions of others within the workplace, yours included.

It can also be very useful to ask yourself if the clothing, on another person, would be more acceptable. For example, if the clothing were on a person of another gender, age or size would you still question the appropriateness? Does revealing too much cleavage matter if you are 25 or 50 or if you are 60 kilos or 160?

Issues such as gender identity, size and culture are particularly difficult to address – it may be culturally uncommon for a male to choose to wear female attire but if the clothing does not interfere with his or her ability to do the job addressing the issue can be a challenge.

The Supreme Court of Canada has held that if there is a health and safety purpose for requiring certain clothing or clothing to be worn a certain way it may be a reasonable occupational requirement and enforceable as a requirement. For it to be reasonable it must be honestly and consistently imposed and in the interests of the performance of the work.

There may indeed be times when you need to discuss the topic of appropriate workplace attire. But, before you do, stop and ensure that the conversation you are having is appropriate and not a matter of perception or a bias.

Here are 6 questions to ask yourself before speaking to someone about their attire

- 1) **Does the clothing conform to written workplace policies and has the person been informed of workplace dress code policies or expectations**
- 2) **Does the clothing create a workplace healthy and safety issue**
- 3) **Does the clothing interfere with the person's ability to effectively do a specific job**
- 4) **Is the clothing well maintained and in good condition**
- 5) **Does the clothing meet a standard of appropriate clothing in your broader community**
- 6) **Who is the clothing bothering and why**

If you have said no to the first 5 then it will be important to examine the 6<sup>th</sup> before proceeding. Notice that nowhere on this list does it say that the clothing looks attractive on the person or appropriate for their age, size or gender. If the issue really is one of personal taste or perception you may still choose to address the issue with the person but tread carefully. In the end it is your workplace and if you are sure you are not violating the Canadian human rights code then approach the person respectfully and ask for an opportunity to discuss your thoughts and preferences about workplace attire.