

Flip-flops, Short-shorts are not 'Cool' at Work

By Holly Culhane, Contributing Columnist

You can feel it in the air. Summer is just around the corner. Yes, I know, we have many more days of cold weather and then spring to pass through, but this is Bakersfield, after all. Spring can come and go in a blink of an eye, leaving us sweating under a blazing sun for the next several months.

With that in mind, before the flip-flops, tank-tops and short-shorts come out of the closets, employers would be well-served to send a clear message about what they consider to be "acceptable" workplace attire during the summer months, as these expectations address "image," as well as "workplace safety."

All businesses should have some form of a dress code or professional appearance policy in place. And this policy should be clearly written and given to new hires, as well as reviewed occasionally with the entire workforce.

Maybe it's the intensity of Bakersfield's heat and workers' desire to shed layers of clothing, but local businesses seem to have more problems enforcing dress codes during the summer months than any other time of year.

Many business owners and supervisors call our office for human resources consultations about professional appearance, summer dress codes and how to "counsel" employees who refuse to dress "appropriately" at work.

So before this problem raises its ugly head – or in reality, exposes its midriff and bare feet – be proactive. Remind employees what is considered "appropriate dress," even in summer months.

Most businesses want to present a "professional" public image. To that end, employers have the right to set standards for workers' appearance, including their attire, their hair style and color and what is and isn't exposed (including tattoos and body piercings). That sounds easy enough. But the process of developing and enforcing a dress code isn't even "easy" with uniforms. (After all, there's still the issue of whether pants are worn at the waist, for example.)

But most companies don't require workers to wear uniforms. And even those that do, have to make allowances to prevent discrimination on the basis of sex, religion, disability, etc.

Depending on the working environment, dress codes can be general, or quite specific. Commonly banned are clothing with objectionable language or images; torn or badly worn garments; sweat pants and sweat suits; and tank tops and halter tops that expose "too much skin."

But from there, dress codes can get more complicated. For example, a high-powered law firm likely wants to present a “professional” image, so men and women employees may be required to wear suits.

A manufacturing plant likely will have a different dress code. Neat and safe may be the emphasis. Floppy clothing and exposed feet can expose plant workers to injury.

It is impossible to articulate every aspect of an employee’s dress. Different responsibilities will require different standards. As a result, dress codes often are open to interpretation. Common sense and fairness are needed.

For employees to accept dress codes or personal appearance policies and enforcement problems to be minimized, dress codes should make sense. They should not simply reflect a business owner’s taste in clothing. They should, however, be widely recognized as the “acceptable standard” for the particular industry.

The most legitimate dress code challenges are based on discrimination complaints. For example, are women being held to a different or higher standard than their male colleagues? Societal norms may require men wear ties and women to wear pantyhose. But a company gets into trouble when a greater burden is placed on one sex or the other.

Requirements regarding head covering, hairstyles and body art might collide with religious beliefs. And physical disabilities might prevent adherence to certain dress code requirements.

When developing a dress code ask: Does it have a legitimate business rationale? Can it be evenly applied? Does it consider religious beliefs? Can someone with a disability be reasonably accommodated?

When it comes to summertime attire, most questions involve the wearing of sandals or flip-flops and shorts. Footwear questions usually boil down to safety. Sandals and flip-flops can easily come off, and employees can trip on stairs or on objects in the workplace. Businesses may need to define “sandals,” possibly as a “backless, toeless, flat shoe” if such shoes are not to be worn in a certain work environment.

Tailored, medium-length shorts can look pretty sharp. Companies, such as the U.S. Postal Service and UPS have summer uniforms that include uniform shorts. But when a company doesn't issue uniforms to workers, the variety of shorts can wreck havoc on a company’s image. Whatever the shorts-wearing policy is, it must be applied equally to male and female workers.

Once you have a defensible dress code in place, what do you do when an employee ignores it?

If the attire does not comply with the dress code, inform the worker in a private meeting. Be constructive. Look for a way to bring the employee into compliance. If that can’t be done, send

the employee home to change clothing and be sure your policy states that may happen in such instances, and how they will be paid during the time away from work to address the issue.

Document the incident. If it becomes a regular occurrence, follow your company's disciplinary procedure.

Addressing problems associated with an employee's dress or grooming can be unpleasant and stressful. It's important to remember, though that if a business owner or supervisor does not care enough to enforce a dress code, employees will not care enough to comply with one.

This article written by Holly Culhane first appeared online and in The Bakersfield Californian on March 11, 2011. Holly Culhane is president of the Bakersfield-based human resources consulting firm P.A.S. Associates. She can be contacted through her website www.pasassociates.com and through the [PAS Facebook](#) page or by phone at 631-2165.