**EMPLOYERS’ DRESS AND APPEARANCE CODES AND UNLAWFUL SEX DISCRIMINATION**

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**Key words: Dress and appearance; employment; gender; stereotyping; unlawful sex discrimination.**

**CATEGORY: Viewpoint**

**PURPOSE**

It is common practice, for a variety of reasons, for individual employers to have rules governing dress and/or appearance of their employees. This paper focuses on discrimination under the UK Sex Discrimination Act (“SDA”), where the case law arises under the head of direct discrimination i.e. disparate treatment between men and women.

**APPROACH**

There will be an overview of the statutory concept of direct discrimination and an analysis of the facts and legal reasoning of relevant case law.

The SDA has, arguably, been instrumental in re-shaping stereotypical views of men’s and women’s traditional roles. However, some tribunal decisions on disparate appearance codes approve the continuation of “society’s norms” regarding what is appropriate for men and women to wear.

An early case involved a ban on women wearing trousers at work and this was decided to be legally acceptable. Similar approaches were taken concerning men being banned from wearing pony tails and others being instructed to wear collars and ties at work to look “professional”. In another case a female nurse who found wearing certain headwear demeaning lost her claim because she was considered to be too sensitive.

**FINDINGS**

Tribunals and the courts face problems when making very difficult and sensitive, even controversial, decisions in applying the law in this area of employment. Doubt will be cast on the validity of judgments in this area and will point to perceived flaws in both the legal bases of the decisions and the outcomes.

**ORIGINALITY**

The work will review and comment on a range of the earliest cases on this issue up to the very latest reported cases.

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In the recent past Eileen has undertaken research in the field of unlawful discrimination in employment and is supervising a PhD project on age discrimination at work. She was co-opted as a member of the Executive Committee of the Industrial Law Society in 2006 and has organised the Society’s evening meeting programme in Newcastle since 2001.