

Let's Put all this Hocus Pocus Aside. Do Appearances Really Matter?

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It's not out of the ordinary to see work colleagues dressed up in Halloween costumes this time of year. Honestly, it wouldn't be Halloween without the Sanderson Sisters, Addams Family or Michael Myers! Employers often push aside dress codes or appearance policies this week and allow employees to dress up at work - but what about the other 364 days of the year?

Many company policies expect employees to "exercise appropriate judgment" when it comes to personal appearance, dress and grooming. A company may have legitimate concerns about its employee's attire, such as personal safety of the employee or others, damage to company property, customer complaints or societal norms. All of which may impact an employer's standards and expectations. Excessive make-up or jewelry and tattoos may be inconsistent with an organization's branding, image, values or mission. While Starbucks has relaxed or eliminated policies regarding tattoos, Walt Disney, on the other hand, continues to make employees cover visible tattoos.

Employers are allowed to establish appearance policies, and managers can exercise discretion whether in their business judgement an employee conforms. But those policies have to be applied consistently. If women are treated more strictly than men, that's a sexual discrimination lawsuit waiting to happen. And be careful that the clothing item or accessory is not part of a religious observance.

Don't be spooked. If standards are consistently applied and not based on a person's protected classification, employers will get treats and not tricks!