

## EARRING EQUALITY

In this era of "body piercing" there seems to be a proclivity to wearing earrings in the darndest places -- a nose, a lip, a tongue and even some other places which will go unmentioned. Many companies, however, feel that this type of "fashion statement" is inappropriate -- especially in the workplace and in front of their customers. But, can an employer stop a male employee from wearing an earring? After all, the women at work are wearing them! And, what about that male employee's shoulder length hair that is going to get caught in the machine he is running? The answer is that, generally speaking, grooming policies still can be used if carefully crafted for non-discriminatory purposes and enforced uniformly. The courts reason that even though such differentiation appears to be forbidden by discrimination laws, it has a negligible relationship to the true purpose of discrimination laws. The federal Equal Employment Opportunity Commission is less understanding of these grooming codes -- especially if the grooming style is most prevalent among a particular minority group - such as the Afros of the 1960s. However, the EEOC's guidelines can and have been overridden by court decisions.

Dress codes present a more difficult situation for employers. For example, it was found to be unlawful for an employer to bar females from wearing slacks (except those women working in executive offices), to require female sales clerks to wear smocks while the males did not, and to require a lobby hostess to wear a sexually provocative outfit while the male counterparts did not. Additionally, religious requirements of appearance pose a problem. Generally, if an employee gives an employer prior notice of any such requirement and there is a reasonable accommodation available, it will be a permitted exception to a dress code. Finally, union organizational buttons and insignia cannot be prohibited unless it is part of a general prohibition of similar items enforced on a non-discriminatory basis.

In conclusion, while the law prohibits employers from enforcing grooming policies and dress codes which have a significant discriminatory impact, it allows them to enforce those considered to be a minor intrusion. These policies and codes are usually permitted if a necessity exists or if a social custom demands it.

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