



# What not to wear

Anna West explores the difficult issue of setting dress standards for staff

**D**ress codes have hit the headlines in recent months, with the news reports about Aishah Azmi, the teaching assistant who was suspended after refusing to remove her veil, and Nadia Eweida, the British Airways check-in worker who was banned from wearing her crucifix outside her uniform. These raised questions about how far employers can dictate their employees' appearance. However, with some careful consideration and some practical measures, employment claims can be avoided.

## Employment claims

The main claims which might result from dress codes are sex discrimination, and race and religious discrimination.

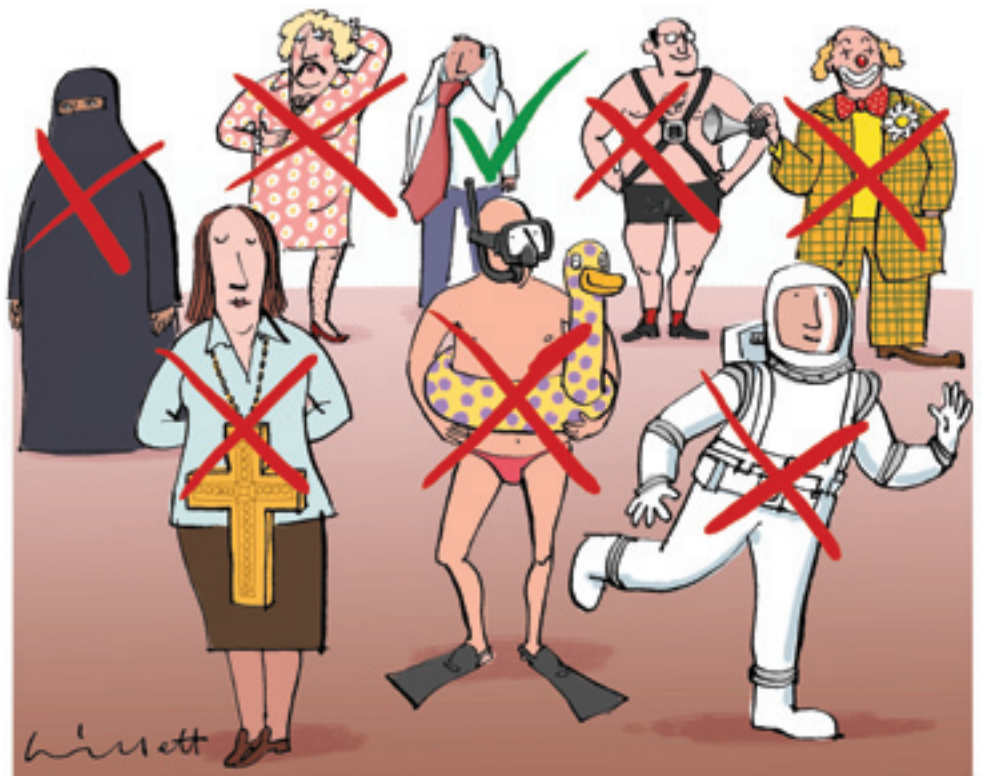
## Sex discrimination

Employers who set more relaxed rules for the appearance of their female staff than they do for their male staff, or vice versa, may face a sex discrimination claim.

In the last few years several male employees of Jobcentre Plus have brought sex discrimination claims against their employer's dress code, which required all staff to dress in a 'professional and business-like' way. It specified that male staff had to wear a collar and tie and female staff had to dress appropriately and to a similar standard. The men claimed that, by being required to wear collars and ties, they were treated less favourably than their female colleagues, who did not have to wear any compulsory item of clothing.

The claims did not succeed, because the dress code was equivalent for both sexes. It was irrelevant that the women were not required to wear compulsory items – what mattered was that the standards expected of men and women were broadly the same.

The key for employers is to ensure



the rules on what men and women can and cannot wear are equivalent, and do not unfairly disadvantage either sex.

Hairstyles present more difficult questions. Some employers might be happy for female staff to wear long hair loose, but would not wish to see male employees do the same, and would prefer them to cut it or tie it back. A case on this – some 10 years ago – indicated that an employer who demanded staff to have a conventionally smart appearance could ask a man to keep his hair short. There is no guarantee that the same approach could be taken today, and it more likely that request to tie hair back would be more legitimate.

## Race and religious discrimination

Some employees have cultural or religious requirements that dictate aspects of their clothing or appearance. A dress code which does not accommodate these will amount to

race or religious discrimination, unless it can be justified. Examples of rules which may disadvantage employees of a certain race or religion include:

- A requirement not to cover the face may adversely affect Muslim women who wish to wear a full veil
- A ban on head gear may discriminate against Sikhs if they wear a turban
- Requiring employees to be clean shaven may discriminate against Muslims who wear a beard.

To defend discrimination claims, employers must show that the rule is justified. However, employers should accommodate cultural or religious requirements if they can do so without detracting from the aim behind the dress rules. For example, it would not be justified to insist on staff being clean shaven for hygiene reasons if the necessary hygiene standards could be met by asking staff with facial hair to wear face cover.



## Ensuring the employee can do his or her job

It will almost always be justifiable to prevent an employee wearing an item which interferes with his or her ability to do the job effectively. Aishah Azmi's claim for religious discrimination failed because her job involved teaching English, and the school could show that the veil adversely affected the children's ability to learn language skills.

## Health and safety

Dress codes are sometimes introduced for health and safety reasons, which will usually justify any disadvantage to staff of a certain race or religion. For example, it would be justifiable to prevent employees who work with machinery from wearing jewellery which could get caught up in it.

## Smart appearance

Employers may be able to justify rules aimed at achieving a smart appearance for employees, but this will depend partly on the employee's role. For example, employers are more likely to be able to justify this requirement for an employee who deals with customers. For example, in one case, an employment tribunal decided that

an employer had overestimated the smartness required to serve in a bicycle shop when it insisted that its employees wore a collar and tie. Overall, most rules which employers set to achieve a smart appearance should not cause any disadvantage to staff from particular cultures or religions, for example specifying no jeans or no shorts.

## Uniform

It is generally accepted that in the service or retail industries, a uniform is necessary. However, employers should still consider whether deviations can be allowed to accommodate cultural or religious requirements. For example, allowing female employees to wear trousers instead of skirts would accommodate women who wish to cover their legs for cultural reasons.

## Dealing with transgressions

Employers are entitled to discipline employees who fail to comply with the dress code. The appropriate sanction will depend on the extent to which the employee has breached the rules, and any previous history of doing so.

Dismissal for breaching the dress code will be unfair – attracting compensation of up to around £70,000

– unless the employer follows a fair disciplinary procedure, and dismissal is a reasonable course of action in the circumstances. It would almost certainly be unfair to dismiss for a first offence.

## Next steps

The key questions for employers to consider in relation to their own dress standards are:

- Why are these requirements necessary? For example are they connected with health and safety?
- Are equal standards expected of male and female employees?
- Are any of the requirements likely to disadvantage employees of a certain race or religion? If so, can any changes be made in order to accommodate these?
- If an employee asks to wear a certain item for cultural or religious reasons, employers should not reject this outright, but give it careful consideration

Together, these steps should reduce the risk that a business will face a claim of dress code discrimination. ●

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# Understanding Spanish

**Kalpana Theophilus** continues her series to help practitioners cope with language barriers

**S**panish is one of the most widely spoken languages in the world, along with English, Hindi, Chinese, Arabic and French. Spanish is spoken in Spain as well as most of South and Central America, Mexico, and parts of North America and the Caribbean. The economic growth of the Spanish speaking world and the resultant mobility of the population makes Spanish a language which is increasingly encountered in our consulting rooms.

There are different dialects, sub

dialects and methods of pronunciation within the Spanish language which depend on which region in Spain or Latin America the language is spoken. This article is based on standard Spanish (often known as Castilian) and should at least be understood by most Spanish speaking patients. In standard Spanish the letter c is pronounced 'th' before the letters 'i' or 'e' (giving the language a slight lisp) whereas in Latin American Spanish (and some parts of Spain) it is spoken like an 's' as in the word 'same'. The letter h is always silent, for example in the word for hello 'hola' which is pronounced 'oh-

la'. The letter 'j' however is pronounced like the English letter 'h'.

It should also be noted when speaking Spanish, that asking a question is denoted by just an inflection in the tone of voice, for example 'Esta claro', spoken as a statement means 'It is clear', but 'Esta claro?', spoken as with an inflection at the end, turns this statement into a question, meaning, 'Is it clear?'.

- With special thanks to **Emma Stone** BSc (Hons) MCOptom for providing the subject matter expertise and editorial guidance for the Spanish translation

Hello	Hola <i>oh-la</i>
I don't speak Spanish, but I can speak a little	No hablo español, pero hablo un poco <i>Noh ah-bloh esspanyoll perro ah-bloh oone pocco</i>

Mr /Sir	Senor	senyor
Mrs	Senora	senyorra
Miss	Senorita	senyoreeta
Do you have	Tienes	tee-ennes



Spectacles	<i>gafas</i>	<i>gaffas</i>
For distance	Por distancia	<i>por distanth-ia</i>
For near	Por cerca	<i>por therca</i>
Contact lenses	Lentes de contacto <i>lentess deh kontaktoh</i>	
A problem with	Un problema con <i>oone problema con</i>	
Your eyes	Tus ojos	<i>twos occos</i>
Your vision	Tu visión	<i>two vissi-on</i>
Pain	Dolor	<i>dolor</i>
Headache	Dolor de cabeza	<i>dolor deh kabetha</i>
Where	Dónde	<i>donday</i>
How long	Cuánto tiempo	<i>kwantoh tee-empo</i>
Constant	Constante	<i>constant-tey</i>
Days	Días	<i>dee-as</i>
Weeks	Semanas	<i>semah-nas</i>
Months	Meses	<i>mess-ess</i>
Years	Años	<i>ann-yos</i>
When	Cuándo	<i>kwan-doh</i>
In the morning	Por la mañana	<i>por la man-yah-nah</i>
In the afternoon	Por la tarde	<i>por la tar-deh</i>
In the evening	Por la noche	<i>por la notch-eh</i>
All day	Todo el día	<i>toh-do el dee-ah</i>
Have you seen a doctor?	Has visto un medico <i>as bisto oon medico</i>	
Have you seen a pharmacist	Una farmacia	<i>oona farmathee-a</i>
Medication	Medicación	<i>medi-kathione</i>
Show me	Mostrame	<i>mosstrah- mey</i>
That's fine	Esta bien	<i>estah bee-en</i>
Big	Grande	<i>gran-deh</i>
Small	Pequeño	<i>pikenyo</i>
One	Uno	<i>oo-no</i>
Two	Dos	<i>doss</i>
Three	Tres	<i>treys</i>
Four	Cuatro	<i>kwatroh</i>
Yes	Si	<i>see</i>
No	No	<i>noh</i>
Please	Por favour	<i>por fa-bor</i>
Look at	Mira	<i>mirra</i>
This	Ésta	<i>estah</i>
The light	La luz	<i>la looth</i>
Open	Abra	<i>ah-brah</i>
Close	Cierra	<i>therra</i>
Keep looking at	Continué mirando a <i>contin-oo-eh mirandoh a</i>	
Your eyes	Tus ojos	<i>toos occos</i>
Tell me	Decir mi	<i>dethear me</i>
The letters	Letras	<i>let-rahs</i>
The numbers	Número	<i>noom-ero</i>
Up	Arriba	<i>arree-bah</i>
Down	Abajo	<i>abaj-o</i>
To the left	A la izquierda	<i>a la ith-keyair-dah</i>
To the right	A la derecha	<i>a la dare-e-chah</i>
Is it clear	Esta claro	<i>estah clarro</i>
Is it more clear	Esta mas claro	<i>estah mass clarro</i>
Is it less clear	Esta menos claro	<i>estah men-os clarro</i>
With this lens	Con esta lente	<i>con esta lent-eh</i>

Or	O	<i>oo</i>
Without this lens	Sin esta lente	<i>sin esta lent-eh</i>
Which is more clear	Cuál es mas claro <i>qual es mass clarro</i>	
I want to make this more circular for you	Quiero hacer esta mas circular pare ti <i>kyairoh assers estah mass circularr para tea</i>	
Is it more circular with	Esta mas circular con estah mass circular con	
Lens "one" or "two"	Lente 'uno' o 'dos' <i>lentay 'oonoh' oo 'doss'</i>	
How many lights do you see	Cuántas luces puedes ver <i>quantas looses pwedes bear</i>	
Press the button when you see the light	Presione el buton cuándo puedes ver la luz <i>Press-eon el bo-ton kwan-do pwedes ber la luth</i>	
Periphery	Periferia	<i>perif-eria</i>
Red	Rojo	<i>ro-ho</i>
Green	Verde	<i>berday</i>
White	Blanco	<i>blanco</i>
<i>Chin here</i>	<i>Charle aqui charley a-key</i>	
<i>Forehead here</i>	<i>Frente aquí frentay a-key</i>	
I will now puff some air towards your eye	Voy hacer un soplo del aire hacia tus ojos <i>Boy assers une sop-lo del eye-ray assi-ay twos occos</i>	
You have healthy eyes	Tienes ojos sanos	<i>tyenes occos sanos</i>
Myopia	Myopia	<i>mee-opia</i>
Hypermetropia	Hypermitropia	<i>eeper-metropia</i>
You need glasses for	Necesitas gafas por <i>netheh-seetas gaffas por</i>	
Distance	Distancia	<i>distanthia</i>
Near	Cerca	<i>serca</i>
You need to consult a doctor	Necesitas consultar a un médico <i>netheh-seetas consult-ar a une medico</i>	
Today	Hoy	<i>oi</i>
Urgent	Urgente	<i>oorhentay</i>
When you get home	Cuando estas en casa <i>quando estas en cassa</i>	
Soon	Pronto	<i>pronto</i>
Lens	Lente	<i>entay</i>
Diabetic	Diabético	<i>dee-ah-betee-koh</i>
Blood	Sangre	<i>sangray</i>
Blood pressure	Presion de sangre <i>press-ione de sangray</i>	
Haemorrhage	Hemorragia	<i>emmorah-hya</i>
Infection	Infeción	<i>nfec-thee-own</i>
Ulcer	Úlcera	<i>ool-ther-ra</i>
Discharge	Pus	<i>puss</i>
Itch	Picazón	<i>pee-kathon</i>
Sting	Picadura	<i>peeka-doora</i>
Cataract	Cataractas	<i>cata-rat-as</i>
Inflammation	Inflamación	<i>inflame-a-thion</i>
Glaucoma	Glaucoma	<i>glaow-com-ah</i>
Optician	Oculista	<i>occulista</i>
Thank you	Gracias	<i>grathyas</i>
Goodbye	Adios	<i>addy-os</i>