

Asking an Employee to Cover Up Tattoos and Piercings

Q: Can we ask an employee to cover up tattoos and piercings?

A: First, it is not recommended you make any hiring or job-related decisions on the basis of these items, except to the extent that it would affect the essential functions of the job, which would be very unlikely. However, it is reasonable that you ask an employee to cover up a tattoo or piercing during working hours, which would be an appropriate solution while the employee is at work. Employers should not attempt to regulate this outside working hours.

As an employer, you should be sure to cover this in your city's dress code. It is recommended that the dress policy include year round appropriate attire and be specific about what is and is not appropriate for men and women. Be specific, but don't have rules that are overly constrictive and unreasonable. Balance the need to have a professional work environment and the climate of your location. Once you have a dress code in place, it would behoove you to send the policy out at least once a year, particularly before the summer months kick in, if that is a problematic time for you. Other items to include in your dress code: perfume, scents, odor, hygiene, well-groomed appearance, dirty, stained, ripped or soiled clothing. The dress code can mention neat appearance and professionalism with respect to hairstyles, clothing, tattoos, and accessories.

A few helpful tips:

- Don't be overly harsh on women.
- Allow the dress code to apply to men or women similarly and be consistent
- Offer work dress examples that will guide employees
- It is reasonable to tell a female that a skirt is too short. However, apply that policy city wide.
- Deal with infractions to the policy one at a time.

Caution: Some employers have found themselves in a court room defending their policy and practice against claims of religious expression. Please be cautious and ensure you follow laws that allow for religious freedom, as long as it does not interfere with the essential functions of the job. Some employees have been known to say their tattoos are a form of religious expression. If an employee provides you with an explanation that may cover them under a protected class, you should establish reasonable procedures that the employee can follow to appeal the dress code or ask for an exception.

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