



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

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**Good Management
Practice Series:**

**The Sex Discrimination
Ordinance**

Recruitment Planning

Workplace Dress Code

Many industries and organisations maintain dress and/or appearance codes for their personnel, or require staff members to wear uniforms. A company's dress code is a set of policies, which stipulates how employees should dress at work. This may cover requirements on clothing and adornment, as well as the body itself (such as hair, beard and tattoos).

In setting and implementing dress codes, employers should ensure that the codes are non-discriminatory and the standards are applied consistently, objectively and in an even-handed manner for different sexes. For example, instead of specifying that men should wear ties and women should wear dresses, employers may state that both sexes should wear professional business attire.

Employers should also ensure that dress codes are job-related and reasonable, with requirements directly linked to the specific job duties, nature, and circumstances of employment.



What the law says

The Sex Discrimination Ordinance does not explicitly state that dress codes are prohibited or unlawful. However, it may be discriminatory to impose different standards or requirements on male and female employees, which may result in either sex being subject to stricter requirements, and hence treated less favourably on the ground of sex.

Furthermore, if an employer imposes a blanket condition on all employees without justifiable reasons, and that the proportion of employees of a certain sex who can comply with the condition is considerably smaller than those of the other sex, as a result of which the former suffer a detriment because they cannot comply with the condition, then this may constitute indirect discrimination. For example, if an employer requires all employees to wear uniform, reasonable exemptions or suitable uniforms should be provided to pregnant employees to prevent indirect pregnancy discrimination.



Dress code requirements that are related to the job duties and the employment nature and circumstances:

Health and safety

Machine operators being prohibited from wearing certain types of clothing and jewellery.

Hygiene

- Food handlers being required to wear mouth masks, tie their hair back and cover their hair with a clean hat or hair net.
- Healthcare workers required to wear clean scrubs and shoes, and have their watches, rings and jewellery removed before they work.

Corporate Image

Employees in customer-serving roles in retail and catering industries having to wear uniforms for easy identification by customers.



Case study: Female teachers must wear dress or skirt?

The principal of a school announced before the school year commenced that all female teachers must wear a dress or a skirt to work. On the first day of school, a female teacher wore a knit top and dress pants. She was summoned by the principal because of her attire. The principal later agreed that the teacher could wear pant suits if she preferred not to wear a dress or skirt. Despite this agreement, the teacher was criticised for not wearing a dress or skirt from time to time. Later, the principal indirectly coerced her to resign. By contrast, male teachers were not obliged to wear any particular type of clothing or subject to any dress code, except a ban on t-shirts and jeans.

The teacher then lodged a complaint with the EOC against the school for sex discrimination, in subjecting her and other female teachers to stricter dress code, causing them to be treated less favourably than male teachers. Where conciliation was unsuccessful, the teacher applied and was given legal assistance by the EOC. After a writ was issued, the school agreed to settle by apologising and making a payment to the teacher. The school also undertook to review its dress code.

Good practices

- ✓ Where practicable, consult employees before introducing a dress code or changing existing one. Communicate the dress code to all employees clearly.
- ✓ Ensure that the dress code requirements are job-related, reasonable and can be objectively justified.
- ✓ Ensure that the dress code is applied fairly and consistently to all staff members, and is not applied more strictly to a particular group of employees than the other.
- ✓ Apply the dress code flexibly to accommodate the special needs of employees.
- ✓ Review the dress code periodically to take into account changing social conventions.