



House of Commons
Petitions Committee and
Women and Equalities
Committee

**High heels and
workplace dress codes**

First Joint Report of Session 2016–17

First Report of the Petitions Committee of Session 2016–17

Sixth Report of the Women and Equalities Committee of Session 2016–17

Report, together with an appendix and formal minutes relating to the report

*Ordered by the House of Commons to be printed
10 January 2017*

HC 291

Published on 25 January 2017
by authority of the House of Commons

Petitions Committee

The Petitions Committee is appointed by the House of Commons to consider e-petitions submitted on petition.parliament.uk and public (paper) petitions presented to the House of Commons.

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[Tracy Brabin MP](#) (*Labour, Batley and Spen*)

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The following were also members of the Committee during the inquiry:

[Mims Davies MP](#) (*Conservative, Eastleigh*)

[Gill Furniss MP](#) (*Labour, Sheffield, Brightside and Hillsborough*)

Powers

The powers of the Petitions Committee are set out in House of Commons Standing Orders, principally in SO No. 145A.

The Women and Equalities Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152.

These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committees' websites at www.parliament.uk/petitions-committee and www.parliament.uk/womenandequalities and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) on the Parliament website.

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The current staff of the Committee are Anne-Marie Griffiths (Clerk), Joseph Watt (Second Clerk), Emma McIntosh (Petitions and Engagement Officer), Kate Anderson (Petitions and Communications Officer), Paul Simpkin (Senior Committee Assistant), Sean Harris (Committee Assistant), Zsofia Kiss (Apprentice) and Laura Diebelius (Media Officer).

Women and Equalities Committee staff

The current staff of the Committee are Judith Boyce (Committee Clerk), Sharmini Selvarajah (Second Clerk), Emma Sawyer (Committee Specialist), Tansy Hutchinson (Committee Specialist), Holly Dustin (Committee Specialist), Shai Jacobs (Committee Specialist), Asaad Qadri (Inquiry Manager), Alexandra Hunter-Wainwright (Senior Committee Assistant), Mandy Sullivan (Committee Assistant) and Liz Parratt (Media Officer).

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Summary

We started this inquiry after a petition calling for it to be illegal for a company to require its female staff to wear high heels at work was signed by more than 150,000 people. The petition was started because of an individual's experience, but it has become clear in the course of our inquiry that this was not an isolated incident—and nor is the problem confined to high heels. We heard from hundreds of women who told us about the pain and long-term damage caused by wearing high heels for long periods in the workplace, as well as from women who had been required to dye their hair blonde, to wear revealing outfits and to constantly reapply make-up.

The Government has said that the existing law is clear, and that the dress code that prompted this petition is already unlawful. Nevertheless, discriminatory dress codes remain widespread. It is therefore clear that the existing law is not yet fully effective in protecting employees from discrimination at work. We call on the Government to review this area of the law and to ask Parliament to change it, if necessary, to make it more effective.

The relationship between the provisions of the Equality Act 2010 and workplace dress codes is not widely understood. The Government has said that it expects employers to inform themselves about their legal obligations and to comply with the law. This approach is not working. The Government must do more to promote understanding of the law on gender discrimination in the workplace among employees and employers alike.

We recommend that the Government substantially increase the penalties available to employment tribunals to award against employers, including the financial penalties. At present, such penalties are not sufficient deterrent to breaking the law.

This petition has done a great deal to raise awareness of the law. It has prompted at least one company to change its own dress code. It is now the responsibility of the Government to ensure that the law is both more widely understood and more effective in its operation.

1 Introduction

The Committee's inquiry

1. On 24 May 2016, the Petitions Committee considered an e-petition calling on the Government to make it illegal for a company to require women to wear high heels at work. At that stage, the petition had over 138,500 signatures and was waiting for a response from the Government.
2. There had been almost no discussion in Parliament about gender-based workplace dress codes since the new legal framework—the Equality Act 2010—came into force on 1 October 2010. The last time the issue was raised was on 6 September 2011, when the then Minister for Women and Equalities, Rt Hon Theresa May MP, provided a written answer to a Parliamentary Question, stating that she believed “traditional gender-based workplace dress codes [...] encourage a sense of professionalism in the workplace”.¹
3. The Committee therefore decided that a detailed investigation of this issue was needed, in order to inform a subsequent debate on the petition.² We were keen to give the public the chance to share their stories of workplace dress codes, so that MPs could gain a better understanding of workers' experiences, and to hear from expert witnesses about how well the current law is working.

The petitioner's story

4. Nicola Thorp arrived to work in December 2015 as a temporary receptionist at PwC's offices in Embankment, London. She was employed by Portico, an agency which describes itself as a “specialist provider of high quality, tailored front and back of house guest services.”³ On arrival, Ms Thorp was told that the smart, flat shoes she was wearing did not comply with Portico's dress code, which included a specific requirement to wear shoes with a heel height of between 2 and 4 inches. For its part, PwC has stated that the dress code required by Portico was not a PwC policy.⁴ Ms Thorp was then given the option to go out to buy a pair of high heels. When she refused, she was sent home without pay.

The petition

5. As a result of her experience, Nicola Thorp decided to start a petition calling for the law to be changed. Her petition reads:

Make it illegal for a company to require women to wear high heels at work

It's still legal in the UK for a company to require female members of staff to wear high heels at work against their will. Dress code laws should be changed so that women have the option to wear formal flat shoes at work, if they wish. Current formal work dress codes are out-dated and sexist.

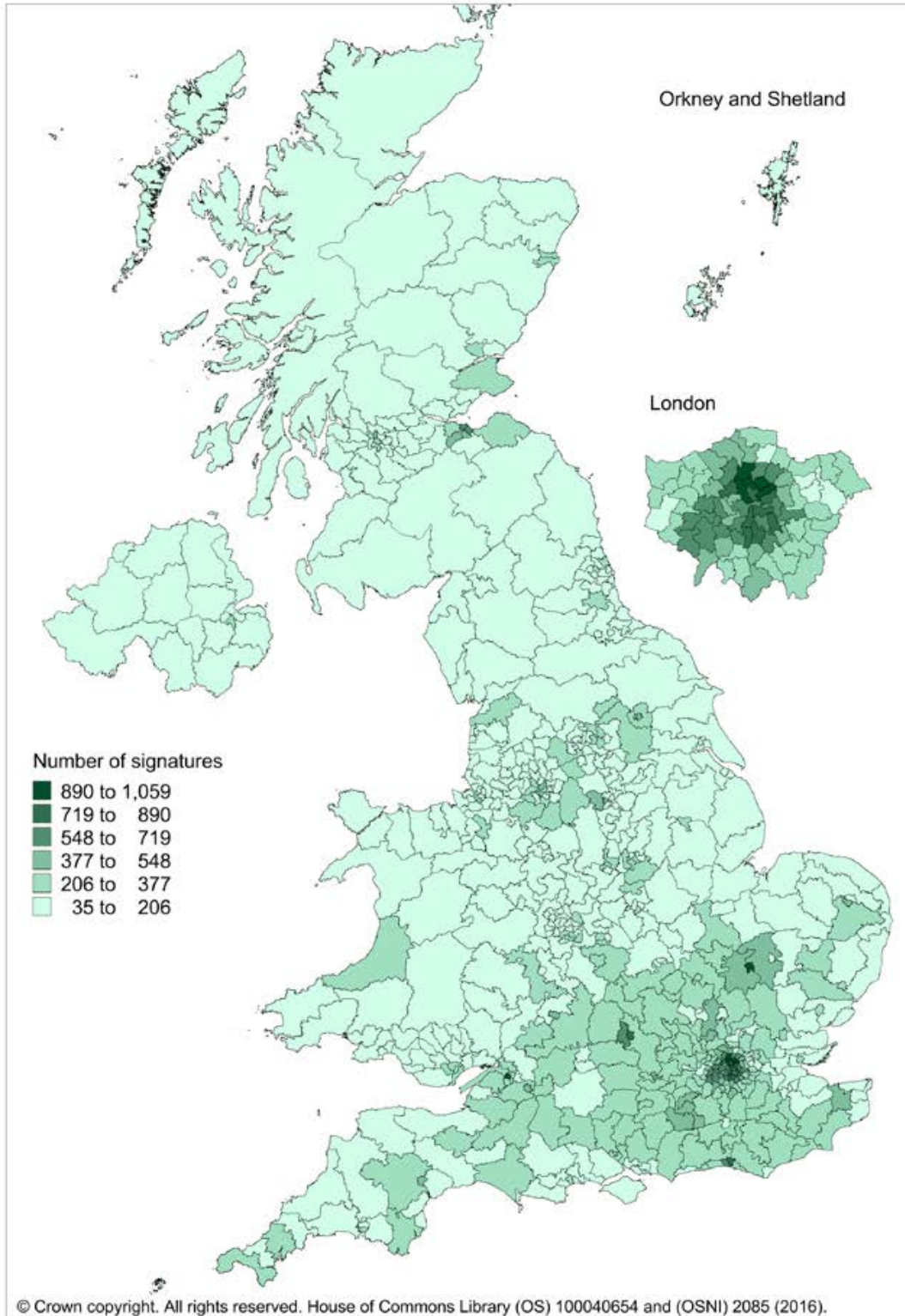
1 HC Deb, 6 September 2011, [col 599W](#)

2 A debate will be scheduled in the 2016/17 parliamentary session. Details, once known, will be published on the inquiry webpage at: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/petitions-committee/inquiries/parliament-2015/high-heels-workplace-dress-codes-inquiry-16-17/>

3 Portico, [About Us](#), accessed July 2016

4 PwC, [Press notice: Statement regarding Portico uniform guidelines](#), 11 May 2016

6. The petition was opened on 9 May 2016, and closed on 9 November with 152,420 signatures. The image below shows a breakdown of signatures by parliamentary constituency.



7. Speaking to the media after the petition hit the headlines in May 2016, Portico said that Ms Thorp had “signed the appearance guidelines”⁵ but that it would now review them. Shortly afterwards, Portico announced that it had changed its dress code policy—and had removed the requirement to wear high heels.

The public’s stories

8. From 8 to 15 June 2016, the Committees ran a web forum in which members of the public were invited to share their experiences of workplace dress codes.⁶ In just one week, we received 730 responses in the web forum. We also worked with Mumsnet, which hosted a thread in which women were invited to share their experiences.⁷ We are very grateful to everyone who took the time to share their views. These contributions have been invaluable to our inquiry.

The Government’s response

9. The Government provides a response to every petition which reaches 10,000 signatures. The Government Equalities Office responded to this petition on 24 June 2016. Its response in full read as follows:

Company dress codes must be reasonable and must make equivalent requirements for men and women. This is the law and employers must abide by it.

This Government is taking action to remove the barriers to equality for women at work, which is why we are tackling the gender pay gap, increasing the number of women on boards, increasing support for childcare costs and ensuring employers are aware of their obligations to pregnant women.

Employers are entitled to set dress codes for their workforce but the law is clear that these dress codes must be reasonable. That includes any differences between the nature of rules for male and female employees, otherwise the company may be breaking the law. Employers should not be discriminating against women in what they require them to wear.

The Government takes this issue very seriously and will continue to work hard to ensure women are not discriminated in the workplace by outdated attitudes and practices.⁸

10. The Petitions Committee was disappointed with both the quality and timeliness of this response. The Government has agreed to provide responses within 21 days.⁹ Given its brevity, the Committee could not understand why this response took 40 days to produce. When the response finally arrived, it failed to address directly the issues raised by the petition. It therefore fell far short of the standards we expect the Government to meet.

5 [“Nicola Thorp: Firm at centre of workplace dress code sexism row to review high heels guidelines”](#), Evening Standard, 11 May 2016

6 Petitions Committee, [High heels and workplace dress codes forum](#)

7 Mumsnet, [Have you been made to wear high heels at work?](#)

8 E-petition [129823](#), Make it illegal for a company to require women to wear high heels at work

9 Standards for government responses: <https://www.parliament.uk/documents/commons-committees/petitions/Petitions-Chair-leader-of-the-House-letter.pdf>

11. It was important to this inquiry that we receive a clear and direct statement of the Government's position. The Chair of the Petitions Committee therefore wrote to the Minister for Women and Equalities on 28 June 2016 to request a response which addressed directly the issue raised by the petition. On 11 July, we received the Government's fuller answer to these points.¹⁰

Our report

12. Our inquiry was prompted by a petition about requirements to wear high heels, but in the course of gathering evidence we have also heard about other kinds of gendered dress codes. We heard from women who had been required to dye their hair blonde, to wear revealing outfits and to constantly reapply make-up. This report considers the evidence we received and makes recommendations to the Government for action.

2 Workers' health, wellbeing and performance

13. The health impact of high heels has long been known. There are consistent descriptions, from 1740 to the present day, of the musculoskeletal damage they can cause. Indeed, in May 1880, *The Lancet* (a leading British medical journal) launched an editorial campaign against female shop assistants being required to wear heels, which it branded “Cruelty to Women”.¹¹

14. We nevertheless considered it important to consider carefully the most up-to-date evidence about the impact that wearing high heels can have on employees' health and wellbeing. This seemed to us to be important for two reasons: firstly because it is necessary to understand the impact of wearing high heels in order to consider the question of whether it should be lawful for employers to require staff to wear them, and secondly to ensure that this evidence is available to MPs when they come to debate the petition.

Medical evidence

15. The Committees received written evidence from the College of Podiatry. Individual podiatrists also shared their views with the Committees through our web forum. The College explained:

We believe that there is a strong body of clinical evidence that significantly indicates the medical and disabling effects of wearing a high heel shoe over a prolonged amount of time.¹²

16. The College told us that women who wore high heels for long periods of time had reduced balance, reduced ankle flexion and weaker muscle power in the calf. This significantly alters the mobility of the foot and puts the wearer at a much greater risk of associated disabling pathologies over a long period of time.¹³ Footwear is clearly documented in scientific literature as being a primary cause of foot pain and pathology with a direct link between women who wear ill-fitting footwear and disabling pain.¹⁴

17. Through our web forum, we received compelling anecdotal evidence about employers' treatment of female workers suffering from foot problems. Commenting on our web thread, a podiatrist told us:

I have on a number of occasions been consulted by women who had biomechanical foot problems or injuries and who were still required by their employers to wear high heels at work. The footwear they were required to wear by their employers both exacerbated their problems and limited the effectiveness of treatment. This meant that the physically debilitating foot problem they had would either be prolonged into the medium term, or the inappropriate footwear could even cause long term damage.¹⁵

11 “Cruelty to Women”, *Lancet*, 8 May 1880, page 729

12 College of Podiatry ([WDC0001](#)) section 2:

13 College of Podiatry ([WDC0001](#)) section 5

14 College of Podiatry ([WDC0001](#)) section 6

15 Katherine Kpabitey, 11 June 2016 at 17:46

18. A review of the scientific literature, predominantly from the UK and USA, highlighted the direct causative relationship between wearing high heels for extended periods of time and:

- long-term changes to gait, which has a causative link to knee, hip and spine problems and osteoarthritis;
- stress fractures in foot bones from sustained body weight on the ball of the foot;
- Morton’s neuroma—a condition caused by foot bones pressing against the nerves in the foot over a sustained period, which causes constant pain. In our web forum, one sufferer described the sensation “as if you are walking on bruises and glass particles at the same time”¹⁶;
- ankle sprains, fractures and breakages due to trips and accidents;
- hallux valgus (bunions);
- blisters and skin lesions; and
- enduring balance problems which persist into old age.

19. We also note that workers over 40 are especially at risk if required to wear high heels, because balance quickly deteriorates from age 40, making wearers of high heels more susceptible to accidents, injury and corresponding time out of the workplace. This chimes with the conclusions of the British Medical Journal, which reported that “heel height habit was among the top two predisposing factors for falls in older adults even though no participant was wearing high heels at the time of falling”¹⁷ because of the long-term impairment of balance caused by sustained wearing of high heels. The Journal of Corporation Law reported that “[t]he surgical treatment of these hobbled feet ... never restores them to normal.”¹⁸

20. Some disabled workers¹⁹ and workers with less commonly shaped feet are at a particular disadvantage where a dress code requires high heels,²⁰ because—if they can get high heels on—their pain may be particularly acute while wearing them. For some disabled women commenting in our web forum, the prospect of wearing high heels on a daily basis is so unappealing that a requirement to wear them would stop them applying for that job.²¹ This accords with the evidence we heard from Azmat Mohammed, Director General of the Institute of Recruiters, who told us that high heel dress codes “definitely” affect the range of employees who come forward for job opportunities.²²

16 Cara, 11 June 2016 at 18:30

17 Barnish MS, Barnish J, “High-heeled shoes and musculoskeletal injuries: a narrative systemic review”, *BMJ Open* 2016 (reference number 6:e010053. Doi:10.1136/bmjopen-2015-010053), page 4

18 Linder M, “Smart Women, Stupid Shoes, and Cynical Employers: The Unlawfulness and Adverse Health Consequences of Sexually Discriminatory Workplace Footwear Requirements for Female Employees”, 22 *Journal of Corporation Law* 295 (1997), page 296

19 For guidance on the definition of disability for the purposes of the Equality Act 2010, see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85038/disability-definition.pdf

20 Liz, 15 June 2016 at 12:51; Kate, 10 June 2016 at 17:41; Dr Julie Ackroyd, 9 June at 19:59; Charlotte Williamson, 9 June 2016 at 17:57; Missy M, 9 June 2016 at 22:58; Christine, 9 June at 12:39; Jane Gristock, 9 June 2016 at 8:58

21 Babs Wilson, 9 June 2016 at 23:25; PJ, 9 June at 22:45; Laura, 9 June 2016 at 11:08

22 Q85

21. We received evidence through the web forum from women who struggle to wear high heels because of:

- Multiple sclerosis²³
- Cerebral palsy²⁴
- Arthritis and osteoarthritis²⁵
- Ehlers-Danlos syndrome²⁶
- Morton's neuroma²⁷
- Spinal deformities²⁸ or other back problems²⁹
- Hypermobility joints³⁰
- Irregular length metatarsal or phalange (foot and toe bones)³¹
- Flat feet³²
- Wide feet³³
- Small feet³⁴

22. The health impact of high heels also has consequences for the economy. The College of Podiatry told us that in 2008, the cost of surgery and podiatry for chronic foot conditions associated with long term high heel use was estimated to be £29 million per annum.³⁵

23. The evidence leaves the Committees in no doubt that dress codes which require women to wear high heels for extended periods of time are damaging to their health and wellbeing in both the short and the long term.

Impaired performance

24. A second theme which emerged from the evidence was that high heels impair the wearer's ability to perform at work. There are three main reasons for this: firstly, high heels can leave the wearer in significant pain which, as with other conditions causing chronic pain, makes it difficult to focus; secondly, high heels are ill-suited to the duties required to be performed; and thirdly, high heels affect breathing patterns and concentration and may thus reduce executive presence.

23 Hilary Danelian, 9 June 2016 at 13:50

24 Missy M, 9 June 2016 at 22:58

25 Susan Wood, 9 June 2016 at 12:03; Christine Abdelmoutaleb, 9 June 2016 at 11:32

26 Laura, 9 June at 11:08

27 Sally Edwards, 9 June 2016 at 04:27

28 Mrs Norman, 9 June 2016 at 08:41

29 Diane, 9 June 2016 at 08:11

30 Cate, 10 June 2016 at 17:41

31 Jill, 9 June 2016 at 16:32

32 Kay, 9 June 2016 at 02:05

33 Elizabeth, 9 June 2016 at 14:44

34 Cathy Clarke, 10 June 2016 at 00:12

35 College of Podiatry ([WDC0001](#)) section 7

Chronic pain

25. The Committees received evidence of the extreme pain and suffering caused by wearing high heels for prolonged periods of time. Commenting in the web forum, members of the public repeatedly told us that their feet would bleed,³⁶ that their feet would hurt so much that they were unable to walk or lead a normal life,³⁷ and that some women required corrective surgery which left them out of work for extended periods.³⁸ We were told that even in pregnancy women are not always excused high heels.³⁹ We heard that the pain was so great that some women became unable to concentrate on the task in hand, putting them at a disadvantage compared to male colleagues in flat shoes,⁴⁰ and that they dreaded going to work because of the pain.⁴¹

26. We heard that employers sometimes failed to take workers' pain seriously. Ms Thorp told us:

Girls would be in tears because their feet were bleeding ... and you'd just get laughed at: 'Well, go home, have a bath and come back tomorrow.' There is no leniency.⁴²

27. In written evidence, the College of Podiatry shared its research into the length of time women can endure high heels without pain. Through a survey, they found that women complain of foot pain on average 1 hour, 6 minutes and 48 seconds after putting on ill-fitting high-heeled shoes. A fifth of survey respondents said that their feet began to hurt after just 10 minutes' wear. The College found in 2013 that 90% of 2,000 women surveyed had self-reported foot problems.⁴³

Footwear ill-suited to the task

28. The Committees received many contributions via the web forum from women describing the duties they were expected to perform at work while wearing high heels. These included carrying food, drinks and stock up and down stairs; carrying heavy luggage; moving furniture; conducting emergency evacuations of aircraft; commuting between different locations or to and from work; climbing ladders; walking long distances

36 I, 9 June 2016 at 02:46; Louise, 14 June 2016 at 22:18; Danielle, 10 June 2016 at 23:16; Shannon Jones, 10 June 2016 at 20:53; Anonymous, 9 June 2016 at 22:26; Natasha Covill, 9 June 2016 at 14:30

37 Melissa Sadler, 16 June 2016 at 12:54; Cynthia Vanzella, 16 June 2016 at 00:22; Mia Houghton, 11 June 2016 at 19:51

38 Jackie, 11 June 2016 at 10:26; Heidi Hughes, 9 June 2016 at 08:49; Cynthia Vanzella, 16 June 2016 at 00:22; Natasha Covill, 9 June 2016 at 14:30; Claire Hickey, 12 June 2016 at 22:21; Nicky Watkins, 9 June 2016 at 08:55

39 Meme, 10 June 2016 at 15:08; Jasmine, 9 June 2016 at 06:56; Cally Sims, 9 June 2016 at 08:54; Dani, 9 June 2016 at 13:00

40 Jennifer Moore, 9 Jun 2016 at 11:03; Ildiko Mihalyi, 10 June 2016 at 07:01; Ana, 13 June 2016 at 14:16; oral evidence Q22

41 Rana El-Hoshi, 9 June 2016 at 01:40; Abbey, 9 June 2016 at 09:17

42 Q8

43 College of Podiatry ([WDC0001](#)) section 2

through large airports; showing clients to meeting rooms; and standing throughout the day. A number of women explicitly told us that they were less effective in their role because they were forced to perform their duties wearing high heels.⁴⁴

29. In written evidence, Portico (the agency whose dress code led to this petition) confirmed that it had not undertaken a health and safety assessment of its dress code requirement to wear high heels.⁴⁵ Portico is probably not alone in not having considered its dress code through the lens of health and safety law. Azmat Mohammed of the Institute of Recruiters told us:

[E]mployers are legally obliged to do health and safety assessments anyway, but it doesn't really go into that much detail in terms of shoes and footwear.⁴⁶

Scarlet Harris of the TUC gave similar evidence:

There is a lot of focus on the safety aspect in health and safety legislation. There is a lot of legislation around personal protective clothing, for example, and shoes that you must wear, like steel-capped toes, where you are protecting your feet. There is very little about the health and wellbeing side, which should actually be part of that legislation—it is part of the legislation but there is less focus on it.⁴⁷

Impaired vocal projection and reduced executive presence

30. Even when women are not expected to perform physically demanding tasks in their high heels, we received written evidence, from Helen Sewell, suggesting that high heels nonetheless put the wearer at a disadvantage, because:

- High heels cause shallower, more frequent breathing due to tightening of the abdominal muscles. Breathing in this way sends the body into “fight or flight” mode, causing blood to rush to the legs and arms, away from the brain.
- The physical instability caused by wearing high heels reduces the wearer’s presence and authority when communicating.
- Shallower breathing inhibits effective vocal projection, sometimes leading to vocal cord damage and sickness absence.⁴⁸

44 Victoria Williams, 9 June at 13:15; Eilidh McMillan, 9 June 2016 at 06:12; Tecla Vilona, 9 June 2016 at 12:39; Alexandra Nieto, 12 June at 21:49; Laura Middag, 16 June 2016 at 12:52; Ksenia Stepanova, 9 June 2016 at 10:15; Rebecca Turnbull, 9 June at 05:54; Katie Meir, 9 June 2016 at 11:40; Rachel McGuigan, 9 June 2016 at 12:43; P, 9 June 2016 at 09:14; Elizabeth Jenkins, 9 June 2016 at 06:02; Chloe, 15 June 2016 at 17:56; Elisabeth, 15 June 2016 at 15:00; Laura Arnold, 15 June 2016 at 14:27; Dani, 9 June 2016 at 13:00; Sara Brown, 9 June 2016 at 13:11; Katherine 9 June 2016 at 14:12; TCW, 9 June 2016 at 21:14; Annie Hall, 9 June 2016 at 10:35; oral evidence Q14 and Q16

45 Portico ([WDC0006](#))

46 Q80

47 Q77. This accords with Emma Birkett’s evidence at Q27 that she was not aware of any health and safety assessment of the high heels component of her dress code which might have been carried out by her employer.

48 Helen Sewell ([WDC0003](#))

31. **The College of Podiatry’s evidence that, on average, women report pain after 1 hour, 6 minutes and 48 seconds of wearing ill-fitting high heels—with a fifth of respondents reporting pain after 10 minutes’ wear—puts in context the suffering of women required to wear high heels throughout the working day. There is also evidence that a requirement to wear high heels has a disproportionate effect on women who have a disability and on older women. Employers who require their female employees to wear high heels must be either unaware of the pain and impairment they cause, or simply choosing to ignore it. Either way, they are seriously failing in their duties towards their employees.**

Psychological wellbeing

32. Many women used our web forum to describe how mandatory high heel dress codes made them feel in the workplace. The picture these contributions paint is a stark one. Workers find dress codes which require them to wear high heels to be “humiliating and degrading”,⁴⁹ and “demeaning”⁵⁰. Some commenters felt “sexualised”⁵¹ by their employer’s insistence on high heels.

33. During the first oral evidence session, we explored these feelings about high heels and other gender-based dress code requirements (such as a requirement for women to wear make-up) in more detail with our first panel of witnesses: Nicola Thorp, Ruth Campion and Emma Birkett. Ms Thorp told us that her dress code:

made [her] not want to work for the companies any more. It made [her] not want to aspire to higher levels of employment in companies like that because [she] thought, “If this is what we have to do at this level, what will we have to do to work higher up in the company?”⁵²

34. We heard from Ms Campion how she found her dress code as an air hostess made her feel “extremely uncomfortable, particularly because it was being done for the business.”⁵³ She explained:

For me personally, it was a bit dehumanising and humiliating to be made specifically to wear items of uniform that sexualised my appearance or enhanced my sexuality⁵⁴—no aspect of the men’s uniform was designed to enhance their male sexuality. They looked very smart—they all looked immaculate—but none of them was enhancing their sexuality to somehow improve the image of the airline or the service we were providing.⁵⁵

49 Megan Foster, 9 June 2016 at 16:17; Carl, 10 June 2016 at 02:23

50 Una McIlvenna, 9 June 2016 at 07:59; H, 9 June 2016 at 09:58; Rebecca Russell, 9 June 2016 at 01:32; Natasha Covill, 9 June 2016 at 14:30

51 Kim Farrington, 9 June 2016 at 07:08; Josephine Bellm, 10 June 2016 at 21:33; Janet, 9 June 2016 at 11:33

52 Q5. See similarly, Fawcett Society ([WDC0007](#)) para 11; and web forum: Kathryn, 11 June 2016 at 01:26; and Camille, 12 June 2016 at 01:20: “*It never occurred to her to wear flats as she assumed that her job and the opportunities she had for advancement would be affected.*” Nicola Thorp also told the Committee about a retail job which she had left because of the dress code: Q7; Azmat Mohammed said high heel dress codes affect the range of employees who come forward for job opportunities: Q85

53 Q6

54 Q6

55 Q21

Ms Birkett told us:

I felt offended, in retail, by the request to get better sales by flaunting myself, whereas I was a very good salesperson and I could use my skills and my product knowledge to do that. I felt offended that [the employer] would think less of my skills and more of the clothes that I was wearing.⁵⁶

She explained that her employer had encouraged her and her colleagues to wear shorter skirts and unbutton their blouses more at Christmas time, when a higher proportion of male shoppers was anticipated.⁵⁷

35. The witnesses also shared their experiences about how dress codes are enforced at work, and the broader working environment for women. This was consistent with the evidence we had received through the web forum—experiences like Christine’s seemed to be commonplace: “My boss ... made comments on a daily basis about our bodies.”⁵⁸

36. Gender-based dress codes also seem, on the evidence we heard, to go hand in hand with a work environment in which women—especially young women—are objectified and left vulnerable to sexual harassment and unwanted sexual attention.⁵⁹ Ms Birkett told us:

I certainly did get a lot of unwanted attention, more so in the reception job than the retail job. I was asked out on dates by customers; they wanted to know when I finished my shift. That was uncomfortable.⁶⁰

37. Ms Campion told us about the harassment which young female flight attendants can suffer:

The harassment suffered by some of these colleagues was absolutely unbelievable, particularly online. People would take the name off their name badges and send a lot of Facebook messages and stuff like that, to try to find them ... They would get a lot of messages on social media from passengers who had flown with them and perhaps got the wrong idea about how friendly they were. People would try to find out which hotel we were staying in all the time. There would be a fair amount of grooming towards girls half or a third of their age about taking them out and stuff like that, which was highly inappropriate.⁶¹

38. Sexual harassment is not the only type of workplace harassment which might be linked to gender-based dress codes. One in four trans people, and one in five LGB people, have reported being discriminated against at work.⁶² Gender-based dress codes may exacerbate this. In written evidence, Stonewall explained that:

Dress codes which are based on gender can have a negative impact on employees who do not conform to gender stereotypes, whilst potentially

56 Q41. We received similar evidence from the Fawcett Society ([WDC0007](#)) para 10.

57 Q35 and Q36

58 Christine, 11 June 2016, 11:19. See similarly: Camille, 12 June 2016, 01:20: “To ensure grooming standards floor manager will often do a store walk and critique staff members on their appearance.”

59 Q89; web forum: Mary Frost-Payne, 9 June 2016 at 07:10; Camille, 12 June 2016 at 01:20

60 Q41

61 Q43–44

62 Stonewall ([WDC0009](#)) para 6

skewing perceptions on what it is 'to be a man' or 'to be a woman' in the workplace. Often the items of clothing stipulated for wear by a man or woman in gender-based dress codes are neither necessary to reflect the ethos or brand of an organisation, nor needed for safety purposes.⁶³

39. It is clear from the evidence we have received that certain requirements in dress codes for female workers—for example, requirements to wear make-up, high heels and skirts above the knee—make some workers feel very uncomfortable, even sexualised by their employer. These workers may feel discriminated against and deterred from seeking to progress within their company. In some cases, such requirements in dress codes may also expose workers to unwanted sexual attention from customers and clients or from management.

40. We are also concerned about the extent to which gender-specific dress codes reinforce rigid gender stereotypes which might make workers, especially some LGBT+ workers, feel uncomfortable.

63 Stonewall ([WDC0009](#)) para 5. See similarly Q9

3 The legal framework

41. The evidence provides a picture of certain sectors—in particular, retail, hospitality, tourism, corporate services and agency work—in which dress codes are particularly likely to leave female workers in a vulnerable position, sometimes causing considerable pain and humiliation. In this chapter, we consider what the law requires and whether employers in these sectors are complying with their obligations.

The existing law

The Equality Act 2010

42. The Government told us that the Equality Act 2010 aimed firstly to harmonise discrimination law, and secondly to strengthen the law to promote equality in the UK.⁶⁴ The Act is far-reaching. As far as the workplace is concerned, it prohibits discrimination on the basis of certain characteristics, collectively known as the “protected characteristics”.⁶⁵ These include gender, gender reassignment, sexual orientation, age, pregnancy/maternity and disability.⁶⁶ The Act also requires employers to make reasonable adjustments in the workplace where a worker has a disability which the employer knows or ought reasonably to know about.⁶⁷ This is a positive and proactive duty to take steps to remove, reduce or prevent the obstacles faced by a disabled worker or job applicant.⁶⁸

43. In its written evidence, the Government told us that the dress code with which Nicola Thorp was required to comply was, in its view, already illegal under the Equality Act 2010. It went on to explain:

... Section 11 of the Equality Act provides that sex is a protected characteristic and Section 13(1) defines direct discrimination as follows:

Person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

Sections 39 and 41 of the Equality Act prohibit direct discrimination against employees and contract workers respectively. They also specifically state that employers must not discriminate as to the terms of employment, or indeed by subjecting an employee to any detriment at work. Victimisation of an employee or applicant for bringing a complaint is also prohibited in these provisions.

Therefore, the question is whether female staff are subjected to less favourable treatment in terms of employment terms and conditions, compared with any requirements placed on male workers. This means that the dress code

64 Department for Education, Memorandum to the Women and Equalities Select Committee on the Post-Legislative Assessment of the Equality Act 2010, [Cm 9101](#), July 2015, para 1.1

65 Equality Act 2010, section 4

66 Equality Act 2010, Part 2

67 Equality Act 2010, sections 39 and 20

68 Equality and Human Rights Commission: <https://www.equalityhumanrights.com/en/multipage-guide/employing-people-workplace-adjustments>

should not be more onerous for one gender than for the other—comfort and health issues may be relevant here—and should be enforced equally on men and women.

In some cases, this would be clear cut—for example a rule that required female workers to wear make-up but made no corresponding requirement (e.g. a smart haircut, rules about facial hair) on their male colleagues would almost certainly amount to less favourable treatment because of sex, so would be discriminatory. With other aspects of dress codes/uniform the position may be less straightforward because men and women usually dress differently. In such cases a tribunal would be likely to apply a reasonableness test.⁶⁹

Health and safety law

44. Workplace dress codes engage other areas of law beyond the Equality Act. Health and safety law was repeatedly raised by witnesses at the first oral evidence session. Employers are legally required to conduct a workplace health and safety risk assessment.⁷⁰

45. We heard evidence that many employers simply were not thinking about the risks of high heels in their health and safety risk assessments. Azmat Mohammed of the Institute of Directors and Scarlet Harris of the TUC told us that general workplace risk assessments do not go into detail about footwear⁷¹ and, where they do, they tend to focus on personal protective clothing (for example, shoes with steel-capped toes worn on a construction site).⁷² It seems that it is not obvious to employers that they should routinely be assessing requirements to wear high heels—and perhaps other aspects of workplace dress codes—as a health and safety risk.

Is the law clear?

The principles contained in the Equality Act

46. The Government told us that the existing law is clear,⁷³ and that, in its view, the dress code which gave rise to this petition is unlawful under the Equality Act 2010.⁷⁴ John Bowers, a barrister at Littleton Chambers, told us:

It does depend whether it is part of a more general code. If it is a particular conventional dress code that applies to both men and women, then it would not probably be direct discrimination, but it would almost certainly be indirect discrimination because it bears more heavily on one sex than another. The employer can then justify that. Direct discrimination cannot

69 Minister for Women and Equalities ([WDC0002](#))

70 The Management of Health and Safety at Work Regulations 1999 require an employer to (1) conduct a suitable and sufficient assessment of the risk to the health and safety of persons at work and of those not in his employment; and (2) to set out a hierarchy of risks in the workplace. This risk assessment duty builds on the general duty on employers under section 2 of the Health and Safety at Work Act 1974 to provide a safe working environment

71 Q80

72 Q77

73 Government response to the petition, para 2

74 Written evidence from the Minister for Women and Equalities, page 1

be justified, but indirect discrimination can, on the basis that it is reasonably necessary to achieve a legitimate aim. I must say, speaking for myself, I cannot see many circumstances in which wearing high heels would either fulfil a legitimate aim or be reasonably necessary. There are some aims that may be legitimate for a dress code. For example, projecting an image, announcing who the person is, for police or traffic wardens, or health and safety ...⁷⁵

He continued:

My observations are twofold. First, it is not just what is reasonable, because in order to get into the gateway of justification you have to show that there is a legitimate aim, and that is fairly narrow. Secondly, it is not just reasonable, but what is reasonably necessary, which is quite a high standard. Those issues are left to the employment tribunal, and a tribunal sitting in Hull may reach a different view than a tribunal—I am not just taking these places at random—sitting in Plymouth, for example. They reflect the standards of the community.⁷⁶

47. The distinction Mr Bowers draws between the law in the abstract—which is fairly clear—and the matters left to the tribunal to decide—which may be more difficult to anticipate and may lack consistency from region to region—is also reflected in other evidence we heard. Azmat Mohammed, Scarlet Harris and Simon Pratt all understood the law in the abstract.⁷⁷ They agreed, however, that more information and guidance could help employers better understand how the law applies in individual cases,⁷⁸ particularly guidance on the extent to which dress codes should be addressed in health and safety general risk assessments.⁷⁹

48. The Equality Act is clear in principle in setting out what constitutes discrimination in law. Nevertheless, discriminatory dress codes remain commonplace in some sectors of the economy. Moreover, we have heard evidence that many employers are not taking dress codes into account in their health and safety risk assessments. This means that the law is obviously not working in practice to protect employees from discriminatory practices and unsafe working conditions.

How the law applies in individual cases

49. In her supplementary evidence, the Minister for Women and Equalities provided the example of a dress code which requires female workers to wear make-up. The Minister viewed this as a “clear cut” case of illegality unless a “corresponding” requirement applied to men, for example, a smart haircut or rules about facial hair.⁸⁰

75 Q98

76 Q104

77 Q75. See also Q76, Q87 and Q88

78 Q80, Q86-Q89

79 Q77

80 Minister for Women and Equalities ([WDC0002](#))

50. We asked the witnesses for their views about dress codes requiring make-up, and they did not agree with the Minister that it was “clear cut”. Harini Iyengar told us:

There is very little case law ... In terms of something like requiring somebody to wear make-up who is a conventional woman and identifies as a woman, I think it would be much more difficult for her to show that that was less favourable treatment ... You would be in a grey area because conventionally many women do wear make-up.⁸¹

51. The difficulty the witnesses had in advising us whether they thought a make-up requirement would or would not be illegal under the Equality Act (they both ultimately thought a requirement to wear make-up would constitute indirect discrimination⁸²) demonstrates the significant uncertainty which characterises the practical application of the Equality Act to individual cases.

52. Elsewhere in her evidence, the Minister for Women and Equalities explained that:

With other aspects of dress codes/uniform the position may be less straightforward because men and women usually dress differently ...⁸³

53. Mr Bowers made some suggestions about how this uncertainty might be reduced. He proposed that Parliament could define what the legitimate aims can be (as explained above, an indirectly discriminatory dress code can only be justified insofar as it is reasonably necessary to serve a legitimate aim). This would restrict the discretion of individual tribunals to decide (a) whether the aim of the dress code requirement falls within one of the prescribed legitimate aims, and (b) whether the dress code requirement is reasonably necessary in pursuit of that legitimate aim. The legitimate aims which Mr Bowers envisaged were:

- (1) health and safety;
- (2) to establish a truly necessary public image, for example, the judiciary;
- (3) to project a smart and uniform image; and
- (4) to restrict dresses or insignia which may cause offence.⁸⁴

54. We note that a central issue in addressing dress code requirements which women might find humiliating lies in proving that the dress code requirement constitutes less favourable treatment. Any worker who believes they have been discriminated against by their employer and wants to bring legal proceedings must show that the dress code amounts to less favourable treatment, because that is part of the statutory definition of direct discrimination.⁸⁵

81 Q102. John Bowers concurred at Q104.

82 Q107

83 Minister for Women and Equalities ([WDC0002](#))

84 Q112

85 Section 13(1) Equality Act 2010. A similar criterion of “particular disadvantage” applies to indirect discrimination under section 19(2) Equality Act 2010

55. Although the Equality Act is clear in principle, we heard a range of evidence which suggests that its application to individual cases is not straightforward. There seems to be considerable uncertainty about whether specific provisions—such as requiring female employees to wear make-up—are permissible or not.

56. In particular, the need to prove that a particular requirement constitutes “less favourable” treatment seems to be a barrier to claims in cases where the dress code requires workers to dress in a way which many people in society already adopt by choice. Make-up is perhaps the clearest example of this. We heard that it would be difficult for a claimant to prove that a dress code requiring female employees to wear make-up constitutes less favourable treatment, even though some workers might feel humiliated and degraded by the requirements of such a code.

57. *The Government Equalities Office should work with the Ministry of Justice to examine what proportion of cases relating to discrimination in the workplace failed because the claimant could not establish less favourable treatment. They should also seek to discover how many people are deterred from bringing a case because they feel that the law is unclear. If this represents a significant proportion of cases, then the Government should consider adapting the less favourable treatment test to place greater weight on the subjective element—the claimant’s feeling of being discriminated against—and issuing guidance to this effect.*

58. *The Government should also examine what proportion of such cases failed because the employer was found to be pursuing a legitimate aim. If this represents a significant proportion of cases, then the Government should consider changing the law to define what legitimate aims can be. We would propose the following legitimate aims:*

- (1) *health and safety;*
- (2) *to establish a truly necessary public image, for example, the judiciary;*
- (3) *to project a smart and uniform image; and*
- (4) *to restrict dresses or insignia which may cause offence.*

4 How well does the law work in practice?

59. To work in practice, the law needs to be understood by employers and workers, and enforced if breached. The evidence we received suggests that employers in the main sectors focused on in this report (hospitality, retail, tourism, corporate services and agency work) often fail to take workers' complaints about potentially discriminatory dress codes seriously. Further, we repeatedly heard that even where employees think that their dress code might be unlawful, they feel too insecure in their job to challenge it.

Workers' experiences of challenging dress codes

60. We received a large number of contributions via the web forum from women sharing their experiences of trying to challenge dress codes. Overwhelmingly, their experiences were of informal attempts at challenge—for example, by speaking to their manager or having an informal conversation with a colleague in human resources—rather than formally through a letter of grievance, through ACAS, or an employment tribunal.

61. When Ms Thorp challenged Portico's dress code, she was laughed at by her manager and sent home without pay:

She [the supervisor] just laughed and when I did point to the male colleague, she continued to laugh at me. I wasn't taken seriously. It felt like she thought that I was just causing a fuss ... That's certainly how I was made to feel on that day—and humiliated because she laughed at me in front of other workers.⁸⁶

For her part, Emma Birkett said that, when she questioned the dress code required by her employer, she was laughed at⁸⁷ and met with a “quip” that she would have plenty of time to rest her feet if she were unemployed. She was only allowed to wear flat shoes to work after an ankle sprain.⁸⁸ Although Ms Birkett was aware that there were organisations she could have turned to for support, she did not contact them because:

... there is always that fear that if you do that, you will be pushed out of your job. When you really need that employment, you have to weigh up how much fuss you think it is worth financially to you. Do you want to be out of a job? Do you want to go through the stress of having to fight for that?⁸⁹

62. These experiences echo many of the comments from women in the web forum. One member of the public wrote:

When at some point about 2 years ago all the girls I worked with at that time tried to talk with our managers and HR about being able to wear flats we've been told that if we don't want to wear heels maybe this place is not for us.⁹⁰

86 Q2

87 Q30

88 Web forum: Emma, 10 June 2016 at 22:58

89 Q33

90 Meme, 10 June 2016 at 15:08

Others wrote, “I was told that I would be fired straight away if I chose to put flats on”⁹¹ and “I was a bit shocked [by the requirement to wear high heels] but was too shy to challenge the dress code of a job I had just started.”⁹²

63. In her written evidence, Angela Jackman explained that employees are in an extremely vulnerable position: if they challenge their employers, they are likely to be unsuccessful in recruitment or promotion.⁹³ Scarlet Harris’ evidence was similar:

Better guidance would be useful, but I think there is also something there about enforcement and access to justice ... some types of contracts do put people in incredibly vulnerable positions.⁹⁴

64. *It is clear that many employees do not feel able to challenge the dress codes they are required to follow, even when they suspect that they may be unlawful. We therefore recommend that the Government develop an awareness campaign to help workers to understand how they can make formal complaints and bring claims if they believe that they are subject to discriminatory treatment at work, including potentially discriminatory dress codes. Advice should be provided about:*

- *discrimination in the workplace and in job applications;*
- *statutory employment rights (including unfair dismissal, notice and rights to pay on dismissal or resignation); and*
- *approaches to seeking advice and resolving workplace disputes (including the roles of Acas, the Equality and Human Rights Commission, Citizens’ Advice Bureau, employment tribunals and free or pro bono legal services).*

The awareness campaign should cover all sectors but be targeted particularly at the following industries:

- *Hotels and tourism*
- *Travel and airlines*
- *Temporary work agencies*
- *Corporate services*
- *Retail, especially luxury retail*
- *Hospitality, especially bar, waitressing and club work*

65. *In view of the evidence we have received about the particular impacts of discriminatory dress codes on younger workers, this awareness campaign should also be extended to include all sixth form and further and higher education institutions in England.*

91 Lizzy Clough, 9 June 2016 at 05:36

92 Penny, 11 June 2016 at 14:06

93 This was mirrored by Nicola Thorp’s evidence to the Committee at Q1—“she [the manager] pointed out that there would be someone else who was quite happy to take over my role.”

94 Q89

Employers' understanding of the law

66. Scarlet Harris and Azmat Mohammed agreed that there was poor understanding among employers about the legality of workplace dress codes.⁹⁵ This seems to be borne out by what Simon Pratt, the Managing Director of Portico, had to say:

Chair: ...are you saying that, before all this publicity, it did not occur to anyone, looking at these [dress code] guidelines, to say, "Look, there might be a bit of a problem here. These might be discriminatory"?

Simon Pratt: I think the reality is that it didn't.⁹⁶

67. Employers need to understand the impact of dress codes on their workers. Harini Iyengar told us that while the pain caused by prolonged wear of high heels might be obvious to women who regularly wear high heels, she thought "a lot of men have not applied their minds to it."⁹⁷ If employers simply do not understand that high heels do harm, it follows that they will be unlikely to ask themselves the crucial questions about what legal obligations they might have to address a discrimination or health and safety risk arising from their dress code.

Guidance available to employers

68. In order to help employers comply with their legal obligations, Acas (the Advisory, Conciliation and Arbitration Service) provides guidance to employers about workplace dress codes.⁹⁸ Acas told us:

Rather than stating that employers should introduce a dress code, Acas encourages employers who are intending on doing so to consider whether this is genuinely needed. Acas emphasises that employers should only specify a dress code where they believe the business needs one, or will benefit from one. Likewise, outside of legal requirements (which includes Sex Discrimination provisions) or widely-acknowledged good practice, we do not seek to recommend particular positions on the specific requirements of dress codes.⁹⁹

69. The guidance Acas provides to employers was criticised by Azmat Mohammed¹⁰⁰ and Harini Iyengar¹⁰¹. They told us that if an employer without in-house legal support had to respond to a complaint about a dress code and turned to the Acas website for support, Acas' guidance would be of little assistance.¹⁰² John Bowers noted that Acas concentrates mainly on conciliation services, and has tended to leave education about employment

95 Q77, Q88 and Q89

96 Q60

97 Q108

98 Acas provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law. Acas guidance is provided online and via a free telephone helpline service and is designed to drive sustained organisational effectiveness and productivity and improve the quality of working life across the economy through practical advice and expert support. Acas' online guidance for employers about workplace dress codes can be accessed here: <http://www.acas.org.uk/index.aspx?articleid=4953>

99 Acas ([WDC0008](#)) para. 4

100 Q72

101 Q120

102 Q72 and Q120

discrimination law to the Equality and Human Rights Commission.¹⁰³ In their written submission Acas expressed a readiness to develop more detailed online guidance about dress codes for employers, and to work with stakeholders to achieve this.¹⁰⁴

The Government's assessment of employers' understanding

70. We asked the Government what assessment it had made of the extent to which the law in this area is understood by employers, and what steps it would take to ensure that employers are aware of their obligations when they impose or review a workplace dress code. The Government responded that it keeps the Equality Act 2010 under review: it told us that, in 2015, it had published a post-legislative scrutiny memorandum, which set out the Government's evaluation of how well the Equality Act worked during its first five years on the statute books.¹⁰⁵ We found this answer to our question somewhat disappointing—the document to which we were directed does not mention dress codes at all. The Government did not provide any other evidence of any work it had done to establish the extent to which employers understand the law in this area, nor did it describe any plans to ensure that employers are made aware of their obligations under the law.

71. The Government Equalities Office does not appear to have a grasp of whether employers understand and comply with anti-discrimination legislation when they are implementing dress codes. The evidence we received indicates that employers do not properly understand how the Equality Act applies in practice, particularly in areas where there is little case law to guide them.

72. It is clear to us that, in many cases, employers who impose dress codes on their workers simply are not asking themselves what legal obligations they might have to protect their employees' health and wellbeing and to avoid discrimination against their employees, because they are not recognising the potential harm which their dress codes might cause.

73. The Government Equalities Office should work with Acas and the Health and Safety Executive to ensure that detailed guidance for employers is published, to help them to understand how discrimination law and health and safety law apply to workplace dress codes. Given the importance of this issue for millions of workers, we recommend that the Minister for Women and Equalities ensure that this updated guidance is published by July 2017.

74. At the very least, this guidance should address the more controversial dress code requirements which have been brought to light through this inquiry: high heels and footwear; make-up; manicures; hair (colour, texture, length and style); hosiery; opacity of workwear; skirt length; and low-fronted or unbuttoned tops.

103 Q120

104 Acas ([WDC0008](#)) para 6

105 Department for Education, Memorandum to the Women and Equalities Select Committee on the Post-Legislative Assessment of the Equality Act 2010, [Cm 9101](#), July 2015

Box 1: Case study: Portico's adoption of a gender neutral dress code

The dress code which gave rise to this petition had been in place for eight or nine years.¹⁰⁶ Portico had not taken advice about the legality of this dress code, either on its introduction or when it last reviewed the dress code in 2014.¹⁰⁷ Questioned about the rationale for the strict dress code, Simon Pratt (Managing Director of Portico) explained that "the market, and the industry itself, has driven standards to date."¹⁰⁸ He confirmed that Portico had not sought legal advice about the legality of their dress code because it simply had not occurred to anyone that the dress code might be discriminatory.¹⁰⁹

The dress code prohibited opaque tights and included a detailed make-up regime. The full dress codes for female and male workers can be found at Appendix 1. Some of the female dress code requirements were:

- Heel height normally a minimum of 2 inches and maximum of 4 inches, unless otherwise agreed by the client company.
- Make-up worn at all times and regularly re-applied, with a minimum of: light blusher, lipstick or tinted gloss, mascara, eye shadow, light foundation/powder. Nail varnish only from the colour palette below.



- Tights of no more than 15/20 denier to be worn at all times on duty. Black or brown may be worn for darker skin tones and natural/tan for lighter skin tones.
- Regularly maintained hair colour (if an individual colours her hair), with no visible roots.

Following national media coverage of Ms Thorp's petition, Portico revised its dress code. It now has a single, gender-neutral set of "Dress and Appearance Guidelines".¹¹⁰ This new code reminds both employee and manager that they may make reasonable adjustments to the dress code which are required by reason of disability or requested through personal choice. It also provides for adjustments to reflect religious and cultural dress. The key message of the new policy is that workers "appear clean and smart at all times".¹¹¹ On shoes, the new code says only: "shoes should be clean, polished and in good repair and should be plain black." On make-up, it says: "Make-up, if worn, should be subtle."

The pre- and post-May 2016 dress codes could not be more different in tone and approach. Portico's new dress code reflects how gender-neutral dress codes can successfully balance the need of an employer or agency to achieve a uniform and professional appearance with the rights of workers not to be discriminated against, directly or indirectly, through a dress code policy.

106 Q53

107 Q55, Q56 and Q65

108 Q59, see also Q62

109 Q60

110 Appendix 1

111 Appendix 1

5 Enforcing the law

A culture of employers not following the law

75. Many contributions to our web forum revealed a culture in certain sectors of employers simply not following the law. This is also reflected in the TUC’s written evidence to us:

This is clearly happening, it is widespread and it happens in different industries, which would indicate that perhaps either employers aren’t aware of the health implications of wearing high heels or they are not that bothered.¹¹²

76. The evidence we have received clearly highlights a number of sectors where potentially discriminatory dress codes are commonplace. Within these sectors, there will be responsible employers who comply with the law, and irresponsible employers who—whether ignorantly or wilfully—do not. Our witnesses told us that they believed there is not enough of a disincentive for employers to avoid breaches of the discrimination legislation:

John Bowers: They take a punt that nobody is going to bring a claim. Particularly in the hospitality industry ... people are working in gap years or on zero-hours contracts, so the last thing they are going to do is rock the boat. Often these sorts of claims are only brought when people have left a particular job and they are bringing other claims, and they effectively, as we call it, top it up with claims such as this.¹¹³

Harini Iyengar: I think that the drop-off in employment litigation is now starting to affect the advice that we give to employers, because where we might have said, “In my opinion, you may well be at risk of claims”, now you have to think, “Can I properly write that?” and instead I maybe have to write something like, “It would be best practice if you did this, this and this”, rather than, “I need to advise you that you may well get sued”. From the business point of view, what you might have been able to present to your board, say, as something we need to do to protect ourselves from getting sued, you might now be presenting to the board as, “This would be best practice if we did this”. Then you look at your rival businesses and ask yourself questions such as whether they are going to be investing the same amount of money into being a best practice employer, and how does that affect our competitiveness?¹¹⁴

John Bowers told us:

You have to get it on the agenda for the main board of companies, and that is partly about making it expensive for people not to comply.¹¹⁵

112 Q77

113 Q117. See similarly, Q89

114 Q117

115 Q118

77. We think lessons can be learned from other areas of law, which might help to increase employers' compliance with the law in the main sectors identified in this report. In particular, we think injunctions and financial penalties could be used effectively to incentivise employers to follow the law.

78. An injunction is an order which requires someone to do something or prohibits them from doing something. Injunctions are most well-known for their use in court cases where they may be granted to stop the media publishing certain information. In the context of dress codes, injunctions could be awarded to stop an employer requiring workers to comply with a certain dress code.

79. It might help if employment tribunals could use injunctions to provide an interim solution for claimants. It can take many months for a case to be decided by the employment tribunal. For sex discrimination cases, the average length of time from starting the claim until the employment tribunal makes a decision is 28 weeks.¹¹⁶ At the moment, the employer can still require a worker who is bringing a claim to tribunal to comply with the potentially discriminatory dress code throughout this time. We think workers who are thinking about bringing legal proceedings against their employer would feel better supported if the employment tribunal could stop the employer enforcing its dress code while the case is waiting to be decided. John Bowers thought that giving employment tribunals the power to award injunctions in this way would help to ensure that the law is living in practice and not just on the statute books.¹¹⁷ He highlighted that once the injunction had been granted, stopping the employer imposing its dress code policy, this would apply to all the company's employees, not just the individual claimant.¹¹⁸ Trade unions or the Equality and Human Rights Commission could also bring legal proceedings seeking such an injunction.¹¹⁹

80. Mr Bowers also told us that it would incentivise employers to follow the law if it were made more expensive for employers to breach the law. Currently the remedy which employment tribunals will usually award is a compensation payment, also known as damages. Employment tribunals can award damages for financial loss suffered by the worker, for example, lost wages if the worker was dismissed for not complying with the discriminatory dress code. Employment tribunals can also award damages for the upset and distress caused by the discriminatory dress code policy.¹²⁰ The amount awarded will vary depending on how badly the worker has been affected by the policy.

81. Mr Bowers told us that these payments would usually be fairly small—in the region of “£250, maybe £1,000”.¹²¹ This is below the cost of the fees for bringing a discrimination

116 HM Courts and Tribunals Service, T420 form (application to the employment tribunal), page 4. Available at: <https://formfinder.hmctsformfinder.justice.gov.uk/t420-eng-2016.02.24.pdf>

117 Q118 and Q119

118 Q118

119 Q118

120 Where the distress is so great that it causes the worker to develop a psychiatric illness, damages can be awarded for personal injury. These will usually be significantly higher than damages for distress

121 Q118

claim before the employment tribunal which, if it cannot simply be decided on paper and requires a hearing, will cost £1,200.¹²² This is a strong disincentive for workers who might wish to bring a claim.¹²³

82. Drawing lessons from other areas of employment law, we think the National Minimum Wage Act 1998 is a good example of how financial penalties can be used to incentivise workers to bring claims and also make it more expensive for employers to breach the law. The National Minimum Wage Act 1998 introduced the minimum wage in the UK. It provides for a financial penalty against any employer who is found to breach the law. Such an employer would have to pay the claimant worker the difference between what that worker was actually paid and the minimum wage which was in force at the time—this will change over time as the national minimum wage has steadily increased.¹²⁴ In addition to this amount, the court or tribunal can order an employer found to have breached the law to pay an additional financial penalty. That penalty is up to double the minimum wage in force at the relevant time for all of the hours which the underpaid worker worked while he or she was not paid the minimum wage. In some cases, this can be a substantial amount of money.

83. Making this sort of financial penalty available in employment discrimination claims could act as an incentive for workers to bring a claim and as a disincentive for employers minded to breach the legislation. A penalty payment system in dress code discrimination cases could be most effective if it required an employer found to have breached the law to make a payment to every worker who was subject to the discriminatory dress code. This would mean that, the larger the company, the more expensive a breach of the law would be. Large companies—which may have in-house legal teams or greater resources to spend on legal advice—would be strongly incentivised to get their dress codes right, thereby setting an example to other, smaller, companies.

84. **It is clear that there are not currently enough disincentives to prevent employers breaching the law. While negative publicity will be a disincentive for many employers, this cannot and should not be relied on to prevent unlawful discrimination.**

85. *The Government must substantially increase the financial penalties for employers found by employment tribunals to have breached the law. Penalties should be set at such a level as to ensure that employees are not deterred from bringing claims, and to deter employers from breaching the legislation.*

86. *The Government should also make it quicker and easier for the claimant to resolve a legal problem with their dress code by allowing employment tribunals to award injunctions in these types of cases.*

The role of employment tribunals

87. The Government's post-legislative memorandum on the Equality Act 2010 highlights the crucial role of case law in developing discrimination law so that it keeps pace with

122 The cost of an employment tribunal discrimination claim which can be decided on paper is £250, and if a hearing is required, this costs an additional £950. See: <https://www.gov.uk/employment-tribunals/make-a-claim>. Fees have been payable for employment tribunal claims since 29 July 2013

123 Q115 and Q116

124 Section 21 National Minimum Wage Act 1998

societal attitudes.¹²⁵ The memorandum explains that the Equality Act was drafted to reflect legal concepts from pre-existing discrimination legislation, because these concepts had been tried and tested by courts and tribunals. Where the Equality Act did not simply consolidate the earlier case law, the Act sought to use wording which was consistent with the earlier cases in order to provide continuity.¹²⁶

88. John Bowers and Harini Iyengar explained to us that the anti-discrimination provisions of the Equality Act were drafted with the intent that they would need to be fleshed out by case law (i.e. by employment tribunal decisions). This approach to legislation places a great deal of reliance on claimants bringing claims under the Equality Act—in the case of workplace dress codes, before an employment tribunal—to translate the general principles set out in statute into concrete instances of legality or illegality which can guide those making the law work in everyday situations. We note, however, that in recent years there has been a significant drop in the number of cases brought before employment tribunals: a recent report by the Justice Committee documented an “undisputed and precipitate drop in the number of cases brought” before employment tribunals.¹²⁷ In particular, the number of sex discrimination cases brought before employment tribunals fell 68% from 2013 to 2015.¹²⁸ The Justice Committee attributed this drop to the introduction of employment tribunal fees on 29 July 2013.¹²⁹

89. In its written evidence, the TUC expressed concern that employment tribunal fees “present a significant barrier to justice for employees who have been discriminated against.”¹³⁰ John Bowers told us that, following the introduction of fees for employment tribunals, the costs of bringing a case could equal or outweigh any damages awarded.¹³¹ This, together with the delay in hearing such cases before the tribunal, made it difficult for individuals to pursue claims unless they could gain support from a union or other group to do so.¹³²

90. Both John Bowers and Harini Iyengar also noted the reduction in the number of cases being brought by the Equality and Human Rights Commission, compared with its predecessors (the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission). John Bowers told us:

Most of the big cases over the last 30 years have been brought by the predecessors to the EHRC. It is really doing very little at the moment because the funding has been cut back so much.¹³³

91. The Equality Act 2010 was intentionally drafted in a way which relies on test cases being brought to build up a body of antidiscrimination case law. Far fewer of these cases are being brought, however, following the introduction of employment tribunal fees in 2013. We heard that reductions in funding for the Equalities and Human Rights

125 Department for Education, Memorandum to the Women and Equalities Select Committee on the Post-Legislative Assessment of the Equality Act 2010, [Cm 9101](#), July 2015, para. 4.2

126 Department for Education, Memorandum to the Women and Equalities Select Committee on the Post-Legislative Assessment of the Equality Act 2010, [Cm 9101](#), July 2015, para. 4.2

127 Justice Committee, Second Report of Session 2016–17, [Courts and tribunals fees](#), HC 167, para. 61

128 Justice Committee, Second Report of Session 2016–17, [Courts and tribunals fees](#), HC 167, para. 70

129 Justice Committee, Second Report of Session 2016–17, [Courts and tribunals fees](#), HC 167

130 TUC ([WDC 0005](#)) page 3

131 Q115

132 Q115

133 Q116

Commission have also had an impact, reducing the opportunities for individuals, often in insecure employment, to obtain support when bringing such a claim. This drop in employment tribunal claims poses an obvious threat to the effectiveness of antidiscrimination law. It is extremely important that a mechanism exists whereby test cases can be brought where employment tribunals may be otherwise unaffordable or unattractive for potential claimants.

92. *The Government must ensure that the Equality and Human Rights Commission is able to play an increased role in providing support and funding for antidiscrimination test cases and appeals brought before employment tribunals and courts. The Women and Equalities Committee will want to maintain a watching brief in this area as part of its ongoing scrutiny of the work of the EHRC.*

6 Conclusions

93. We conclude by reiterating our concern for the workers affected by discriminatory dress codes, many of whom are young women in insecure jobs who already feel vulnerable in the workplace. The Government has said that the dress code imposed on Nicola Thorp was unlawful—but requirements to wear high heels remain widespread. It is clear that the Equality Act 2010 is not yet fully effective in protecting workers from discrimination.

94. The Government has said that it expects employers to inform themselves about their legal obligations and comply with the law. This is not enough. We have heard evidence that, in certain sectors, breaches of the law are commonplace. Pushing responsibility onto employers to find out their legal obligations and comply is a strategy which is not working. The Government needs to do more and must do it quickly.

95. We recommend three main solutions to this problem: for the Government to review this area of the law and to ask Parliament to amend it, if necessary, to make it more effective; more effective remedies for employment tribunals to award against employers who breach the law; and detailed guidance and awareness campaigns targeted at employers, workers and students.

96. By raising this issue in Parliament, this petition has already done a great deal to raise awareness of the law among employees and employers alike. It now falls to the Government to continue the work that the petitioners have started.

Conclusions and recommendations

Workers' health, wellbeing and performance

1. The evidence leaves the Committees in no doubt that dress codes which require women to wear high heels for extended periods of time are damaging to their health and wellbeing in both the short and the long term. (Paragraph 23)
2. The College of Podiatry's evidence that, on average, women report pain after 1 hour, 6 minutes and 48 seconds of wearing ill-fitting high heels—with a fifth of respondents reporting pain after 10 minutes' wear—puts in context the suffering of women required to wear high heels throughout the working day. There is also evidence that a requirement to wear high heels has a disproportionate effect on women who have a disability and on older women. Employers who require their female employees to wear high heels must be either unaware of the pain and impairment they cause, or simply choosing to ignore it. Either way, they are seriously failing in their duties towards their employees. (Paragraph 31)
3. It is clear from the evidence we have received that certain requirements in dress codes for female workers—for example, requirements to wear make-up, high heels and skirts above the knee—make some workers feel very uncomfortable, even sexualised by their employer. These workers may feel discriminated against and deterred from seeking to progress within their company. In some cases, such requirements in dress codes may also expose workers to unwanted sexual attention from customers and clients or from management. (Paragraph 39)
4. We are also concerned about the extent to which gender-specific dress codes reinforce rigid gender stereotypes which might make workers, especially some LGBT+ workers, feel uncomfortable. (Paragraph 40)

The legal framework

5. The Equality Act is clear in principle in setting out what constitutes discrimination in law. Nevertheless, discriminatory dress codes remain commonplace in some sectors of the economy. Moreover, we have heard evidence that many employers are not taking dress codes into account in their health and safety risk assessments. This means that the law is obviously not working in practice to protect employees from discriminatory practices and unsafe working conditions. (Paragraph 48)
6. Although the Equality Act is clear in principle, we heard a range of evidence which suggests that its application to individual cases is not straightforward. There seems to be considerable uncertainty about whether specific provisions—such as requiring female employees to wear make-up—are permissible or not. (Paragraph 55)
7. In particular, the need to prove that a particular requirement constitutes “less favourable” treatment seems to be a barrier to claims in cases where the dress code requires workers to dress in a way which many people in society already adopt by choice. Make-up is perhaps the clearest example of this. We heard that it would be

difficult for a claimant to prove that a dress code requiring female employees to wear make-up constitutes less favourable treatment, even though some workers might feel humiliated and degraded by the requirements of such a code. (Paragraph 56)

8. *The Government Equalities Office should work with the Ministry of Justice to examine what proportion of cases relating to discrimination in the workplace failed because the claimant could not establish less favourable treatment. They should also seek to discover how many people are deterred from bringing a case because they feel that the law is unclear. If this represents a significant proportion of cases, then the Government should consider adapting the less favourable treatment test to place greater weight on the subjective element—the claimant’s feeling of being discriminated against—and issuing guidance to this effect. (Paragraph 57)*
9. *The Government should also examine what proportion of such cases failed because the employer was found to be pursuing a legitimate aim. If this represents a significant proportion of cases, then the Government should consider changing the law to define what legitimate aims can be. We would propose the following legitimate aims:*
 - (1) *health and safety;*
 - (2) *to establish a truly necessary public image, for example, the judiciary;*
 - (3) *to project a smart and uniform image; and*
 - (4) *to restrict dresses or insignia which may cause offence. (Paragraph 58)*

How well does the law work in practice?

10. *It is clear that many employees do not feel able to challenge the dress codes they are required to follow, even when they suspect that they may be unlawful. We therefore recommend that the Government develop an awareness campaign to help workers to understand how they can make formal complaints and bring claims if they believe that they are subject to discriminatory treatment at work, including potentially discriminatory dress codes. Advice should be provided about:*
 - *discrimination in the workplace and in job applications;*
 - *statutory employment rights (including unfair dismissal, notice and rights to pay on dismissal or resignation); and*
 - *approaches to seeking advice and resolving workplace disputes (including the roles of Acas, the Equality and Human Rights Commission, Citizens’ Advice Bureau, employment tribunals and free or pro bono legal services).*

The awareness campaign should cover all sectors but be targeted particularly at the following industries:

- *Hotels and tourism*
- *Travel and airlines*
- *Temporary work agencies*

- *Corporate services*
 - *Retail, especially luxury retail*
 - *Hospitality, especially bar, waitressing and club work* (Paragraph 64)
11. *In view of the evidence we have received about the particular impacts of discriminatory dress codes on younger workers, this awareness campaign should also be extended to include all sixth form and further and higher education institutions in England.* (Paragraph 65)
 12. The Government Equalities Office does not appear to have a grasp of whether employers understand and comply with anti-discrimination legislation when they are implementing dress codes. The evidence we received indicates that employers do not properly understand how the Equality Act applies in practice, particularly in areas where there is little case law to guide them. (Paragraph 71)
 13. It is clear to us that, in many cases, employers who impose dress codes on their workers simply are not asking themselves what legal obligations they might have to protect their employees' health and wellbeing and to avoid discrimination against their employees, because they are not recognising the potential harm which their dress codes might cause. (Paragraph 72)
 14. *The Government Equalities Office should work with Acas and the Health and Safety Executive to ensure that detailed guidance for employers is published, to help them to understand how discrimination law and health and safety law apply to workplace dress codes. Given the importance of this issue for millions of workers, we recommend that the Minister for Women and Equalities ensure that this updated guidance is published by July 2017.* (Paragraph 73)
 15. *At the very least, this guidance should address the more controversial dress code requirements which have been brought to light through this inquiry: high heels and footwear; make-up; manicures; hair (colour, texture, length and style); hosiery; opacity of workwear; skirt length; and low-fronted or unbuttoned tops.* (Paragraph 74)

Enforcing the law

16. It is clear that there are not currently enough disincentives to prevent employers breaching the law. While negative publicity will be a disincentive for many employers, this cannot and should not be relied on to prevent unlawful discrimination. (Paragraph 84)
17. *The Government must substantially increase the financial penalties for employers found by employment tribunals to have breached the law. Penalties should be set at such a level as to ensure that employees are not deterred from bringing claims, and to deter employers from breaching the legislation.* (Paragraph 85)
18. *The Government should also make it quicker and easier for the claimant to resolve a legal problem with their dress code by allowing employment tribunals to award injunctions in these types of cases.* (Paragraph 86)

19. The Equality Act 2010 was intentionally drafted in a way which relies on test cases being brought to build up a body of antidiscrimination case law. Far fewer of these cases are being brought, however, following the introduction of employment tribunal fees in 2013. We heard that reductions in funding for the Equalities and Human Rights Commission have also had an impact, reducing the opportunities for individuals, often in insecure employment, to obtain support when bringing such a claim. This drop in employment tribunal claims poses an obvious threat to the effectiveness of antidiscrimination law. It is extremely important that a mechanism exists whereby test cases can be brought where employment tribunals may be otherwise unaffordable or unattractive for potential claimants. (Paragraph 91)
20. *The Government must ensure that the Equality and Human Rights Commission is able to play an increased role in providing support and funding for antidiscrimination test cases and appeals brought before employment tribunals and courts. The Women and Equalities Committee will want to maintain a watching brief in this area as part of its ongoing scrutiny of the work of the EHRC.* (Paragraph 92)

Conclusions

21. We conclude by reiterating our concern for the workers affected by discriminatory dress codes, many of whom are young women in insecure jobs who already feel vulnerable in the workplace. The Government has said that the dress code imposed on Nicola Thorp was unlawful—but requirements to wear high heels remain widespread. It is clear that the Equality Act 2010 is not yet fully effective in protecting workers from discrimination. (Paragraph 93)
22. The Government has said that it expects employers to inform themselves about their legal obligations and comply with the law. This is not enough. We have heard evidence that, in certain sectors, breaches of the law are commonplace. Pushing responsibility onto employers to find out their legal obligations and comply is a strategy which is not working. The Government needs to do more and must do it quickly. (Paragraph 94)
23. We recommend three main solutions to this problem: for the Government to review this area of the law and to ask Parliament to amend it, if necessary, to make it more effective; more effective remedies for employment tribunals to award against employers who breach the law; and detailed guidance and awareness campaigns targeted at employers, workers and students. (Paragraph 95)
24. By raising this issue in Parliament, this petition has already done a great deal to raise awareness of the law among employees and employers alike. It now falls to the Government to continue the work that the petitioners have started. (Paragraph 96)

Appendix: Portico dress and appearance guidelines before and after May 2016

Dress and appearance guidelines introduced in May 2016

We require everyone to maintain an appropriate standard of dress and personal appearance at work, thus enabling us to work comfortably and to recognise our individuality. At the same time represent our brand and our clients with pride and professionalism.

The purpose of our guidelines is to clarify the minimum standards on appropriate clothing and appearance in our workplace so that we can:

- Promote a positive and professional image
- Respect the needs of employees of all cultures, religions and irrespective of gender
- Make any reasonable adjustments that may be required because of disability
- Consider reasonable adjustments that may be requested through personal choice
- Take account of health and safety requirements and apply the same standards of dress and appearance to all

These are the governing principles of our guidelines. The following is guidance for our employees and managers to ensure they know how to support our clients' requirements.

The specific uniform provided will vary depending on the role of the employee. Any variations to the guidelines will be advised at location level and will be in line with the requirements and standards of our clients.

Appearance

Whilst working for us you are an ambassador representing us to clients and the public. Your appearance contributes to our reputation and the development of our business.

It is important, whilst at work, that you appear clean and smart at all times, particularly when you may be in contact with clients, other business contacts, or the general public.

A client may wish to promote a certain image which they believe best reflects the ethos of their organisation, the specific details of which will be explained to you.

General Appearance

- Wear your smile with pride
- Ensure high standards of personal hygiene
- Fragrance, if worn, should be subtle
- All clothes should fit well

- All clothes need to be clean, fresh and ironed/pressed at all times
- Jewellery, if worn and not in breach of Health & Safety requirements, should be appropriate for a professional environment and kept to a minimum
- All clothes, shoes and hosiery, should be in good condition
- Name badges, where required, must be worn correctly
- Adopt an alert posture at all times
- Always present yourself in a professional way, remaining aware of how your body language can be interpreted by guests or clients. Slouching, folding of arms, chewing gum, hands in pockets, reading newspapers or using mobile devices can create a poor impression.

Hair & Make-up

Hair should be clean and well maintained; it can be dyed, however the shade and colour should be natural looking. Brighter hair colours might be considered in certain locations with client agreement.

- Hair should be off the face; if longer than shoulder length it should be tied up/back.
- Hair accessories should be plain, neutral or compliment your uniform style.
- Make-up, if worn, should be subtle.
- You should have clean, well-maintained hands and nails.
- Nail polish, if worn, should be neatly applied and in good condition.
- Facial hair should be neatly groomed.

Clothing

- Where applicable, jackets should be worn at all times in client/public areas and fastened, except when sitting.
- Shoes should be clean, polished and in good repair and should be plain black.
- If skirts are worn, the hem should reach the top of the knee.
- Socks and / or hosiery must be worn at all times with skirts or trousers and be either natural or black opaque.

Religious and cultural dress

Where necessary your line manager **OR** the Human Resources Department can give further information and guidance on cultural and religious dress in the workplace.

Priority is given to health and safety requirements at all times. Where necessary, advice will be taken from the Director of Health & Safety.

We are committed to being an inclusive and equal opportunities employer, actively embracing diversity and inclusion within all our policies and procedures.

Scope

Managers are responsible for ensuring that these dress and appearance guidelines are observed and that a sensible approach is taken to any issues that may arise. Any enquiries regarding the operation of these guidelines (including whether or not an article of clothing is suitable to wear to work) should be made to your line manager or the Portico Human Resources Manager.

Failure to comply with the dress and appearance guidelines may result in action under our Disciplinary Procedure.

We will review our dress code periodically to ensure that it reflects appropriate standards and continues to meet our needs.

These guidelines do not form part of any employee’s contract of employment and we may amend them at any time. Should you wish to discuss any points within these guidelines, we actively encourage your feedback for review and consideration.

If you wish to appeal against any decision taken in respect of the above standards, you may do so using the Company’s Grievance procedure.

I the undersigned have read the Company’s Dress & Appearance Policy and understand that any breach of this policy is regarded as misconduct and that disciplinary action may be taken against me if I am found to be in breach of any of these regulations.

NAME (please print):

SIGNED:

LOCATION:

DATE:

Signed copy 1: Retained by Employee

Signed copy 2: Retained by Line Manager on employee’s personnel file and uploaded to PeopleMatters

Personal appearance guidelines before May 2016

Personal appearance guidelines: uniformed employees (female)

Item	What we want to see	What we don't want to see
General	<ul style="list-style-type: none"> • Wear your smile with pride – maintain fresh breath & dental care. • Fresh and clean smelling • If fragrance is worn keep it light. 	<ul style="list-style-type: none"> • Chewing of gum in any client / public area • Smoking inside or outside any client / public area • Body odour / stale cigarette smell • Heavy or strong perfumes
Accessories	<ul style="list-style-type: none"> • 1 earring in each ear (if ears are pierced) • Studs, small sleepers no larger than 1 inch in diameter • 1 signet ,wedding ring/ engagement ring or eternity ring • 1 plain, non dangling bracelet in gold or silver • 1 plain gold or silver chain no longer than 20" in total length • 1 corporate watch 	<ul style="list-style-type: none"> • Fashion jewellery • Chunky and/or sporty watches • Long dangling earrings / hoops • Visible body piercings • Tattoos that are visible (even through shirts or tights) • Rings worn on thumbs or index finger • Fabric or rubber fashion bracelets • Pins / charity pins • Fashion watches / coloured straps
Hair	<ul style="list-style-type: none"> • Clean, neat and well groomed hair • Hair off the face • Long hair below shoulder length tied up/back • Regularly maintained hair colour (if individual colours hair) with no visible roots • Plain matt accessories to match the base colour of the uniform 	<ul style="list-style-type: none"> • Hair falling over the face • Long hair styled in bunches • Hair that looks greasy, wet or highly gelled • Bright / strong colours/designs • Exposed elastic bands • Diamante accessories • Flowers worn as accessories • Visible root growth
Face and Hands	<p>Make up worn at all times and regularly re-applied, with a minimum of:</p> <ul style="list-style-type: none"> • Light Blusher • Lipstick or tinted gloss • Mascara • Eye shadow • Light foundation / powder <p>Hands and nails</p> <ul style="list-style-type: none"> • Well manicured hands and nails with tips no longer than ½ inch • If nail polish is worn colours from the palettes as on the last page, are acceptable. 	<ul style="list-style-type: none"> • No make up at all (unless for medical reasons) • Shiny faces • Sparkle/glitter <p>Hands and Nails</p> <ul style="list-style-type: none"> • Dirty nails • Bitten or chewed nails • Nail art or glitter varnish • Chipped nail varnish • Brights, green, blue, black, dark brown or fluorescent colours

Item	What we want to see	What we don't want to see
Uniforms	<p>Jackets</p> <ul style="list-style-type: none"> Worn at all times in client / public areas and fastened, except when sat down when the bottom button may remain unfastened. <p>Shoes</p> <ul style="list-style-type: none"> Black matt leather court shoes Heel height normally a minimum of 2 inches and maximum of 4 inches, unless otherwise agreed by the Company Clean, polished and in good repair <p>Skirts and trousers</p> <ul style="list-style-type: none"> Minimum length to the top of the knee for skirts Clean, well kept and pressed <p>Shirts/tops</p> <ul style="list-style-type: none"> The allocated shirt/top only Clean and well pressed Tucked in and fastened Where a scarf is issued, that it's worn appropriately <p>Tights/Stockings</p> <ul style="list-style-type: none"> Tights worn at all times on duty Tights no more than 15/20 denier. Black or brown may be worn for darker skin tones and natural / tan for lighter skin tones. 	<p>Jackets</p> <ul style="list-style-type: none"> Worn open in public / client areas Pockets bulging / filled with pens and other bits Missing or dangling buttons <p>Shoes</p> <ul style="list-style-type: none"> Sling back or open toe shoes Shoes with ankle straps Suede or patent shoes Loafer or ballet pump style shoes Shoes with gold/silver buckles, straps or bows Wedges Sandals <p>Skirts and trousers</p> <ul style="list-style-type: none"> Hems hanging down Hemlines above the knee Creased Rolled up waist bands Trouser hem hanging down below heels and touching the floor Frayed or worn trouser hems <p>Shirts/tops</p> <ul style="list-style-type: none"> Unclean, particularly collars Make up on collars Missing buttons Frayed collars and cuffs <p>Tights/stockings</p> <ul style="list-style-type: none"> Thick opaque tights or patterned tights Laddered tights Bare legs

If for any reason you find it difficult to comply with these standards you should consult with your Line Manager immediately.

Colour palette for nail varnish. Colours worn must be as close as possible to the colour palettes below – if you are unsure please ask your Manager:

Neutrals

Pinks

Reds/Plums

Greys



I the undersigned have read the Company's Personal Appearance Policy and understand that any breach of this policy is regarded as misconduct and that disciplinary action may be taken against me if I am found to be in breach of any of these regulations.

NAME : (please print)

SIGNED:

LOCATION:

DATE:

Signed copy 1: Retained by Employee

Signed copy 2: Retained by Line Manager on employee's personnel file

If you wish to appeal against any decision taken in respect of the above standards, you may do so using the Company's Grievance procedure.

Personal appearance guidelines: uniformed employees (male)

Item	What we want to see	What we don't want to see
General	<ul style="list-style-type: none"> • Wear your smile with pride – maintain fresh breath & dental care. • Fresh appearance and clean smelling • If fragrance is worn keep it light. 	<ul style="list-style-type: none"> • Chewing of gum in any client/ public area, or whilst on duty • Smoking inside or outside any client / public area • Body odour or stale cigarette smell • Heavy or strong aftershave
Accessories	<ul style="list-style-type: none"> • 1 signet or wedding ring • 1 corporate watch 	<ul style="list-style-type: none"> • Neck chains • Chunky and/or sporty watches • Earrings or other facial piercing • Visible body piercings • Tattoos that are visible (even through shirts) • Rings worn on thumbs or index finger • Any type of bracelet (fashion, fabric, silver, gold) • Fashion watches or coloured straps • Charity pins
Hair	<ul style="list-style-type: none"> • Clean, neat and well groomed hair. • Hair should be off the collar • Sideburns, if worn, must be kept shorter than the earlobe and no wider than 1". • If a fringe is worn it must be above the eyebrows 	<ul style="list-style-type: none"> • Hair falling over the face • Long hair touching the collar • Hair that looks greasy, wet or highly gelled • Bright / strong colours or designs • Hair that has been closely shaven • Sideburns worn below the ear-lobe or wider than 1" • Any form of ponytail.
Hands and face	<p>Face</p> <ul style="list-style-type: none"> • Clean and well moisturized at all times • If worn, moustaches to be neatly groomed <p>Hands and Nails</p> <ul style="list-style-type: none"> • Clean and well moisturized hands • Short, clean and manicured nails 	<p>Face</p> <ul style="list-style-type: none"> • The morning after look – stubble / facial hair growth <p>Hands and nails</p> <ul style="list-style-type: none"> • Long or dirty nails • Bitten or chewed nails • Nail varnish / nail art

Item	What we want to see	What we don't want to see
Uniform	<p>Shirts and Ties</p> <ul style="list-style-type: none"> • The allocated shirt and tie being worn • A clean & well pressed shirt and tie • Shirt collars worn inside the jacket • Shirt / top worn tucked in and fastened • Plain gold or silver cufflinks • Coloured knots that co-ordinate with the shirt <p>Jackets</p> <ul style="list-style-type: none"> • Must be worn at all times in client/ public areas and remain buttoned except when sat down when the bottom button may remain unfastened. <p>Trousers</p> <ul style="list-style-type: none"> • Clean and well pressed • A belt must be worn <p>Socks</p> <ul style="list-style-type: none"> • Plain black socks at all times <p>Shoes</p> <ul style="list-style-type: none"> • Black matt leather lace up shoes / city brogues • Clean, polished and in good repair • Rounded toes 	<p>Shirts and ties</p> <ul style="list-style-type: none"> • Unclean shirts / top or tie • Frayed collars or cuffs • Missing buttons • Unfastened shirts • Fashion / fabric cufflinks <p>Jackets</p> <ul style="list-style-type: none"> • Worn open in public / client areas • Bulging pockets • ID/Security Cards on show <p>Trousers</p> <ul style="list-style-type: none"> • Bulging pockets • Frayed or worn trouser hems • Trouser hem touching the floor <p>Socks</p> <ul style="list-style-type: none"> • Socks with motifs or coloured patterns • White socks • No socks <p>Shoes</p> <ul style="list-style-type: none"> • Suede shoes • Patent shoes • Boots • Trainer style shoes • Slip on shoes (moccasin or casual loafers) • Chunky rubber soled fashion shoes

If for any reason you find it difficult to comply with these standards you should consult with your Line Manager immediately.

I the undersigned have read the Company's Personal Appearance Policy and understand that any breach of this policy is regarded as misconduct and that disciplinary action may be taken against me if I am found to be in breach of any of these regulations.

NAME : (please print) **SIGNED:**

LOCATION: **DATE:**

Signed copy 1: Retained by Employee

Signed copy 2: Retained by Line Manager on employee's personnel file

If you wish to appeal against any decision taken in respect of the above standards, you may do so using the Company's Grievance procedure.

Formal Minutes

Tuesday 10 January 2017

The Petitions and Women and Equalities Committees met concurrently, pursuant to Standing Order No. 137A.

Members present:

Petitions Committee	Women and Equalities Committee
Martyn Day	Mrs Flick Drummond
Steve Double	Ben Howlett
Oliver Dowden	Jess Phillips
Ben Howlett	
Helen Jones	
David Mackintosh	
Paul Scully	

Helen Jones was called to the Chair, in accordance with the provisions of Standing Order No. 137A (1) (d).

The Committees deliberated, in accordance with Standing Order No. 137A (1) (b).

Draft Report (*High heels and workplace dress codes*), proposed by the Chair, brought up and read.

Ordered, That the Chair's draft Report be considered concurrently, in accordance with Standing Order No. 137A (1) (c).

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 96 read and agreed to.

Summary agreed to.

Petitions Committee

The Women and Equalities Committee withdrew.

Helen Jones, in the Chair

Martin Day	Ben Howlett
Steve Double	David Mackintosh
Oliver Dowden	Paul Scully

Draft Report (*High heels and workplace dress codes*), proposed by the Chair, brought up and read.

A Paper was appended to the Report as Appendix 1.

Resolved, That the draft Report prepared by the Petitions and Women and Equalities Committees be the First Report of the Committee to the House.

Ordered, That the provisions of Standing Order No. 137A (2) be applied to the Report.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Women and Equalities Committee

The Petitions Committee withdrew.

Mrs Flick Drummond, in the Chair

Ben Howlett Jess Phillips

In the absence of the Chair, Mrs Flick Drummond was called to the chair.

Draft Report (*High heels and workplace dress codes*), proposed by the Chair, brought up and read.

A Paper was appended to the Report as Appendix 1.

Resolved, That the draft Report prepared by the Petitions and Women and Equalities Committees be the Sixth Report of the Committee to the House.

Ordered, That the provisions of Standing Order No. 137A (2) be applied to the Report.

Ordered, That the Chair of the Petitions Committee make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#).

Tuesday 28 June 2016

Question number

Nicola Thorp, petition creator, **Ruth Campion**, web-thread contributor, and **Emma Birkett**, web-thread contributor

[Q1–50](#)

Scarlet Harris, Women’s Equality Officer, TUC, **Azmat Mohammed**, Director General, Institute of Recruiters, and **Simon Pratt**, Managing Director, Portico

[Q51–97](#)

Tuesday 12 July 2016

John Bowers QC, Principal, Brasenose College and Member, Littleton Chambers, and **Harini Iyengar**, Barrister

[Q98–126](#)

Web forum

The comments submitted to the Committees’ web forum can be viewed on the [website](#).

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

The numbers given to written evidence are generated automatically and so some numbers may be missing from the series.

- 1 Acas ([WDC0008](#))
- 2 Angela Jackman ([WDC0004](#))
- 3 College of Podiatry ([WDC0001](#))
- 4 Fawcett Society ([WDC0007](#))
- 5 Helen Sewell ([WDC0003](#))
- 6 Letter from the Chair to the Minister for Women and Equalities, and reply ([WDC0002](#))
- 7 Portico ([WDC0006](#))
- 8 Stonewall ([WDC0009](#))
- 9 Trades Union Congress (TUC) ([WDC0005](#))

List of Reports from the Petitions Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015–16

First Report	Funding for research into brain tumours	HC 554
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Session 2016–17

First Special Report	Funding for research into brain tumours: Government Response to the Petitions Committee's First Report of Session 2015–16	HC 292
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List of Reports from the Women and Equalities Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015–16

First Report	Transgender Equality	HC 390 (Cm 9301)
Second Report	Gender Pay Gap	HC 584
Third Report	Appointment of the Chair of the Equality and Human Rights Commission	HC 599

Session 2016–17

First Report	Maternity and pregnancy discrimination	HC 90
Second Report	Employment opportunities for Muslims in the UK	HC 89 (Cm 9371)
Third Report	Sexual harassment and sexual violence in schools	HC 91 (HC 826)
Fourth Report	Equalities analysis and the 2015 Spending Review and Autumn Statement	HC 825
Fifth Report	Women in the House of Commons after the 2020 election	HC 630
First Special Report	Sexual harassment and sexual violence in schools: Government response to the Committee's Third Report of Session 2016–17	HC 826