News

Tattoos/Piercings Part of an Employee's Identity: Arbitrator

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A recent arbitration award has found that a hospital's dress code policy for unionized employees was unenforceable as it prohibited certain body piercings and required large tattoos to be covered.

The arbitrator found that tattoos and piercings are a part of an employee's identity and that the restrictions in the dress code policy were an infringement of the employees' right to present themselves as they see fit. By unilaterally imposing a new dress code policy, the employer failed to meet the long-standing test that such unilateral policies in a unionized environment must be clear, reasonable and consistently enforced.

A more detailed discussion of this award is found on our Case in Point blog post, "Can Hospitals Impose a Dress Code that Prohibits Large Tattoos and Excessive Body Piercings?"