

Jason Habinsky in Law360: 4 Ways Grooming, Dress Policies Can Be Legally Unkempt

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Haynes Boone New York Partner [Jason Habinsky](#) talked with *Law360* about potential legal restrictions on employers' workplace appearance and grooming policies.

Here is an excerpt:

While employers may work hard to craft appearance, grooming and dress code policies they believe best fit their workplace, one of the most common mistakes employers make is not giving workers a pass on following certain requirements when circumstances call for it, attorneys say.

"This might be the greatest pitfall ... if you have a policy, even if it's a neutral policy, not reasonably accommodating individuals who request that the policy be flexible with respect to a certain way that they dress [or] groom," said Jason Habinsky of Haynes Boone. "It's critically important for employers to be in a position to reasonably accommodate and work with employees and, in fact, engage in a cooperative and collaborative process in order to accommodate them [by allowing things] that might otherwise violate the policy."

Habinsky said the key for employers is crafting a policy upfront that both offers clear-cut examples for what is expected and that strikes an appropriate balance between men and women.

"Use well-thought-out examples which won't necessarily impact one gender versus the other and also [do] not treat women different from men, require them to dress in a more burdensome way or more restrictive way," Habinsky said. "The key is treating men and women the same way. To the extent that there are standards, you're applying them to both men and women; it's not just that women have to wear certain things and comply with certain standards."

To read the full article, click [here](#). (Subscription required.)