

**Insights**

## **HAS THE SUIT BEEN BOOTED? HOW EMPLOYERS CAN BEST MANAGE POST-PANDEMIC DRESS CODES**

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### **SUMMARY**

This article considers changes in employers' dress codes, focusing on workplaces where formal dress codes, such as dress or trouser suits/ties/black shoes are, or rather were, the norm. We look at post-pandemic changes to dress codes, attitudes to work wear and general appearance (including tattoos and piercings), and how employers can best manage those changes.

### **BACKGROUND**

The pandemic fundamentally changed the way we work. Despite the lifting of all Covid-19 restrictions over a year ago, hybrid working is now the preferred work pattern in most office-based businesses. As well as the way we work, what we wear to work has also fundamentally changed. The world of professional services, such as law and financial services, had always been one where formal clothing was the norm. Up to the 2010s, men and women would traditionally wear black shoes, conservative ties, and trouser/dress suits and high heels (respectively), every day.

Admittedly, there were pre-pandemic signs this was changing, with "dress down" days and similar attempts to make the workplace more relaxed. However, at least for men, this normally entailed wearing a suit without a tie - hardly dressing down. Many employers introduced "smart casual", but many employees still opted for the safest option, namely the one closest to formal work clothes.

Lockdown changed everything.

Working exclusively from home and attending meetings virtually meant suits, formal work shoes, ties and work paraphernalia were no longer necessary. Employees, even in the professional and financial services sectors, could work in casual clothes, even opting for dressing gowns or hoodies. Employees would sometimes keep a collared shirt or smart blouse left over the back of their chair - something they could quickly change into if an unexpected meeting came up.

## 2022 – RETURNING TO WORK

In February 2022, after almost two years of on/off lockdowns, restrictions were fully lifted and employees returned, at least on a hybrid basis, to the office. However, the dress down habits of lockdown carried over into hybrid working - it seemed that traditional business dress was now restricted to client meetings and formal events.

### FACTS AND FIGURES

A number of surveys in the UK and US over the past two years reveal some interesting insights about pandemic and post-pandemic dress codes:

- During the pandemic, around 17% of employees wore pyjamas throughout most of the working day;
- 28% of UK employees do not want to return to any formal dress code;
- 33% of employees would turn down a job that required a formal dress code;
- More than 80% of people said they performed better in the office when dressed comfortably; and
- 76% said casual work attire at the office creates better connections between colleagues.

This move away from formal office dress had a knock-on effect on retailers. In July/August 2020, Brooks Brothers, the standard go to for many US suit-wearers for over 170 years, filed for bankruptcy. In the UK, spending on men's suits collapsed from £460m in 2017 to £157m in 2020, a reduction of £303m.

Surveys also tell us, interestingly, what items of casual clothing employees find most offensive now we are (partly) back in the office. Extracts from the hall of shame include:

- T-shirts with offensive slogans – 32%
- Flip-flops – 23%
- Sportswear/gym wear – 7%
- Joggers – 6.94%
- Shorts – 5.82%

However, these percentages are low, indicating that even with regard to very casual clothing, employees are not too bothered. Well over 90% of employees on average have no problems with sportswear or shorts, although employers' views may be different.

Based on all the above, and with hybrid working becoming the default working pattern in the UK, it is probably safe to say that daily suiting and booting is over, and is now restricted to formal work-related activities involving clients.

## WHAT SHOULD EMPLOYERS DO?

Employers for the most part tend not to go into detail with dress code rules, preferring general wording such as “dressing professionally and appropriately”, which gives room for flexibility, discretion and can easily incorporate more casual post-pandemic office wear. An overriding principle of dress codes is that employees should dress in a manner that reflects client/customer expectations. This places some trust in employees that they will exercise reasonable judgement. Before the pandemic, this was not difficult because “professionally and appropriately” translated into suits, or as close as possible to it, at all times.

Arguably, the position post-pandemic regarding suitable office dress has become slightly more complex because of casual dress habits carried over. It is probably best and most practical for employers still to retain flexible rules, such as casual wear in the office (with exceptions) and professional/appropriate formal clothing when attending external meetings or functions. There is always room for employees to use their own judgement.

It might also depend on the type of client. A tech client may expect or feel more comfortable with a different type of dress code than a reinsurance or banking client. Turning up overdressed is probably a safer option, but still perhaps uncomfortable.

It is probably advisable to consult with employees on dress codes and (in particular) exceptions to dress codes, in terms of what people find acceptable and comfortable. If a dress code is transgressed, it is best initially dealt with informally - it is unlikely to be deliberate and we are all still a little out of practice. Repeated transgressions may qualify for disciplinary action, particularly if deliberate.

The following points might also be taken into consideration when changing an existing dress code, or implementing any kind of new post-pandemic dress code:

- **Exceptions** – although post-pandemic casual wear can be incorporated into existing dress codes and might be acceptable where there is no client/customer contact, there might still be exceptions, which ideally should be specified for the benefit of employees. Items such as potentially offensive t-shirts, flip-flops, ripped jeans and sportswear might all be deemed as being too casual even for a non-client/customer environment. T-shirts with slogans might also be ill-advised for legal reasons (see below);
- **When formal wear is required** - it may well be the case that, with dress codes already becoming more casual in 2019 and being effectively by-passed for much of 2020 and 2021, employees may be genuinely unsure (a) when to dress formally and (b) exactly how formal that dress

should be. Is smart casual OK for a client conference, or should it be a dress/trouser suit? What about ties? These requirements might not be obvious, and employees might actually appreciate it if they are given specific guidance;

- **Piercing, tattoos and shaving** – with regard to the first two items, more millennial and, in particular, Generation Z employees are coming through the ranks and piercings and tattoos have become more common. It is probably best to have reasonably detailed guidelines about these – the intention would not to be overly restrictive, more to provide guidance to employees so they know exactly where they stand and what they can and cannot wear. This is always subject to any religious or discriminatory considerations. With regard to shaving, this is again not obvious. Is it OK to attend work unshaven if employees are not meeting clients/customers or attending client/customer functions? During lockdown, many men did not shave every day as there was simply no need – does this relaxed attitude carry over into the office?
- **Discrimination issues** - Although a more relaxed dress code should obviously avoid these, there are examples where certain religions or philosophical beliefs require piercings. For example, some Hindu women wear a small nose stud as part of their religious belief, so any blanket prohibition on nose piercings should take this into account. Slogans on t-shirts should also be avoided as they may offend not just in general terms, but because of a protected characteristic, and employers should be careful about implementing casual dress codes that distinguish between genders.

To sum up, although the pandemic has seemingly changed the way employees dress at work, it need not be a point of contention as long as dress codes and standards incorporate the changes to more casual clothing, remain flexible, remain non-discriminatory, and be clear both in terms of exceptions, and exactly what dress code is appropriate for specific types of functions such as client meetings.

There is in practice little difference between what hybrid workers wear at home and what they wear to work. However, this cuts both ways. When formal clothing is required, including dress/trouser suits and ties, these need to be worn both at home and at work if the circumstances require. Attending a court hearing is a good example, as the same requirements apply whether the hearing is virtual or in person.

Finally, even with such a move away from formality, it remains open to employers to insist on formal dress at all times. However, this might be seen as off-market in a post-pandemic era of hybrid working, and such employers may lose out in a competitive recruitment market.

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This article was co-written with Trainee Solicitor Meg Royston.

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