


Chapter 12


What to Wear From Here: Analyzing the Enforceability of Dress Codes in Work From Home Jobs

Adwait Mitra

 <https://orcid.org/0009-0008-9150-1498>

O.P. Jindal Global University, India

Bidisha Bandyopadhyay

 <https://orcid.org/0009-0009-0569-2097>

O.P. Jindal Global University, India

ABSTRACT

The Covid-19 pandemic disrupted global norms, revealing both systemic flaws and new efficiencies, chief among them the shift to remote work. As businesses moved online, traditional boundaries between public and private life, and fixed working hours blurred. While employees are expected to work toward organizational goals, remote settings call for a reassessment of rights and obligations of both the employer and employee, considering the nature and location of work. Dress codes, historically tied to professionalism, safety, and branding, are now being reexamined in light of evolving freedoms of religion and expression. Clothing, as a form of personal identity, gains stronger protection within one's home. As virtual workspaces become the norm, this article traces the jurisprudence behind the enforcement of dress codes and whether that enforcement holds valid in an online workplace.

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INTRODUCTION

This association of efficiency with apparel is a historic one and now faces the challenge of the ‘new-normal’. The Covid-19 Pandemic radically altered the world as we knew it, and within those alterations was the critical line separating an employee’s *public life* and *private life*. The first challenge in the new world order was to decisively define the new normal workplace, with ‘work from home’ becoming the popular narrative. Certain workplaces have a tendency to regulate the conduct of their employees, from behaving in a certain way to being dressed ‘*appropriately*’ for the job, be it the job’s ethics or its goals. Strong examples of such cases would be the front-end workers like teachers, receptionists, and doctors.

The right to dress extends beyond just a choice of mere apparel; clothes are far more deep seated and seen as a form of expression and ideology by people, fueling the ‘you are, what you wear’ narrative. Restricting its application by certain workplaces has ushered dissenting uproar. Dress codes and prescribing regulations to display faith and body modifications is often perceived as complex and sensitive by the employers (Nath et al., 2016). However, Courts have still upheld that certain workplaces are within their rights to conform to certain dress codes for their employees and place reasonable restrictions upon this freedom, as long as it furthers a fair and justifiable outcome from the job itself. The Employees Appeal Tribunal upheld in the case of *Azmi v. Kirklees Metropolitan Borough Council* (Azmi v Kirklees Metropolitan Borough Council, 2007) that requiring the removal of Muslim Lady’s veil, one that covers her whole face except the eyes, did not account for direct or indirect discrimination against her on the grounds of violating her religion and belief; since the requirement was targeted at maximizing the legitimate aim of providing the best quality education for students in the classroom. Employers have multiple reasons to enforce dress codes, seeking to promote healthier and safer environments for employment, whilst furthering the brand image of the organization; but they must also ensure fairness, proportionate and non-discriminatory practices, all while also considering the employee’s expectation of appearance standards and their inherent need to express identity. This fair and equitable justification for dress codes must account for various expectations that different employees come with.

These codes stood justified within the conventional confines of the workplace but in the aftermath of the pandemic, do they stand to be justified when extended to the homes of these employees? Workers bound by these codes have always been free to practice and express their beliefs and ideologies outside their workplaces and dismissals on such grounds have always been tagged as unfair dismissals. However, work from home as the prevalent narrative does not just raise the question on the extension of these codes to their public lives, it also extends to their private lives. With majority of work meetings happening over Microsoft teams and majority of

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