

BODY ART IN THE WORKPLACE

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ABSTRACT

This paper analyzes the issue of tattoos in the workplace, the reaction of employers, and the civil rights act lack of coverage for physical appearance. There is an increasing acceptance of body art by younger but not older hiring managers leading to a variety of workplace policies regarding tattoos. Body art has become a concern for companies because 36% of adults between the ages of 18-25 have tattoos, 40% of adults between the ages of 26-40 wear tattoos, and the usage has been steadily increasing [6].

INTRODUCTION

Tattoos have begun to grow in popularity in the last few years. With more individuals getting inked, more employees are bringing them into the workplace. Common older views of tattoos in the workplace are out of date and are viewed as not appropriate. However, times are changing, along with the views of tattoos. The following topics will be discussed: the civil rights act and appearance, the problem of tattoos in the workplace, today's views of tattoos in the workplace and how they have changed, typical workplace policies for tattoos, and whether or not tattoo acceptance should continue to grow or not. This paper will provide useful information about how the acceptance of tattoos has changed and whether or not the change is a good idea. Tattoos last forever, but will they haunt your chances of a career forever?

CIVIL RIGHTS ACT AND APPEARANCE

The civil rights act was passed in 1964, and prohibited discrimination on the basis of race, color, sex, religion, and national origin. While this act covers a broad range of topics, it does not cover appearance. This means that companies can possibly put in place workplace policies that may discriminate against a specific person due to their dress choice, way of speaking, physical body appearance, and others. This is a major concern of Mark Bandsuch, the author of an article titled *Dressing Up Title VII's Analysis of Workplace Appearance Policies*. Bandsuch [1] does agree that the civil rights act has done its part to help with the reduction of discrimination but argues that there is still a problem with discrimination due to the high volume of discrimination charges that are filed with the EEOC, which was over 75,000 in 2006. Bandsuch [1] states that "... trait discrimination is one of [the] new manifestations of discrimination." Bandsuch says that this form of discrimination is when [1]

"... employers, typically by means of dress codes or appearance policies, base employment decisions on the presence or absence of a certain physical trait. For example,

shaving policies, weight restrictions, tattoo prohibitions, and gender stereotyping have all been found to violate Title VII under certain limited circumstances”

Bandsuch’s [1] point that is that Title VII does not cover the outward appearance of individuals and that businesses are allowed to enforce strict dress code policies. The bigger question would be should the physical appearance of a person be covered under Title VII? The likelihood of an increase in lawsuits is high if Title VII were to add physical appearance, which would mean that more time and money will be spent in court over possibly small issues concerning an employer not approving an employee’s appearance. Along with more court cases, adding physical appearance into Title VII may have an adverse impact on companies, whose survival in the business world is heavily dependent on the physical appearance of their employees, due to the specific desires of their clientele.

It would seem that the possible cons of implementing the protection of physical appearance under Title VII would outweigh the pros. There are already numerous court cases that flood the courts daily. Adding more court cases would hinder the justice system, along with the many different views of what appropriate appearance is because it is subjective based on individual beliefs. Therefore, Title VII should be left in its original form to protect against the discrimination of race, color, sex, religion, and national origin.

PROBLEM OF TATTOOS IN THE WORKPLACE

Tattoos have typically had a negative image surrounding them, due to the use of tattoos among criminals, gang members, and other marginalized groups of people. Yet in the last several years tattoos have become a new trend in society. No longer are they exclusively used among these marginalized groups. This means that tattoos are working their way into the professional fields of work, and affect both the employees and employers. Employees have to worry about whether or not their choice of having a tattoo will negatively impact their opportunity of getting a job, and employers have to worry whether employee tattoos will affect their business. This leads to the issue of whether or not tattoos should be more welcomed among all types of businesses or if tattoos should remain hidden and not accepted in the workplace. Exploring recent trends of tattoos in the workplace will shed some light on the issue and whether or not tattoos will find a place in the more business fields or if they will stay in the other fields of work.

TODAY’S VIEW OF TATTOOS IN THE WORKPLACE

The Pew Research Center found that 36% of adults aged 18-25 have tattoos and that 40% of adults aged 26-40 are tattooed and these numbers are on the rise [6]. With the growing popularity of tattoos, employers have to take tattooed individuals into more consideration. Businesses are typically worried about three major areas when it comes to tattoos. USA Today’s article *Workplace Tattoo Taboos Fading* interviewed Joseph O’Grady, a college professor of business at Burlington’s Champlain College, states that the three major concerns of a business and tattoos are [4]:

- “the belief that an employee will not be taken seriously by tradition-minded clients”

- “the concern that the organization’s brand or image might be compromised by outlandish tattoos”
- “the concern that one person’s body art could be perceived as offensive or hostile to a co-worker or customer”

These are valid concerns that a company may have about tattoos and how they will affect the company’s business. Yet tattoos are gaining acceptance in the workplace, slowly, but surely. Forbes article, *Tattoos No Longer a Kiss of Death in the Workplace*, states that “...many contemporary companies stressing commitments to diversity and inclusion, tattoos are becoming increasingly unproblematic across the board” [2]. Modern companies are also becoming more popular in the workplace, therefore, leading to the greater acceptance of tattoos in the workplace. But this trend of a contemporary workplace is not every business’s ideal situation. Many businesses hold a high standing view of their establishments and its employees, which leads to more stringent rules about appearance in the workplace.

WORKPLACE POLICIES FOR INKED EMPLOYEES

While the acceptance of tattoos is becoming more known among businesses there are still business fields that do not accept visible tattoos. Typically the fields that are less accepting of tattoos are: education, health, and corporate/financial. Tattoos in these fields can prove to be a controversial topic. In the education field parents were worried that tattooed camp counselors would not be proper role models. John Beitner, camp director of L.A.’s Tumbleweed Day Camp found out, when he had a 15% increase of counselors with tattoos in the past ten years [2]. While Beitner felt the pressure from the parents to reduce the number of employees with visible tattoo, Beitner also realized that enforcing a tattoo policy would mean that he would lose desirable counselors, qualified for the job.

Tattoos in the health field are also undesired. UCLA Health System has a tattoo policy that states: “Any tattoo that may be considered offensive by patients or visitors must be covered by clothing, a Band-Aid or make-up.” Also Cleveland Clinic’s policy on tattoos says: “Tattoos must be covered during working hours to ensure a consistent professional appearance while working” [2]. Rocky Mountain Cancer Centers (RMCC) also have a specific policy for tattoos in the workplace. RMCC’s personnel policies for dress and grooming states this about tattoos in the workplace [5]:

“Employees with visible tattoos should make every effort to cover tattoos whenever possible. Factors used, at management discretion, to determine if visible tattoos pose a conflict with the work environment will include, but are not limited to:

- Customer complaints
- Community norms
- Perceived offense on the basis of race, sex, religion, etc.”

Many corporate businesses have similar policies. This is due to the relationship between the employees and the clients of the business. Sometimes the relationship can be hindered or broken when tattoos on the employees are visible. Some people are just not as accepting of them as others, and those who are not may take their business elsewhere with someone who is not sporting visible tattoos. This is why it is extremely important for companies to evaluate their clients and consider whether or not they would be accepting of visible tattoos or if it would be in the company’s best interests to enforce a tattoo policy that requires tattoos to be covered during work hours.

Another common place where tattoos are not looked on positively is the military. The army specifically reinstated the policy of “old grooming standards.” This policy “... restrict[s] the size and number of tattoos, bans ink from the neck, head and hands, and bars body art that might be seen as racist, sexist or otherwise inappropriate” [3]. Although this change in policy for the army was meant for professional purposes, it may have back fired. Major Tyler Stewart, who is in charge of recruitment in Arizona, says “The change is intended to promote discipline and professionalism. But it is making it harder to recruit to the army.” Reportedly Major Stewart’s battalion is turning away 50 tattooed persons per week [3]. This evidence is showing a negative impact of having a strict policy about tattoos. Yet the army has every right to enforce a dress code for their “business.”

Although these are the typical types of work fields that discourage tattoos, this does not mean that every educational, corporate/financial, or health care industry is unaccepting of tattoos. Bank of America’s spokeswoman Ferris Morrison says [2]:

“We have no formal policy about tattoos because we value our differences and recognize that diversity and inclusion are good for our business and make our company stronger”

This realization that the physical appearance of an individual does not impede their work ability is becoming common knowledge among companies and is changing the company views about tattoos. Yet it is still important for job seeking people to do their homework and find out what a company’s view point is about tattoos before they go in for any potential interviews.

ACCEPT THE INK OR KEEP IT TABOO

While the popularity of tattoos grows it seems that it is inevitable that companies will need to become more accepting of inked employees. However, it is still reasonable for companies to keep their “dress code” policies in place. If the image of a company is a high priority and is what makes the success of the company, then the authors believe it is reasonable for that company to have policies relating to the professional appearance of their employees. This, again, is why a company needs to closely evaluate their clientele and see if they would be accepting of tattoos or if that would drive customers away. If the clients would not be bothered or offended by tattoos then the authors believe there is no reason for companies to be concerned about the tattoos that an individual has, because the tattoos do not have an affect on that person’s ability to perform a certain task at work. These reasons are why the authors do not believe that there should be a new implementation to Title VII concerning appearance. Soon tattoos will not even make a person look twice, it will just become a norm amongst our society.

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