

From High Heels to Hijabs: Legal Controversies over Women's Dress Codes in the Workplace

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Abstract. Workplace dress codes are still a big problem for many women. These rules can tell women to wear high heels, skirts, makeup, or other clothing that can be uncomfortable or even dangerous. At the same time, some workplaces limit religious dress like hijabs or headscarves. This paper studies how these rules affect women's health, rights, and jobs. It looks at laws and cases from the United States, the United Kingdom, and the European Union, and also at international human rights standards. The paper also uses real stories like the Nicola Thorp high heels case and the Achbita hijab case to show the human impact behind these policies. The study finds that many dress codes are not neutral. They often reflect old ideas about gender or religion and hurt women more than men. However, there are also new laws and company rules that try to be fairer, safer, and more equal. This paper explains why these changes matter and how future policies can protect workers better.

Keywords: dress code, gender and religious discrimination, women rights.

1. Introduction

Dress codes have always been part of workplaces. They are usually presented as something that makes workers look “professional” or “neat.” Employers often believe that having a dress code improves customer trust, shows company values, or keeps employees looking the same. But under this simple surface there is a deeper story. Dress codes can show hidden ideas about gender, religion, and power. They can also create unfair treatment between men and women. In many places, women are still asked to follow stricter and more uncomfortable rules than men. This is true for clothing, shoes, makeup, and even hairstyles. Over time, these rules have become a legal issue, a human rights issue, and a question about personal freedom.

Many of these dress codes have roots in history. For a long time, business dress was built around a male model. The normal worker was imagined as a man in a suit and tie. When women entered the workplace in greater numbers in the 20th century, they were expected to adjust to a style that still came from male norms. This meant skirts, high heels, and makeup to look “feminine” but also “professional.” These expectations were not only uncomfortable but also reinforced stereotypes about what a woman should look like or how she should behave. Because of this history, dress codes often continue to treat men and women differently even today [1].

This paper focuses on two major parts of the problem. The first is gendered dress codes. This includes rules about high heels, skirts, and makeup. These rules often force women to spend more

money and face more health risks than men. The second is religious dress codes. In many countries, especially in Europe, there have been legal fights over hijabs, headscarves, turbans, and other religious clothing. Employers sometimes say they need to limit these items to look “neutral,” but workers argue that such rules discriminate against their religion.

The aim of this paper is to explore how these two types of rules overlap and what they mean for women in the workplace. It uses a comparative legal approach. This means looking at several legal systems and comparing how they handle the same problem. The paper reviews major court cases and government reports from the U.S., U.K., and EU. It also looks at international human rights standards and public movements such as KuToo in Japan. By studying these cases and movements, we can understand not just what the law says but also how these rules affect real people. Another goal is to show how these dress codes impact women beyond the legal field. Dress codes affect health, because wearing high heels for many hours can cause pain or injury. They affect money, because special clothing can be expensive. They affect career progress, because being punished or sent home for not following a dress code can lead to missed work or lost promotions. They even affect identity, because religious dress is part of many people’s beliefs. By putting all these issues together, we can see how powerful dress codes are in shaping women’s lives at work. Finally, this paper will discuss possible solutions. It will show examples of companies and countries that have already changed their rules to be fairer. It will also give suggestions about how employers and lawmakers can write better policies. The aim is not just to criticize bad rules but to point toward a future where dress codes respect everyone.

The paper is organized in several sections. After this introduction, the next section explains the historical and legal background of dress codes, showing how they started and how they became a legal issue. The paper then presents case studies such as the high heels case in the U.K. and the hijab case in the EU. After that, it analyzes the impact on women, including physical, economic, and psychological effects. The last parts look at solutions, recommendations, and future directions, and finally, the conclusion summarizes the findings and explains why they matter.

By taking this approach, the paper hopes to give a clear picture of how dress codes operate and why they must change. Dress codes are not just about clothing; they are about power, equality, and the right to be oneself at work. In a globalized and diverse world, employers and governments cannot ignore these issues. This study shows that with the right laws and policies, workplaces can become fairer, safer, and more inclusive for everyone.

2. Historical and legal background

Workplace dress codes did not appear suddenly. They grew slowly over many decades. Office workers were mostly men in the early twentieth century. The concept of the professional worker revolved around men who wore suits, ties and dress shoes. Women in paid jobs often worked as clerks or assistants. The government allowed women to work in paid jobs. Sentence on “respectable” clothing like skirts, stockings, small heels, and “simple” blouses. The early patterns created a clear gender divide in what was accepted as normal. Many companies still do these old things today without understanding the underlying reasons [2].

More jobs became available to women over time, including factory jobs, office jobs, and even legal jobs. As the Mexicans grew more numerous, the established rules about how they should look grew accordingly. Dress codes wrote by employers often had more detail for women than men. Men generally had simple guidelines; they had to wear suit and tie, keep hair short. For a long time, the rules for women were long. Don’t wear too much make-up. Wear skirts of a certain length. Wear heels of a certain height. Keep hair neat and so on. With these detailed regulations, employers would

have more control over how women presented themselves; moreover, it was a reflection on who was in charge [3].

The Civil Rights Act of 1964 launched in the States gave more people the opportunity to rise up the socio-economic ladder. Employers were prohibited from discrimination based on sex or religion according to Title VII. In the beginning, a lot of businesses believed this law didn't cover dress codes. But in 1989, the U.S. The Supreme Court ruled on *Price Waterhouse v. Hopkins*. Ann Hopkins was a woman who was a manager yet got denied for promotion. The reason given for the denial of promotion was partly because she did not act feminine enough. She often wore suits which were not dresses and also did not wear makeup and other accessories. This case became a turning point. The proof was provided that discrimination was not merely a harmless company policy but dress codes and turning appearance rules could be discriminatory like unintentional or intentional conduct.

In the UK, the Equality Act 2010 prohibited discrimination against a person because of his/her sex and/ or religion. It empowers women to legally fight against any unreasonable dress code. In 2016, the Nicola Thorp case called attention to the issue. A woman was sent home from a temp job for refusing to wear high heels that are between two and four inches high. As a result of her situation, there was a public petition, which lead to a tongue lashing from parliament. It was found that requiring women to wear high heels was probably illegal under the Equality Act. This case helped employers rethink their rules. It has also shown how public pressure and social media helps to change company policies [4].

European Union has experienced similar cases but has taken them differently vis-a-vis religion. The EU seeks a balance between equality, freedom and corporate neutrality in its policy. The case of *Achbita v. G4S* was decided by the European Court of Justice in 2017. The employer told the Muslim woman who wore a hijab that she may not wear it at work since her employer forbids all visible religious symbols. While laws benefit everyone, they can still adversely affect a class of persons. That is to say that while the rule can be valid if applied to all, it can still be indirect discrimination if, a group is harmed more, and the rule is not strictly necessary for the job. The decision illustrates the difficulty of balancing neutrality and the right to religious freedom.

International human rights standards also matter. The United Nations and the International Labour Organisation discuss equality at work including freedom from discrimination. They urge that governments and employers should allow people to practice religion as long as serious problems do not arise. These principles affect the laws of the nation and work empowers workers to contest unfair terms and conditions. The dress code issue is not only a local concern; it is part of global debates surrounding rights, identity and work.

Another aspect in the legal background, which is of critical importance is indirect discrimination. Direct discrimination means an overt rule. For example, "women must wear heels" or "Muslims cannot wear hijabs." Indirect discrimination is when the rule looks neutral but hits one group harder. This neutral-sounding rule will prove a big interference to women belonging to certain religions who themselves are very much okay with head covering. Courts now regard indirect discrimination more closely and shifting the burden onto employers to justify the necessity of their rules. This change gives greater protection to employees who might be quietly excluded otherwise.

Essentially, intersectionality is the idea that laws combine to act against wronged people. The term intersectionality refers to overlapping identities like womanhood and being a religious minority or a woman of colour. Dress codes can affect a person with multiple marginalized identities more adversely than others. A Muslim woman who wears a hijab and also experiences gender bias may be limited in ways that a non-Muslim woman or Muslim man may not be restricted. This approach

encourages laws and policies to consider the complete picture instead of viewing just one category at a time [5].

In conclusion, dress codes have a history and legal background that suggest they are more than just about fashion. These elements exist within broader frameworks of control, gender roles, and cultural norms. Legislation such as Title VII in the United States, the Equality Act in the United Kingdom, and EU anti-discrimination law is starting to challenge unfair dress codes. But these laws do not automatically erase old practices. Employers still need to examine their rules carefully. Social action is equally important as evident from public cases and campaigns like the petition by Nicola Thorp and the KuToo movement. Knowing this background helps us understand why dress codes are still taken seriously today [6].

3. Section two: case studies, impact, and solutions

3.1. Case studies of dress codes in real life

Stories from real life demonstrate the impact of dress codes, which often restrain women. The United Kingdom had a famous case involving some high heels. The young woman Nicola Thorp went to her new job at a big office in 2016. She was advised to wear high heels with a height ranging from 2 to 4 inches. The shoes were extremely uncomfortable and not required for her job which caused her to refuse. Her company sent her home without pay. This story went viral online and made many people angry. Nicola began a petition to ban illegal government rules in the UK. Thousands of people signed it. A few months later, the Parliament opened an inquiry. According to a government report, forcing women to wear high heels was likely illegal under the Equality Act 2010. This case has become a symbol of how outdated dress code notions can harm women, and how public action can create change. The incident has given strength to many women who faced similar demands but were scared to complain [7].

Another big case is about religious dress in Europe. In *Achbita v. G4S*, a Muslim woman in Belgium was told not to wear a hijab at work. Religious symbols were disallowed, according to her employer. Though this rule appeared neutral it actually impacted Muslim women the most severely. The European Court of Justice said these regulations can sometimes be legal if applied to everyone. But they can also be indirect discrimination if not really needed for the job. This was a key decision, as it showed company “neutrality” can be harmful to certain groups, despite what it claims. This also sparked heated European debates about what exactly neutrality means and how to protect religious freedom.

Japan's movement, KuToo, combines the words for shoes and pain in Japanese: kutsu and kutsuu. Office workers and flight attendants, in particular, were compelled to wear high-heeled shoes for extended periods of time. They began sharing their stories on social media. They talked about their troubles, health issues, and injustices. This movement attracted news from around the world. Even though things in Japan change slowly, the movement has allowed women to voice their opinion and get the comfort and equality they want at work.

The U.K., EU and Japan cases show a similar pattern. Dress codes, whether for high heels or hijabs, are usually claimed to be neutral but actually target women or minorities. Public pressure, lawsuits, and social media can lead companies and governments to reconsider outdated regulations, the research also shows. By sharing their stories, individuals are raising our awareness that dress codes extend beyond fashion as they influence our rights.

3.2. Impacts of dress codes on women's lives

Dress codes affect women in many ways. First, there is the physical impact. High heels can cause pain in the feet, legs, and back. Wearing them for many hours can lead to long-term damage. Short skirts or certain types of uniforms may restrict movement and be deemed unsafe at work. Even makeup coverings can cause trouble with the skin as they need to be worn daily. The health impacts mentioned are not harmless and they cause direct bodily harm to women [8].

Second, there is the economic impact. Buying special clothing, makeup, or shoes costs money. When standards are tougher for women, women pay more than men to comply with the company's rules and regulations. Women sometimes lose part or all of their pay or even their jobs for not following the dress code. They could lose out on promotions or career advancements. With the passage of time, these losses accumulate and give rise to an invisible barrier to equality at work.

Third, there is the psychological impact. When people are told how to look, it may make them feel like others have power over their body. It can lower self-esteem and job satisfaction. Jobs may become more under greater stress and anxiety; especially in case one fears punishment or discrimination. When workers are compelled to take off the hijab or other articles of clothing to conceal their religious identity, they end up losing a part of their being. These emotions cause one to not perform well and lose morale as well. It can also lead to mental illness.

Dress codes also carry a social impact. They teach workers what is "normal" and what is not. The enforcement of rules that apply to men and women differently sends signals to one and all that there is a certain way a woman has to look for her to be accepted. This strengthens stereotypes about what it means to be feminine, beautiful, and obedient. Workplaces advocating for neutrality with rules that ban religious symbols reinforce identities that are acceptable, making some invisible. Repeatedly communicating these ideas through messages can affect the culture of a company as well as the society's view on gender and religion [9].

Finally, dress codes can create intersectional impact. Strict dress codes may hit a woman with a color, such as a Muslim woman, who belong to more than one marginalized group more severely. A person may experience bias because she is a woman, because of her faith, and because of her race. Recognizing this overlapping impact is key to designing equitable policies. Without it, some workers will always be left out.

3.3. Solutions and future directions

Fixing the dress code problem isn't easy but there are easy ways to help fix it. The first step is to make rules gender neutral. Companies may say something like 'smart business shoes' for everyone instead of telling women to wear heels and men to wear suits; a simple standard should be for everyone without height/type. This makes it fairer and also easier to enforce.

The next step requires reasonable religious accommodation to be allowed. Employers may maintain general dress codes but should allow employees to wear religious garments unless it creates a serious risk to safety or business operations. In a workplace, for instance, a uniform may allow an employee to wear a hijab, or a factory that may be made safe for workers. Many businesses already do this successfully [10].

4. Conclusion

This paper has looked at the long history, real cases, and serious effects of workplace dress codes. From high heels to hijabs, these rules are more than clothing instructions. They show deeper ideas

about gender, religion, and power. They also show how companies and governments can either support or limit people's freedom. By studying cases like Nicola Thorp in the United Kingdom, Achbita v. G4S in the European Union, and the KuToo movement in Japan, we can see a clear pattern. Dress codes are often called neutral or professional, but in reality, they still make life harder for women and minorities. They cost money, hurt health, and limit career opportunities. They also send a message about who belongs and who does not.

At the same time, the paper has shown that change is possible. Laws like Title VII in the United States and the Equality Act in the United Kingdom give workers legal tools to challenge unfair rules. Court cases and public reports now recognize indirect discrimination and intersectionality. Employers in some industries have already updated their policies to be gender-neutral and respectful of religious expression. Social media and public campaigns give workers a stronger voice. These examples show that when legal, cultural, and social forces come together, even old traditions like high heels in offices can be questioned and changed.

Another lesson from this paper is that dress codes are not only a legal issue but also a cultural and organizational one. Changing a rule on paper does not immediately change the attitudes behind it. Employers must do more than follow the law. They must listen to workers, focus on health and safety, and rethink what professionalism means. Professionalism should not mean pain, exclusion, or hiding one's identity. It should mean doing one's job well and treating others with respect.

Looking ahead, there is still much to learn. Future research could look at new industries, like technology or remote work, to see how dress codes are evolving. It could also study how inclusive dress codes affect employee happiness, productivity, and diversity over time. Another question is how different cultures define professionalism and whether global companies can create dress codes that respect all their workers.

In conclusion, dress codes will always be part of the workplace, but they do not have to be unfair. By making rules clear, neutral, and safe, and by respecting personal and religious choices, employers can build workplaces where everyone can belong. When companies take this step, they not only follow the law but also show leadership, fairness, and care for their people. A workplace that respects choice in clothing respects choice in life, and that is the foundation of true equality at work.

References

- [1] Bennett, J. (2017). Neutrality and the workplace: European perspectives on religious symbols. *International Journal of Discrimination and the Law*, 17(3), 153–175.
- [2] Bourke, J., & Dillon, B. (2018). The diversity and inclusion revolution: Eight powerful truths. Deloitte Insights.
- [3] British Broadcasting Corporation. (2020). Dress codes and workplace equality. BBC Radio 4.
- [4] Burke, R. J., & Major, D. A. (Eds.). (2014). *Gender in organizations: Are men allies or adversaries to women's career advancement?* Edward Elgar Publishing.
- [5] Kang, J. (2010). The costs of stereotyping: How appearance affects workplace equality. *Law & Social Inquiry*, 35(2), 491–517.
- [6] Ruzycki, S.M., Freeman, R., Bharwani, A. and Ahmed, S.B. (2022) The contribution of undergraduate medical education dress codes to systemic discrimination: a critical policy analysis. *Medical Education*, 56(9), 949-957.
- [7] Knipp, H. and Stevenson, R. (2022) 'A powerful visual statement': Race, class, and gender in uniform and dress code policies in New Orleans public charter schools. *Affilia*, 37(1), 79-96.
- [8] Rogers, C. (2022) Don't touch my hair: How hegemony operates through dress codes to reproduce whiteness in schools. *Du Bois Review: Social Science Research on Race*, 19(1), 175-191.
- [9] Cumming-Potvin, W. (2023) The politics of school dress codes and uniform policies: Towards gender diversity and gender equity in schools. *International Journal of Educational Research*, 122, 102239.
- [10] Polić, M. and Holy, M. (2021) Gender-biased office culture in Croatian PR industry: why feminine sectors practice masculine patterns? *Corporate Communications: An International Journal*, 26(4), 716-727.