



## 'You'll get good tips tonight': An analysis of gendered appearance codes in the Australian service sector

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### ABSTRACT

In some occupations, employers impose gendered appearance requirements on their employees. In this paper we present the findings of a small sample of Australian service industry workers subject to such requirements. We analyse these empirical findings to evaluate competing proposals in the literature for how to combat the material and other harms entailed by gendered appearance codes. We argue that the findings suggest that in the Australian context, these codes and the anachronistic norms that underpin them should be resisted across multiple fronts, including in employment and anti-discrimination law reform but also other sites of gender normalisation such as the media, schools and other institutions.

### Introduction

Just as 'clothes make the man', so too might they make the woman. The highly manicured appearance of many workers in the service sector is a common sight. Yet it may surprise some outside the sector that this appearance is just as much a product of coercion as it is a will to 'dress for success'. This coercion might be explicit or may be transmitted more subtly through the media and everyday interactions in the workplace. Recent examples of this in Australia include the special attention given to the appearance of prominent female politicians such as former Prime Minister Julia Gillard and Foreign Minister Julie Bishop (Clarke, 2014), detracting from their intended messages. Another is the stark contrast between male morning television co-hosts Karl Stefanovic and Lisa Wilkinson. In 2017, the *Daily Mail* shamed Wilkinson as 'thrifty' for having worn the same blouse twice in four months (DailyMail, 2017). In contrast, Stefanovic disclosed in 2014 that he had for the past year worn the same suit and no media outlet or commentator had even noticed (Lallo, 2014).

In this article, we explore this double standard as it applies to formal and informal appearance codes in the workplace. We argue that these codes should be abolished as part of a broader cultural, legal, and institutional effort to achieve gender equality. We begin in part I by exploring the discriminatory and oppressive effects of gendered appearance codes. This entails a reiteration of key identity concepts in gender and sexuality and an analysis of how power in the workplace shapes and is shaped by mainstream norms of masculinity and heterosexuality. We explore the unequal time, cost, health, psychological, and professional burden of gendered appearance codes. In part II, we discuss the complex role of law in relation to appearance codes. We explore various

avenues in law to resist and reshape the social norms underpinning appearance codes. We find that anti-discrimination law has had only partial success due to several factors including the indeterminacy of rights, the values of the judiciary, and a misguided trend of viewing these codes at a level of abstraction that fails to account for subjective harms to the individual resulting from forced compliance with mainstream gender and sexuality norms. We introduce several proposals to address these weaknesses such as reform of law and related institutions, collective resistance to the power of employers, and steps to combat anachronistic underlying social norms.

In part III, we present the methodology and data of our small empirical study into appearance codes in the Australian service sector. We focused on this sector as one in which workers are most likely to be subject to appearance codes of a non-functional nature, most vulnerable to their disempowering effects, but also most likely to challenge them in law (Trautner & Kwan, 2010). Our survey sought to identify the prevalence, nature, and burden of gendered appearance codes and to explore attitudes of respondents that may suggest ways to combat the individual and group harms caused by such codes. We find that gendered appearance codes in the Australian service sector are indeed prevalent and intrusive.

In our analysis of the data in part IV, we find only inchoate resistance to the norms and power structures that underpin employers' ability to dictate gendered and sexualised appearance requirements. We offer some observations on the implications of these findings for efforts to combat the individual and group harms of gendered appearance codes. Finally, we conclude that these codes and the anachronistic norms that underpin them should be resisted at multiple levels: legal, social, cultural, and institutional.

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## Appearance codes, discrimination and subordination

Employers, particularly in the service sector, often impose explicit 'appearance codes' on their employees. These overlap with uniforms but may have no apparent functional purpose such as '(1) health and safety; (2) to establish a truly necessary public image, for example, the judiciary; (3) to project a smart and uniform image; and (4) to restrict dresses or insignia which may cause offence' (Petitions Committee and Women and Equalities Committee, 2017: 19; Klare, 1991: 1430). They may be a codification of pre-existing informal expectations that may have been equally coercive in effect (Caven, Lawley, & Baker, 2013). As an example of such tacit expectation, women in Australian law firms reported a felt compulsion to conform to implicit codes of conduct including unwritten 'feminine' dress codes (Australian Law Reform Commission (ALRC), 2004). These pressures may be directed from management, co-workers or customers, for example in seemingly off-hand comments such as "[y]ou look rough today", or [by] question [ing] "[h]ave you got makeup on?" (Caven et al., 2013: 484). That the role of these formal and informal norms is to reinforce conventional gender norms is suggested by the fact that appearance codes are often gendered, for example requiring a female to wear a skirt or make-up or conversely prohibiting hair over a certain length for male employees.

Many employers and indeed employees may regard gendered appearance codes as a natural expression of sex difference. Theories of gender, however, reveal that this conflates sex with related but distinct concepts: sex category, and gender. Sex is a denotation involving physiological, biological, and chromosomal criteria. Putting aside for a moment the fact that each of these exists on a spectrum, it is a denotation that is separate from sex category, which is the sex that one expresses and identifies with apart from these criteria. Separate again is gender, which is a socially constructed set of expectations and behaviours associated with one's sex category. How gender is constructed is contested, but one convincing account is that it is performative: we act according to these expectations, which are themselves shaped by the performances and interactions of multitudes (Butler, 1990; West & Zimmerman, 1991). Moreover, we are penalised or 'held to account' when we fail to conform. Take for example the punitive responses throughout history to individuals transgressing gender and sexuality norms.

These norms are inextricable from power dynamics and are framed within a context predicated on masculine dominance and superiority and feminine submission and passiveness (Alsop, Fitzsimons, & Lennon, 2002). They are set too in a framework where fashion is a key marker of identity signifying class, religion, sex (Entwistle, 2000) and gender (Wilson, 1985). One repercussion of this framework is societal emphasis on female appearance (Caldwell, 2009) as it is vital that women can both please and remain attractive to men (Bartky, 1998; Wolf, 1990).

Furthermore, in the workplace men are generally judged by their actions, while women are more likely to be judged on their appearance (Bartlett, 1994). Studies have shown that to be hired or taken seriously in business, women should not dress or act in a feminine way (Forsythe, 1990). Gendered dress codes may have a 'double effect' in that they work to both exploit and repress women's sexuality: exploiting when employers want to 'cash in on women's sexual allure' and repressing when employers restrict or shame women from wearing certain types of clothing because they are seen to be a distraction for men (Klare, 1991: 1433).

Sexualised dress codes such as high heels and makeup, which in most cases serve no functional purpose other than to make women more sexually attractive (Adkins, 2000), may be particularly detrimental to the ascension of women to power (Whisner, 1982). Conveying a sexualised image in the workplace negatively affects the perceived competence and professionalism of women in traditionally masculine roles (such as management positions) (Deaux et al., 1985) and in higher status roles (Glick et al., 2005). High heels and short skirts may be seen to communicate 'demeaning' messages of female feebleness,

submissiveness and readiness for sexual service (Devor, 1989: 76) and contribute to women being 'objectified and left vulnerable to sexual harassment' (Petitions Committee and Women and Equalities Committee, 2017: 14, 36). One US study for instance found higher rates of sexual harassment in restaurants where there was a gendered dress code (The Restaurants Opportunities Centers United Forward Together, 2014). The dress codes may also play a contributory role in victim blaming of the targets (Loughnan, Pina, Vasquez, & Puvia, 2013). The service industry in particular requires female employees to maintain a sexually attractive appearance and persona in the pursuit of 'giving men what they want' (Caven et al., 2013: 477).

It is paradoxical that aspects of a woman's dress code may work in her favour. Attractive people have been identified to benefit from being more likely to be hired (Zakrzewski, 2005), having higher yearly incomes (Loureiro, Sachsida, & Mendonca, 2010) and enjoying greater employment opportunities (Adamitis, 2000). Positive correlations have also been found between employee physical attractiveness and favourable feedback and gratitude by customers (Luoh & Tsaor, 2006) with physically attractive employees perceived to be warmer, friendlier, happier and more intelligent than less attractive employees (Keh, Ren, Rao Hill, & Li, 2013). This may be more readily exploitable by women. Makeup, for example, has been identified as improving perceptions of female facial attractiveness (Graham & Jouhar, 1981; Workman & Johnson, 1991). In Dellinger and Williams' (1997) study of women and makeup in the workplace, participants reported that wearing makeup made them appear more competent and credible, with younger women using makeup to look older (which related to appearing more credible) and older women applying it to appear younger (which related to appearing more competent). They also found that wearing makeup increased the perception of the appearance of health and high energy levels for women. The finding that there is a correlation between wearing makeup and the likeability and perceived competency of female employees has been recently replicated (Etcoff, Stock, Haley, Vickery, & House, 2011).

On the surface, therefore, make-up can seem empowering. It would be a mistake, however, to overemphasise this in the case where there is pressure imposed through formal or informal codes. These codes typically allow only minor variations, particularly in the workplace (Bartky, 1998). Bartky (1998) explains that makeup is merely a disguise and comes with a societal presupposition that a female face without makeup is inherently defective as women are in essence an 'ornamental surface'; they may internalise this belief so profoundly that they either lack the distance necessary to question it or are too fearful of the consequences of non-compliance.

Another workplace norm reflecting mainstream values is that sex, sex category, and gender should align. A classic part of attractiveness is 'the presentation of a coherent and accomplished gender' with those who live up to the expectations of their gender—for example, by complying with a gendered dress code—having a corporate advantage (Harwood, 2007: 585). The capacity for LGBTIQ+ individuals to transgress this norm may be weakened by a post-industrial diversity of values, yet these norms are resilient precisely because they emanate from a majority that sees the world in its own image (Skidmore, 1999: 512). Accordingly, even if sex were a binary concept, the continuing expectation that all individuals should dress as though these three concepts always align as heterosexual male or female has an oppressive effect on those individuals in which they do not. As with women performing rituals of gender, some LGBTIQ+ individuals 'pass' as, for example, heterosexual to shield themselves from discrimination in the workforce. In the case of gay men this may be 'to counter the stereotypes of sexual libertinism or hedonism...[serving] to insulate gay men from charges of unprofessionalism' (Brower, 2013: 496). While these strategies may bring benefit in the short term, they can hardly be seen as empowering given that they require suppression of one's true self in a way not experienced by the mainstream (Brower, 2013).

We now turn in Part II to the treatment of appearance codes in law

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