

Petitions Committee

Women and Equalities Committee

Oral evidence: [High heels and workplace dress codes](#), HC 291

Tuesday 28 June 2016

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Members present: Helen Jones (Chair); Ian Blackford; Mrs Flick Drummond; Ben Howlett; Catherine McKinnell; Jess Phillips; Paul Scully.

Questions 1-97

Witnesses

I: Nicola Thorp, petition creator, Ruth Campion, web-thread contributor, and Emma Birkett, web-thread contributor.

II: Scarlet Harris, Women's Equality Officer, TUC, Azmat Mohammed, Director General, Institute of Recruiters, and Simon Pratt, Managing Director, Portico.

Examination of witnesses

Witnesses: Nicola Thorp, Ruth Campion and Emma Birkett.

Q1 Chair: Can I welcome to the Committee this afternoon Ruth Campion and Nicola Thorp? They have kindly agreed to give evidence to us on their experiences of challenging dress codes. I know, Nicola, that your petition was originally about high heels. We are interested in that, but we are also interested in the wider issue of discrimination in gender dress codes. We will be taking evidence from a second panel this afternoon. I thank both of you for giving us your time today. Nicola, can I ask you first about the experience that led you to start the petition?

Nicola Thorp: About what originally happened?

Chair: Yes, tell us about that.

Nicola Thorp: It was in December last year. I had been working for a couple of years for a temp agency, who had hired me to do reception



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work, PA stuff—that kind of thing. I was sent on that particular day to a Portico site. They hired me on behalf of PwC. When I turned up to their main reception I was told, “You have a uniform you need to wear today.” They gave me a dress, which was fine, and then she pointed to my shoes, which were just plain, flat black ones, like the ones I am wearing today. The female supervisor said to me, “You can’t wear those. You have to wear heels or we are going to send you home.” A male colleague who was stood right next to me was wearing similarly flat, black, plain, smart shoes. I pointed out that he wasn’t being sent home, so I felt that the reason I was being sent home was because I was female, at which point I was laughed at, because it was beyond her comprehension that I would disagree with such a rule. She had had so many girls who had worked for the company who just did it, and she pointed out to me that there would be someone else who was quite happy to take over my role. I was given the option to go and buy a pair of heels from Marks & Spencer. I refused and therefore was sent home without pay.

- Q2 **Chair:** What was the response when you challenged that? Can you just elaborate a bit? You said your supervisor didn’t seem to understand the problem; did she say anything in particular to you?

Nicola Thorp: She just laughed and when I did point to the male colleague, she continued to laugh at me. I wasn’t taken seriously. It felt like she thought that I was just causing a fuss. That has often been how I have felt throughout the petition as well—it is just a woman making a fuss over nothing. That was certainly how I was made to feel on that day—and humiliated as well because she laughed at me in front of other workers.

- Q3 **Chair:** I understand that, thank you. Ruth, have you had a similar experience?

Ruth Campion: I have, yes, although mine was slightly different. I started working for British Airways in 2011 and left in 2013. I was a member of staff on a fleet called “mixed fleet”, which is the new contract that British Airways started giving out in 2010. The main difference is that you get paid about half as much as the staff who were employed previously, but it is also part of a new, younger and slightly sexier image of British Airways. We were required to wear the same uniform as the other staff, but in slightly different and slightly stricter ways. We had to wear skirts and we couldn’t wear trousers any more. We had to wear our jackets buttoned up and little hats on our heads, regardless of what hair you had. General rules on make-up and nails were enforced much more strictly for us. There was no option to challenge the rules. They were in writing and you would be picked up even if you dared to omit one of them.

- Q4 **Chair:** I must admit that, when I am flying, the sexiness of the cabin crew has never been one of my most pressing concerns. I am rather more concerned with the idea that they could get me out if there were an emergency. Did anyone ever give you a reason for this?

Ruth Campion: No one ever gave me a particular reason for it, but look at the history of cabin crew. For example, there used to be much stricter rules about what size you could be. Also, you couldn’t be married, which



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was a bit strange. In other countries, those rules still exist. For example—I am just quoting this from memory so I am not sure that it is exact—I think that Singapore Airlines only make their uniform in two sizes and if you don't fit either of those, that's that.

Chair: Small and ridiculously small!

Ruth Campion: Exactly. In other parts of the world, where they don't have the legislation and the equality that we have in the UK and Europe, it is slightly different. I think that British Airways now imagine themselves to be competing on a much more global platform. They are not just necessarily asking, "Do our staff perform better and look better than Virgin or British Midland?" It is, "Do they perform and look better than Emirates?"

Q5 **Chair:** As both of you have experienced this, how did the imposed dress code—the high heels and the little hat—make you feel? I think the last time I wore hats was when I was at school. Nicola, first, how did you feel about this?

Nicola Thorp: I was brought up to believe that me and my brother would have the same rights in the workplace, just as we did at school. To start a job—a low-level job, granted—and be told, "No, you must look more like a woman to be able to do your job," and "You will be seen favourably if you not only look like a woman, but wear more make-up," as I have been told on many occasions by other employers, is just disappointing. It made me not want to work for the companies any more. It made me not want to aspire to higher levels of employment in companies like that because I thought, "If this is what we have to do at this level, what will we have to do to work higher up in the company?"

Q6 **Chair:** Ruth, do you have any observations on that?

Ruth Campion: For me, personally, it was a bit dehumanising and humiliating to be made specifically to wear items of uniform that sexualised my appearance or enhanced my sexuality. It made me feel extremely uncomfortable, particularly because it was being done for the business. For example, I will freely wear make-up, high heels and skirts on a daily basis to a wedding or on a night out. I enjoy it; it is part of my personality and my freedom of expression. It does make me feel sexy and attractive. But for an employer to tell me that I need to do that in order for the business to have a certain image made me feel akin to being prostituted, to be honest.

Q7 **Ian Blackford:** You have already touched on this but, Nicola, could you talk about your experience of being asked to wear high heels? Has that happened in any other workplace that you have been in?

Nicola Thorp: Yes, it has. I have worked in retail before, notably at Harrods. They are really quite bad and I ended up leaving as a result of that. In fact, in one of the interview sessions that I attended, the woman who held the interview—who was working for the agency, so Harrods might have diminished responsibility—would go around the room and say,



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"You need a makeover, you need a makeover, you're fine, you need a makeover". She pointed to a black girl who was being interviewed and said, "You can't work for me unless you have your hair chemically relaxed, because your hair, as is, is not professional enough." We just sat there and nodded and agreed because we needed the job. People did what they were told.

- Q8 **Ian Blackford:** I guess that is the problem. Most people would look upon the stories you are telling about how you have been treated as truly appalling. The issue is giving a voice to that and people challenging it. Did you find that people in Harrods or elsewhere challenged it in any way at all?

Nicola Thorp: I tried to challenge it and, honestly, I was just laughed off every time. I'm not wearing make-up today. I would come in wearing as minimal make-up as I could possibly manage without them noticing, and still it would be, "Go to the toilet." You had to carry a lipstick with you at all times to top it up. It's just humiliating.

There were so many examples of when girls would not be happy. Girls would be in tears because their feet were bleeding—you can read all the comments on the forum—and you'd just get laughed at: "Well, go home, have a bath and come back tomorrow." There is no leniency for girls because this is the image. These jobs tend to be slightly better paid than the minimum wage, so at the end of the day there is always going to be someone else who can take your place. That was what we were told.

- Q9 **Ian Blackford:** Would you say this is a deep cultural problem that is institutionalised in certain sectors of the economy?

Nicola Thorp: Yes, it really is. I have worked in banks in the City, and I remember that where I worked there was a poster in the lift that said, "We are one of the top companies for women's equality," and so on. I would come out on to the massive top floor of the building, and at every single desk on the floor were secretaries who were female, and around the outside, all the directors were male. We were being told, "You do have equal rights, but we have the right to tell you that you're a woman and what that means within our business."

I feel that for as long as employers have the right to distinguish between male and female employees, this is just going to continue. Ten years ago it was skirts, now it's heels. Next year it will be—well, it is now make-up. What else? Hair styles. It is because employers can say, "Well, you're a woman, therefore X; you're a man, therefore Y." It is really difficult to prove whether that is more or less favourable, when women are treated less favourably all the time. It has become second nature. That's why, when I would say, "I don't want to wear heels. I feel like I am being treated less favourably," the woman turned round to me and said, "But women wear heels every day. How is that treating you less favourably?". In her mind it was just normal.

- Q10 **Ian Blackford:** This question is for you both. These stories are horrific, and I think everybody who listens to this is going to take that view. You



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must have been in situations where you were having to discuss these matters with human resources departments. What would happen then?

Nicola Thorp: Unfortunately, as agency workers you don't have that much contact with human resources. It will literally be that you don't get called in the next day. I have raised problems before. I asked my agency to tell me why. I was given a colour chart of acceptable lipstick shades to wear, and they weren't even real brands; they were just like a Dulux colour chart, with names like "Coquette", "Daring" and "Love". I was expected to go out and match these lipsticks. I said to my manager, "What is this about? Why?" Do you know, I don't think I've ever spoken to an HR representative, because of being an agency worker?

Q11 **Ian Blackford:** What about at BA, Ruth?

Ruth Campion: Problems with challenging HR?

Ian Blackford: Yes.

Ruth Campion: Even before you start at British Airways, they send you a handy little booklet with all the uniform standards, so I knew what was going to be expected of me and none of it was a surprise. I went into that industry and that job with my eyes open. What I wasn't aware of was how it would make me feel as an individual. I knew I never really had any grounds on which to challenge any of it because it was written in the booklet that I had been sent before I even started.

Q12 **Ian Blackford:** Did that booklet have the dress code for males as well as females? How did it differ?

Ruth Campion: It does, yes. I think my particular experience was the fact that they were making requirements sexier post-2010, perhaps to compete more and improve their image a bit more, but there was nothing new for men at all.

In fact, I was once part of a meeting where we were broaching some of these subjects and the particular one we were talking about was the fact that staff employed pre-2010 were allowed to wear cardigans when they were cold, because it can get quite cold in an aeroplane, and they decided that element of the uniform was not applicable to staff employed after 2010 because, to read between the lines, it was a bit frumpy and not very attractive, so we just had to make do with bare arms. I think we broached shoes at the time and we were told that they had recently changed the uniform policy for staff employed after 2010 so that now we could wear heels that were 3 inches rather than 2.5 inches.

Q13 **Ian Blackford:** Surely there is a health and safety issue when you are on an aircraft at 35,000 feet, serving meals or whatever, and you are being asked to wear heels that are 2.5 inches or 3 inches.

Jess Phillips: I thought you were told not to wear heels on a plane.

Chair: One at a time.



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Ruth Campion: Yes. You are expected to be in full uniform, which includes heels, from the moment you leave your house, on public transport and in the airport building, up until the point when all the passengers are sitting down. Then you change into your flat shoes for the rest of the service and then you put your high heels back on once the passengers are disembarking the aircraft until the very second you get into your hotel room.

- Q14 **Ian Blackford:** That is even more remarkable in a way, because I would guess they are actually recognising that potentially there is a health and safety issue, yet it is not appropriate for you to wear flat shoes at other times.

Ruth Campion: Yes, absolutely. Plus you would be absolutely exhausted. You can walk miles and miles in an aircraft in 12 or 14 hours, so I think it would be physically impossible.

- Q15 **Ben Howlett:** I have a very quick clarification question for you, Ruth. In terms of the male uniforms post-2010, were they reformed or made to look sexier?

Ruth Campion: Just to be clear, it was still exactly the same uniform—nothing wrong with it; it was just particular things about how we wore it. So, for example, I was not able to order trousers or a cardigan from the uniform store and stuff like that. As far as I am aware, nothing was changed for the men. I think they had to button their jackets up at all times—that was men and women. We could not walk around with our jackets unbuttoned, apparently, but that is it.

- Q16 **Catherine McKinnell:** Again on the health and safety issues—do you want to start, Ruth, since we have already touched on this?—what kind of work would you be expected to do in your high heels?

Ruth Campion: You are expected to wear your high heels, as I mentioned, from the moment you leave your house. As I was commuting to Heathrow on public transport, I was expected to wear the full uniform, minus the hat, on the tube. So I could not take off my scarf, unbutton my jacket or wear my flat shoes in public. If I was popping to a shop, it would still be the same. And it was the same when you got to the other end: you weren't allowed to relax once you got to your hotel. It was only once you had closed your hotel room door and were inside that it was over.

So you would be carting a suitcase around for starters, parking your car and walking around the car park—the same as if you are going on holiday. There are some incredibly long walks involved at airports—it can be up to a mile and a half to get to the next terminal, for example—and then all your duties on board. When the cabin crew get to an aircraft before the passengers arrive, you often give the entire aircraft a security search, you check all the trolleys to make sure that all the meals are in there correctly and you check that all your health and safety equipment is there—your first aid kits and fire extinguishers. So it is quite physical. There is a lot of kneeling, bending down, stretching and bending. Again, when the passengers get on board, a lot of them need assistance—helping people to



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their seats; people with baggage, luggage and small children—and that is all done in your high heels.

- Q17 **Catherine McKinnell:** It strikes me that that is almost the opposite of my own experience—I put trainers on to walk into work and then put high heels on when I get to work. That seems to be the opposite. Obviously, I do that for health and safety and for my own wellbeing, and it seems that the opposite is enforced. How is it policed, given that you are outside of work while this is being enforced?

Ruth Campion: If I had been on the tube and someone had seen me, they would have been thoroughly within their rights to pull me up on that.

- Q18 **Catherine McKinnell:** Do you know anyone who was disciplined?

Ruth Campion: I do not know anyone who was given a formal warning, but you can certainly be spoken to about any aspect of your uniform. Lipstick, in particular, was one they were hot on. A couple of times I was told that I had to reapply my lipstick and I wasn't wearing enough make-up. The particular one I got told off for a lot was that my hair was too frizzy. One manager once told me that my hair was fluffy like a cloud, which was charming. The manager who trained me—this was a manager who was well respected within the airline, because he is chosen to train new entrants—actually prides himself on the fact that he carries a can of hairspray around with him at all times, in case any of his female crew members have frizzy hair, in which case he physically assaults them with his can of hairspray to make sure they do not have frizzy hair. I do not understand how that affects the service you give on an aeroplane, but it is all part of an image.

- Q19 **Catherine McKinnell:** Did you suffer any consequences from having to commute, walk in and undertake the activities you described, such as checking the aeroplane, which are quite physical?

Ruth Campion: My personal discomfort with it was people staring at me. Nobody wants to be stared at on their commute or have people take photos of them. There are a lot of tourists on the Piccadilly line, and people would not think twice about photographing you or asking you what terminal they need to go to, as though you are at work already. Everyone should have the freedom to be able to commute in comfort.

- Q20 **Catherine McKinnell:** Did you ever feel vulnerable in public, in your full uniform?

Ruth Campion: I never felt particularly vulnerable, although you were given briefings on security when you arrived at the hotel and stuff like that.

- Q21 **Catherine McKinnell:** Did you feel that you were disadvantaged compared with your male colleagues in that regard?

Ruth Campion: Absolutely, yes, because no aspect of the men's uniform was designed to enhance their male sexuality. They looked very smart—they all looked immaculate—but none of them was enhancing their



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sexuality to somehow improve the image of the airline or the service we were providing.

- Q22 **Catherine McKinnell:** Did you ever feel unsafe being required to do what you were asked to do, wearing high heels?

Ruth Campion: Only because my feet were in so much pain that I did not physically feel I could stand up any longer. You queue for security at an airport when you arrive with your passport, and cabin crew have to do the same. I would sometimes just stand on the cold airport floor in bare feet, and occasionally take one shoe off and the other shoe off just for the sheer relief of having my foot out of the high-heeled shoes for a bit.

- Q23 **Catherine McKinnell:** Nicola, can I put the same questions to you? What kind of work were you required to do wearing high heels? Did you feel it affected your ability to do your job?

Nicola Thorp: As a receptionist, if you can see my feet, it means I am running around escorting people to different business meeting rooms. If I am sitting down, you cannot see my feet, so it does not matter anyway whether I am in "acceptable" footwear or not. The majority of places I have worked at have marble floors. It is super difficult—men may not quite appreciate this—to walk in heels on marble floors or pavements that have gaps in between them, so you lose your heel and fall over. I did it a couple of times. I have fallen at work.

I have felt vulnerable. We watch health and safety training videos. It is not quite to the same extent as you guys, but we had terrorism training—how to run away from an attack or how to deal with a rowdy person at the front of the building. If you are teetering over to them in high heels, there is an air of vulnerability. I have certainly felt vulnerable. I have had comments, constantly, from men and women who have been attending meetings in the buildings I have been a receptionist at. I was told—

Chair: I am sorry. Can I stop you there? There is a Division in the House. The Committee will be suspended for 15 minutes, and then we will come back to continue the session.

Sitting suspended for Divisions in the House.

On resuming—

- Q24 **Chair:** I apologise to our witnesses for the interruption. I am afraid it is not within our control and we have learned just now that it is not advisable to run for votes in high heels.

Can I also welcome Emma Birkett, who has come down from Chester, my old home town? Unfortunately, Emma's train was delayed. We all have experience of the west coast mainline. Because you missed the introduction, could you tell us about your experiences of being forced to wear high heels to work? What was the dress code for the male employees compared to female?



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Emma Birkett: First, I apologise for arriving late; the journey took a lot longer than expected. My main experience of this was in retail. I applied for a retail sales assistant position and it was explained to me when the job was offered that there was a strict uniform policy. They described the women's uniform to me, which was smart, formal business wear. It was specifically a dress or skirt with a blouse and high heels. The female manager showed me her heels as an example. They were stilettos; very pointy-toed stiletto court shoes. One male worked there. The uniform for males was a smart suit, obviously with flat shoes. It was just smart.

Q25 **Chair:** It was made clear to you that if you didn't wear high heels you would be sent home without pay. Is that correct?

Emma Birkett: Yes. I made the mistake of forgetting to bring my heels, because I used to walk to work, so I would wear flats to work—nice, smart black flats. On that occasion they gave me the option of either going to buy a pair of heels or going home.

Q26 **Chair:** Out of your own money, presumably?

Emma Birkett: Yes. Luckily—I use the word loosely—I lived quite close, so on that occasion I went home and got my heels. I had to take that time as an unpaid break.

Q27 **Chair:** Did anyone do a health and safety assessment to your knowledge when you were there?

Emma Birkett: No. The only health and safety awareness was for lifting and carrying boxes and walking up ladders—that type of thing.

Q28 **Chair:** But not how wearing high heels affected that?

Emma Birkett: No, nothing to do with that at all.

Q29 **Paul Scully:** Ruth, you talked about the fact that you felt unable to challenge the requirement, and we talked about the company's rules. I am wondering what you think might have happened if you had tried to challenge the code.

Ruth Campion: I suppose it depends in what capacity. If you challenge it on an individual basis, by being a rebel and just going against it, I suppose you could probably expect a matter of minutes before it was spotted and you were pulled up on it, as I have personally experienced. In terms of raising issues formally in organisations as large as that, it is quite difficult because they employ tens of thousands of people and have a centralised HR system. I was part of a sort of staff representative committee and we did make some requests about the uniform, although being allowed to wear flat shoes was not a priority we considered above other things, such as being allowed to wear a cardigan if we were cold. So it wasn't something we addressed as a priority at the time.

In terms of how it would be dealt with, the management were willing to engage with us but, as I mentioned before, all they had to say about heels was that we were lucky that we could now wear three-inch heels, rather than two-and-a-half inch heels. Unfortunately, it is an industry where I



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think people are quite aware of the attractiveness and the appeal of the uniform and the image—it's all quite glamorous—and so to put your hand up and say, "I'd like to wear flat shoes and trousers, and a cardigan if I'm cold, and I don't want to wear make-up", would most definitely put you in a minority.

- Q30 **Paul Scully:** Emma, do you think that challenging the code affects your position in the workplace?

Emma Birkett: I did feel quite insecure there. As I said, when the job was offered I really needed it, so I did not challenge the uniform at that point. There were times when the shop was hectic and busy, and we were on our feet all the time, for very long shifts. At those points, each of us individually in the team would comment and ask whether we could perhaps wear flats while it was so busy, and on the long shifts, and it was really ridiculed. We were really laughed at, and it was implied that if we didn't want to wear heels, we didn't have to work. So that definitely created a sense of feeling insecure in the job. I was new and on a three-month probationary period, so there was definitely a sense that to object would not be taken kindly.

- Q31 **Paul Scully:** That is interesting. You both talked about being laughed at. Nicola, you said that you were sent home without pay.

Nicola Thorp: Yes.

- Q32 **Paul Scully:** Do you feel that it affected your ability to find work in the future? Through the agencies, did you have a black mark against you?

Nicola Thorp: Yes, it did. There were two agencies in play here: Career Legal, who hired me directly; then Portico; and then PwC. My agency then agreed to send me only to sites where flat shoes and no make-up would be acceptable. Yes, there was certainly an air of, "Well, she's a bit of a troublemaker", and, "You've embarrassed us as an agency. I hope you're not going to drag our names through the mud", and that kind of thing. On the day I was sent home, I requested a copy of the male dress code, because I wanted to make comparisons, and that was denied to me on three or four occasions. I called and emailed, asking, "I want to see a copy of the male dress code, because I want to compare it", and they said, "No, it's not relevant to you. I do not see any reason why you should be given access to our male dress code." I said why I wanted it, but it was denied.

- Q33 **Paul Scully:** That is interesting, because I think you have probably answered the questions I was going to ask next, so maybe I will go to Ruth and Emma on whether you think there is enough support and guidance for workers who have a concern or problem—like you all did—and want to challenge it. You obviously found that you didn't have enough support, Nicola. I am wondering, Ruth and Emma, if you have any thoughts about that.

Emma Birkett: I am aware that there are organisations that you can turn to if you are unhappy with aspects of your retail experience as staff; however, there is always the fear that if you do that, you will be pushed out of your job. When you really need that employment, you have to



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weigh up how much fuss you think it is worth financially to you. Do you want to be out of a job? Do you want to go through the stress of having to fight for that?

Ruth Campion: For me personally, it is just part of a culture where it cannot be challenged, really, if you have tens of thousands of people wearing the same uniform, and we are talking about a uniform that is dictated to the tiniest degree. For example, you can only carry your handbag on your right shoulder, so that everyone is carrying their handbag on the same side. You can only wear circular earrings: you could not, for example, wear a pear-shaped diamond. Your earrings must be a certain diameter; I think it's about 1 cm. You are picked up on all of these things.

If you are given a booklet, before you even start a job, that tells you that you must wear your handbag on your right shoulder and that is the same for tens of thousands of employees across the world, for one person to pipe up and say, "Oh, actually, I would like to do things differently," would just go completely against the culture. You may as well not bother.

Q34 **Paul Scully:** Obviously, we are going to have a debate on the issue and will be able to put things to a Minister. Do you think it would be helpful, and how would it be helpful, to have clarification on the rights and duties of employers and employees, as far as dress codes and the ability to challenge them are concerned?

Nicola Thorp: On the day I got sent home, I called the Citizens Advice line, and a very lovely lady on the phone explained to me that an employer has the right to differentiate—has a right to say, "My employees must dress formally if they are customer-facing". Fine. They also have the right to distinguish between male and female dress codes, as long as they are not seen to be affecting reason. That's the issue that I have: even this woman who worked for Citizens Advice, lawyer friends, MPs and women's equality activists I had spoken to said: "It's about proving what's reasonable, what's favourable, what's this, that and the other". I personally don't understand why an employer should have the right to distinguish between male and female. What benefit does that have to a business? What relevance does it have to a job that is not gender specific? I just don't understand.

I went through the Sex Discrimination Act. Granted it was written in '75, but in the first section it says—I have it here—"In any circumstances relevant for the purposes of...a provision to which subsection (2) applies, a person discriminates against a woman if on the ground of her sex he treats her less favourably than he treats or would treat a man". Even in the Sex Discrimination Act the employer is assumed to be male.

Ruth Campion: We had an interesting chat whilst you were out voting about how this would impact transgender employees as well. At what stage would you say this is appropriate for a man, a women, or a transgender person—however someone wants to be identified and would



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chose to see themselves? What can they say? You said to your employer, "If I call myself Nicholas"—

Nicola Thorp: I challenged my employer. I did say that to them. I said: "I want to wear flat shoes and no make-up and have my hair tied back, and be clean-shaven at all times; do I need to go forward, and you call me Nicholas? I'll do that, if that's what you need me to do." That is disrespectful to anyone who is going through the transgender transition process, but as far as their rules were concerned, they would allow that, but would not allow a woman, being reasonable, to wear flat shoes at work. It just didn't add up in my head.

Chair: Thank you for that. It is a good point.

- Q35 **Jess Phillips:** I am going to talk a little bit about harassment in the workplace and reasons why they might have wanted you to wear that. I know that there is quite a lot of evidence on the forums about people feeling harassed because of what they were wearing. So, to all of you, why do you think your employer wanted you wear high heels?

Nicola Thorp: It's that hangover from the "Mad Men" 1950s era: a pretty face to look at when you walk in—and don't we know it as receptionists. I know you have worked as a receptionist. The comments that you get—"Look, we can't force you to wear skirts but the client prefers it." I know why businesses like that insist that women wear heels and make-up. I also know why they employ agencies rather than do it directly: because they don't want to be seen as the sort of business that would do that to their own employees. "We'll just hire an agency in who are happy to do it".

Emma Birkett: In retail, I and the team were actively encouraged at Christmas time to wear shorter skirts, unbutton a blouse a little—

- Q36 **Jess Phillips:** At Christmas time?

Emma Birkett: Yes, because at Christmas time you have a larger proportion of male shoppers. It was luxury items, so it was presents and jewellery. We were encouraged to do that, and to flirt a little to try to encourage the gentleman customer to spend that little bit more. That was stated from management, though obviously not from the company.

- Q37 **Mrs Drummond:** Was the management male or female?

Emma Birkett: That was actually a female manager.

- Q38 **Jess Phillips:** At British Airways, why do you think they want you walking around the airport in high heels?

Ruth Campion: I think an employer would want me to wear high heels for exactly the same reason that I would want to wear high heels: they make my legs look longer, they make you walk in a certain way that is attractive, they are sexy and they are fun. They look good, and I think that is exactly the same reason why an employer would want me to wear them. They think it's a good idea for my legs to look a bit longer and for



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me to walk in a certain way that is sexy, but I just think it is completely inappropriate for an employer to take on what is a personal decision.

- Q39 **Mrs Drummond:** And do you think that they ever wanted the men to look sexier?

Emma Birkett: Never.

Ruth Campion: I don't think they care. Women, who are the customers, don't work in the same way and are not attracted to the same things.

- Q40 **Jess Phillips:** Many of the people on the web threads to which you have all been contributing have said that they felt degraded, and that they did suffer harassment in their workplaces as a result of what you are talking about: high heels and unbuttoning your tops and things. Can you say that you have had any experiences like that? Obviously you don't have to share them if you don't want to.

Nicola Thorp: I've definitely felt humiliated by other female supervisors and managers who would be very critical of how I looked and very critical of my make-up, suggesting how thick or wide my eyebrows should be on a daily basis. It was very bizarre. As I understand it, harassment can be considered to be taking place if you feel humiliated or undignified. I would just love to ask the male employees of these businesses, "If you were told tomorrow to wear lipstick, eye shadow, blusher and a pair of heels, would you feel humiliated and undignified?" I think they absolutely would, and it's not fair to say, "Well you do it in your regular life; you were brought up this way." I certainly wasn't.

- Q41 **Jess Phillips:** Have any of you felt that you have suffered sexual harassment because of the way that you had to dress?

Emma Birkett: I certainly did get a lot of unwanted attention, more so in the reception job than the retail job. I was asked out on dates by customers; they wanted to know when I finished my shift. That was uncomfortable. But on the point of feeling embarrassed or degraded and so on, I felt offended, in retail, by the request to get better sales by flaunting myself, whereas I was a very good salesperson and I could use my skills and my product knowledge to do that. I felt offended that they would think less of my skills and more of the clothes that I was wearing.

- Q42 **Jess Phillips:** And on the airlines?

Ruth Campion: I didn't personally experience any harassment, but I think at the time I was 27 or 28, I was a size 14 to 16, and I was a brunette, which put me at the more unattractive end of the scale of employees—

- Q43 **Jess Phillips:** It depends. Horses for courses.

Ruth Campion: I am being brutal, and I will finish my sentence to justify it: when the majority of your colleagues are size 8, blonde, 19 and 20-year-olds, it is these women who are getting the harassment—not women like me, or women who are prepared to stand up for themselves. The harassment suffered by some of these colleagues was absolutely



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unbelievable, particularly online. People would take the name off their name badges and send a lot of Facebook messages and stuff like that, to try to find them.

Nicola Thorp: I had it at Harrods.

Ruth Campion: We had a long discussion. This was post-2010. You had your first name and your surname on your name badge.

Q44 **Jess Phillips:** Did the men ever get that?

Ruth Campion: No, of course not. It never happened to me, but it happened to a lot of my colleagues. This is first hand. They would get a lot of messages on social media from passengers who had flown with them and perhaps got the wrong idea about how friendly they were. People would try to find out which hotel we were staying in all the time. There would be a fair amount of grooming towards girls half or a third of their age about taking them out and stuff like that, which was highly inappropriate. It never happened to me personally.

Q45 **Jess Phillips:** Did you report that to your manager? If one of my staff members reported that to me, I would take that exceptionally seriously.

Ruth Campion: You just got told to increase your privacy settings, basically.

Q46 **Jess Phillips:** If somebody was trying to find out where your hotel was or asking you out on a date on an airline, obviously you can't throw them off.

Ruth Campion: Oh yeah. It happened all the time, even with me. People have a little bit too much to drink and think it's thoroughly appropriate to comment on your physical appearance.

Nicola Thorp: I got followed home from work once after working in Harrods. The particular agency I worked for—the one that was very strict with make-up and heels—also insisted that women had to wear pearl earrings and a pearl necklace. It happened when I was there, but I know that it was rife a lot earlier, decades ago, that the pearl earrings and the pearl necklace were a symbol that men who were visiting department stores would be able to contact those women through an agency if they wanted to take them out for dinner.

We weren't allowed to work unless we turned up in pearls. I forgot my necklace one day, and they had spares in a bag, put it on, and there you go—and you have your name badge on. That was symbolic, and I was very uncomfortable with it. I said, "I don't want to. I know what this represents; I know what it is." But still they said, "You can't work unless you wear the pearl necklace." You can still see it now. If you go through these department stores, there will be certain girls wearing them.

On one occasion a man who had bought some perfume from me followed me home and was shouting things at me on the bus. He stood in my front garden and was calling for me to come out, because he was under the



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impression that because I was wearing the pearl necklace and pearl earrings, I was somehow available for contact in certain ways.

- Q47 **Jess Phillips:** Did you feel that clients treated you differently because of the way that you dressed? Were there specific clients, when you were working for an agency, who always said you had to dress like this? Any specifics?

Nicola Thorp: Do you mean clients as in the businesses we were working for?

Jess Phillips: Or both the customers and the clients.

Nicola Thorp: Yes, day to day.

- Q48 **Jess Phillips:** They definitely treated you differently?

Emma Birkett: Do you mean specific clients treating us differently?

Jess Phillips: Yes.

Emma Birkett: Regular clients.

Jess Phillips: Yes.

Emma Birkett: Yes, definitely. There was a particular client who would come in specifically to see me and chat with me and flirt. You are stuck in that position, because there's an expectancy regarding your attitude; you need to be warm and friendly.

- Q49 **Jess Phillips:** Did the women who were more senior in your organisations have to live by these rules?

Nicola Thorp *indicated dissent.*

Chair: Thank you. Just one more question from Ben Howlett.

- Q50 **Ben Howlett:** One very small but very important question. We've heard in society about things like institutional racism. Do you think there is institutional sexism within your companies?

Nicola Thorp: Absolutely.

Emma Birkett: Definitely.

Nicola Thorp: Without a doubt, to the point where I wasn't even aware of it until it directly happened to me and then my whole belief structure came crumbling down and I saw it at every single level, even from myself.

Emma Birkett: I think it is so rife within society as a whole, employment and everywhere, that it is normal. A lot of people won't realise until it affects them badly, or they are suddenly enlightened in some way or other to the fact, and then you really see it.

Nicola Thorp: It was even highlighted to me when I started the petition, with the comments I got online. That was incredible. I was interviewed by



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The Times; the journalist, who was very supportive of the campaign, then said, "What dress size are you?" This is the world that we live in. That is the media and the press and so on. But I answered straight away with my dress size. It was only afterwards that I thought, "Hang on, what's that got to do with anything?"

Emma Birkett: Even that we are having this conversation shows it. In our employment, we should not have to talk about what shoes we are wearing, as long as they are safe, practical and clean.

Chair: Thank you, Ruth, Nicola and Emma, for your evidence. You have given us some food for thought this afternoon. It was very interesting to hear your experiences. They are not unique, I must say. When I was first a candidate, we were shown pictures of what the best-dressed candidate should be wearing, and the best-dressed female candidate was wearing high heels. It took a stropky northerner like me to say, "And you would be crippled after you had done one street if you went out dressed like that." It has taken a great deal of courage, first of all to start the petition, Nicola, and for all of you to give your evidence. We are extremely grateful to you. If you wish to stay and hear the second panel, you are most welcome. Thank you very much.

Examination of witnesses

Witnesses: Azmat Mohammed, Scarlet Harris and Simon Pratt.

Q51 **Chair:** Can I welcome Mr Azmat Mohammed, Scarlet Harris and Simon Pratt to the Committee? We are grateful for your attendance this afternoon. I am sorry we have been a little delayed, but thank you for waiting. We are hoping to explore some of these issues with you. Can I start by asking Mr Pratt a question? I understand that your company changed its dress code following these events. Is that correct?

Simon Pratt: Absolutely. Yes, that is correct.

Q52 **Chair:** Why did you take that decision?

Simon Pratt: First, I would like to apologise to Nicola on behalf of myself and Portico for causing this distress. It was never our intention to do so. When we learned of this, we very quickly took the decision to change the policy, which was outdated. The guidelines were outdated.

Q53 **Chair:** How long had the previous dress codes been in operation?

Simon Pratt: A couple of years.

Chair: A couple of years. So they were brought in when roughly?

Simon Pratt: They had been in place for a number of years.

Chair: Can you give us a rough idea? I won't hold you to the exact year.

Simon Pratt: Eight or nine years.

Q54 Chair: When you brought these dress codes in, what advice did you take on the legality of them?

Simon Pratt: We would have consulted with our people. We would also have taken the consultation of the HR team within the business and looked at it from that perspective.

Q55 Chair: Are you telling us that you took advice on whether these codes were legal at the time?

Simon Pratt: We would not have taken legal advice back at that time. These guidelines were not created at the time that I was managing director.

Q56 Chair: I understand that. Are you saying that there was not any legal advice before you implemented these dress codes, as far as you are aware?

Simon Pratt: Historically I don't believe so, no; that is correct.

Q57 Chair: Okay. Your dress codes for women originally required them not only to wear make-up but prescribed what they must wear: blusher, lipstick, eye shadow and so on. In what way does that make anyone more efficient at their job?

Simon Pratt: It does in no way at all do such a thing. The point I would like to make is that we are a professional, front-of-house services business, where appearances, and appearing professional on behalf of the sectors and market we operate in, require me and my teams to look the part day to day.

Q58 Chair: Indeed, I understand that. I don't think anyone is suggesting that your employees do not need to be clean, tidy and efficient. What is puzzling us as a Committee is why that includes high heels, blusher, regularly re-applied lipstick, and so on. I can think of a number of very powerful women in this world who would not fit into your dress code

Jess Phillips: Angela Merkel.

Chair: Angela Merkel or Madeleine Albright when she was Secretary of State. Did it never occur to anyone in your company that this might be discriminatory?

Simon Pratt: Those were an outdated set of guidelines. When it was brought to our attention, absolutely it was felt that they were.

Q59 Chair: But that was nine years ago in 2007, not 1807. Did it really not occur to anyone in the company before all this blew up that this probably was not a very good idea?

Simon Pratt: I think the reality is that the market, and the industry itself, has driven standards to date. This situation has allowed us all—certainly myself and Portico—to step back, review and change things, and get rid of this outdated set of guidelines.

Q60 Chair: I understand that; but are you saying that, before all this publicity,

it did not occur to anyone, looking at these guidelines, to say, "Look, there might be a bit of a problem here. These might be discriminatory, they might even be a little bit over the top," just in normal parlance? No?

Simon Pratt: I think the reality is that it didn't.

- Q61 **Chair:** It didn't, okay. You now have a dress code, which talks about an "appropriate" standard of dress. What other advice is given to your staff? How do your managers define the word "appropriate" in the dress code that your employees sign up to?

Simon Pratt: I think the interesting thing in our market and the sectors we operate within is that it is very broad. We work in three core sectors in our industry, which are corporate, prime residential and property. The look and appearance in those three sectors can be very different, traditionally.

- Q62 **Chair:** Looking at this, for instance, you are even very particular about the kind of tights that women wear. Where did that come from? In what way is that appropriate dress—that you cannot, as I read it, wear fine black tights, or grey tights, but you can wear black opaques? Where on earth has that come from? Is it you? Is it your clients?

Simon Pratt: I think the reality is that currently it is industry driven.

Chair: It is industry driven. I suggest that your industry has a look at the chair of the International Monetary Fund, who frequently wears black tights.

- Q63 **Ian Blackford:** Frankly, I am aghast at what I am hearing. I am looking at the rules you had: light blusher, lipstick or tinted gloss, mascara, eye shadow, light foundation or powder. Then you talk about the length of skirts, the determination of what kind of tights should be worn. You are trying to say that these were industry standards. What was your board of directors doing, and why were you not taking proper account of this and taking responsibility, as you should have been for your employees, because it is them that you have failed?

Simon Pratt: You raise a fair point and I can assure you that we were taking care and due attention. They were an outdated set of guidelines.

- Q64 **Ian Blackford:** You had these for a number of years. Your board has a responsibility to review those circumstances on an ongoing basis. Did you not do that, and if not, why not?

Simon Pratt: We did consult, but at the time, traditionally—

- Q65 **Ian Blackford:** Your board should have been doing this, at least on an annual basis, as part of your normal due diligence as a board.

Simon Pratt: What I can say is that they were reviewed two years ago, and at the time they were deemed acceptable.

Ian Blackford: That is not acceptable.



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Simon Pratt: However, as I said before—and I want to make it really clear—we got it wrong, it was outdated, and we changed it as soon as we could.

Q66 **Chair:** Did you do a health and safety assessment of these guidelines in the various workplaces where they applied?

Simon Pratt: Yes, there were a number of risk assessments and health and safety reviews. We have a health and safety focus group, so yes.

Chair: We will come to that in a moment.

Q67 **Ben Howlett:** Before we move on, I just want to double check something very quickly in relation to the new set of guidelines. The 2010 Equality Act came in. It took you two years after that to review your policies, so these policies were likely to be in breach of the Equality Act in 2010. Do you think, “All clothes should fit well”, meets the 2010 Equality Act?

Simon Pratt: I think the clothes and the uniform that is required for each particular client needs to fit.

Q68 **Ben Howlett:** And you are absolutely convinced that that does not breach the 2010 Equality Act.

Simon Pratt: We had those guidelines checked by a legal representative. They were checked and we were advised the case—

Ben Howlett: Can you give us that in writing—the legal company that you spoke to?

Simon Pratt: Yes, absolutely.

Q69 **Ben Howlett:** Further to the Chair’s question in relation to health and safety legislation, are you convinced that adopting an “alert” position “at all times” doesn’t breach health and safety legislation?

Simon Pratt: Indeed. That’s correct, Ben.

Ben Howlett: Can you confirm that in writing to the Committee as well?

Simon Pratt: Yes, I can.

Q70 **Ben Howlett:** Thank you. Moving on to the second point and to the range of questions that I have, do you think it is correct to say that it is quite widespread as a requirement for women to wear heels in the workplace?

Simon Pratt: Traditionally and historically, the answer is yes, but what I can say and what it’s important to note is that we’ve allowed females within the business to wear flats within the last two years, and on this occasion with Nicola it was handled wrongly.

Q71 **Ben Howlett:** I want to bring in Azmat and Scarlet on this as well. Do you think it is widespread for women to wear heels in the workplace, Scarlet?



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Scarlet Harris: I do, yes. I don't think it's massively widespread—no one has ever asked me to wear heels in any of my jobs—but I think in retail, in some areas of transport and tourism and in hospitality, there are lots of examples of jobs, particularly front-of-house and client-facing jobs, where women are expected to wear heels. And it's not just heels; I'm really pleased that members of the Committee have brought up other aspects as well, like make-up and short skirts and that kind of thing. So it is commonplace.

Ben Howlett: We are trying to be specific around the petition itself. That's that reason why I'm picking up on heels in this instance.

Azmat Mohammed: We represent a lot of recruitment agencies. Just to give this a little bit of context—Nicola was saying that it is about reasonably proving what is right in the workplace—a recent survey of people in HR revealed that over 75% of the people writing policies such as dress codes are women. Just bear in mind that the argument shouldn't be difficult to get across to people in HR who write the policies, because a lot of them—

Q72 **Ben Howlett:** Can you evidence that remark?

Azmat Mohammed: Yes. That's from an employment survey by XpertHR, so you can have a look at that. I'm not in any way justifying what Portico have done; I'm just making the point that trying to get a resolution that involves good guidance for employers as to what is reasonable should be easy if the majority of people in HR are women. ACAS doesn't help the situation. When you look at the ACAS website, their entire advice is more about employment contracts. When it talks about dress code, the only thing it offers is that employers are able to employ a "no flip-flops" policy. That is about as far as ACAS go, so they are not helping to allow employers to understand what good guidance in dress codes should be.

Finally, agencies like Portico are beholden to employers, so if PwC's HR department says to Portico, "This is our policy in terms of dress code," they will comply. They won't say, "Well, I'm sorry; we're going to do this." They'll do as they're told. I'm sure when they won the contract with PwC, that was discussed as well, in terms of what PwC wanted. The real people who can address the problem are not the agencies, who are doing whatever the employers want, but the employers and their own HR departments, in terms of what they need to impose on people supplying staff into their businesses. From an education point of view, that is where the starting point should be: for all these people coming into HR to understand what is an acceptable policy for uniforms and clothing at work.

Q73 **Ben Howlett:** But in this instance, it is a recruitment consultant. I used to be a recruitment consultant, and I don't think I ever asked one of the 43 employees I employed at that stage if they were wearing heels into work every day—into the NHS. That was not something that ever crossed my mind, so why in effect is an organisation that is representing recruiters trying to say, "It's the HR department"? The HR department never came to me and told me that you had to wear heels to go to work.



Azmat Mohammed: I am not defending Portico in that sense. What I am saying is that the service they are providing is in line with what the client wants. That is what I am trying to say. If a client like PwC goes to a recruitment agency and asks for staff for their reception desk or whatever it might be, they should stipulate what they are looking for in dress code, because it is their brand that is being represented by that person. Portico or any recruitment agency wouldn't be able to put just anybody in there, regardless of dress code. They would need to comply with the company that is their client at the end of the day.

Looking at the facts, it seems that there are no seemingly common-sense grounds for anyone to have turned Nicola away from work for wearing flats, which is completely reasonable. The person who did that clearly had a misjudgment on that day and did something they should never have done. Having said that, PwC should have made it clear to Portico what their dress code was.

- Q74 **Ben Howlett:** So if that recruitment consultancy knows that the company they are working with is complicit in sexism, racism or any other area, in breach of the Equality Act 2010, do you not think that the recruiter has a responsibility to stand up against that?

Azmat Mohammed: Absolutely.

- Q75 **Ben Howlett:** So why was that not the case in this instance?

Azmat Mohammed: I was not privy to what Portico did or didn't do in terms of PwC. I spoke to a few employment law firms about this as well, including Irwin Mitchell. They are of the opinion that employers do have the right to have dress codes. They can be different, as long as employees are not treated in a way that means one is being disadvantaged.

Trying to reach a resolution should be based around teaching HR people what is reasonable and making sure companies impose those guidelines on everybody supplying staff, even if they come directly from a specific agency.

- Q76 **Ben Howlett:** Scarlet, what do you think to that?

Scarlet Harris: I think it is right that the current legislation allows for differentiation in dress codes—different dress codes for men and women. But it is also clear that that is within reason and that a woman should not be discriminated against or disadvantaged by that dress code. In the instance of high heels, women are very clearly disadvantaged.

In the case of short skirts, make-up, and other very feminised and sexualised items of uniform or dress code, there is arguably a disadvantage there as well. We heard earlier about cases of sexual harassment and women feeling very vulnerable and exposed in those situations. I think a court would take that into account.

The issue with high heels perhaps stands out even more because there is a clear health and safety element. There is no other item of clothing that would be comparable for a man, where you would be asking him to



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damage his foot health or cause back pain. There is no other example I can think of where you would be asking a man to damage his health.

- Q77 **Mrs Drummond:** As someone who suffers from osteoarthritis in my big toes, this is really important. I still feel I have employability and it worries me that somebody might not come to me to take up a job because I can't wear high heels. Anyway, just to go back to that, obviously we are going to look at legislation on this business. To what extent do you think employers have now realised after the publicity—thank goodness for Nicola—that there are health risks in wearing high heels for long periods of time? This is particularly to you, Scarlet, because you deal with a lot of different people. Have you come across any employers who take this seriously already?

Scarlet Harris: There are lots of employers who don't do this. There are lots of employers who would never dream of asking anyone to wear high heels. There are a lot of people who have the common sense to understand that high heels probably aren't good for people and compelling them to wear them isn't a good idea.

Having said that this is commonplace, I don't think it is the norm. Lots of good employers don't do this. I think there is poor understanding. Clearly there are employers who are doing this and I don't think it's just a one-off case—one incident of a manager getting it wrong on that day. This is clearly happening, it is widespread and it happens in different industries, which would indicate that perhaps either employers aren't aware of the health implications of wearing high heels or they are not that bothered.

There is a lot of focus on the safety aspect in health and safety legislation. There is a lot of legislation around personal protective clothing, for example, and shoes that you must wear, like steel-capped toes, where you are protecting your feet. There is very little about the health and wellbeing side, which should actually be part of that legislation—it is part of the legislation but there is less focus on it. It would be good, whether it is the HSE or the EHRC, to remind employers that there is a duty of care towards employees and that their health and safety and wellbeing should be foremost.

- Q78 **Mrs Drummond:** Should employers start assessing and looking at their health and safety things already? Obviously there is back pain as well as all the other pains.

Scarlet Harris: Absolutely.

- Q79 **Mrs Drummond:** Simon, do you come across employers that you think are aware of health and safety, or would you point out to them the health and safety implications of what they are asking?

Simon Pratt: We do come across employers that are aware of health and safety. If they are not as aware as we would hope, we would absolutely flag it to them and raise it.

Mrs Drummond: Particularly now, I suspect.



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Simon Pratt: Yes, and believe me we have done that over the past few weeks. What is really encouraging is that the market, and our clients within that market, have all openly acknowledged that and have embraced it, which is encouraging. We welcome the debate and a change of legislation to help the market generally, going forward.

- Q80 **Mrs Drummond:** We have had examples of people—people, like myself, with osteoarthritis—having to go to their GP and being charged for that, which is really unacceptable. They should be allowed to wear other things. What do you think about that?

Azmat Mohammed: Without doubt, it is all about advising employers about what is reasonable. Somewhere down the track that has been missed and what has taken over is the brand and image that those employers are trying to basically put into the market. That is the issue. It should be that employers are legally obliged to do health and safety assessments anyway, but it doesn't really go into that much detail in terms of shoes and footwear. What could come out of this is proper guidance around what is acceptable and what isn't.

In terms of heels—in defence of HR—the issue about heels of 2 to 4 inches didn't come from health and safety in the first place. The issue about what is acceptable came from HR anyway. They were the first people to flag what is reasonable and said it should be that height. If that community embraces something different, I think employers would start to understand more about footwear and hopefully introduce that into their companies and policies.

- Q81 **Ian Blackford:** What advice did you give to employers about putting someone into a job with a specific dress code?

Azmat Mohammed: I would say, from an employment point of view, they have got to have people writing dress code policies that are reasonable. That is the thing that is coming out of all of this, isn't it—that something is reasonable? Instead of making somebody wear a heel that is 2 to 4 inches, make somebody wear something that is smart. There is a range of footwear that would fit that requirement. That is what they should do. They shouldn't specify one thing over another, nor should they say, "You can't wear those". It's just something that is smart, and they can choose something comfortable that still meets that requirement. That should be what comes of this.

- Q82 **Ian Blackford:** Why is that not now happening, given what we know from this experience?

Azmat Mohammed: I just think it's to do with the brand of companies. They spend millions on their brands and every aspect of the image that they want to portray to customers is thought out in detail. They associate certain things with high heels that they then slip into their policies.

- Q83 **Ian Blackford:** You have sought to blame the HR departments—it is not the responsibility of the recruitment agencies—but is there not an issue that, if you are a recruitment agency and it is your staff, you could be



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saying to the PricewaterhouseCoopers of this world or anybody else, "Actually, we do not want to have a relationship with you if you are going to force these kind of conditions on our staff."?

Azmat Mohammed: There are lots of situations where recruitment agencies should be saying those things. Obviously it is a commercial decision for the recruitment agencies, and in some cases they are doing things they shouldn't be doing, but where something contravenes good guidance and people's health is at risk, they shouldn't take those on. In fact, they should flag those employers as employers that are basically asking them to do things that are against health and safety or causing people to feel they should do that.

Q84 **Ian Blackford:** Perhaps you should also be pointing out to potential employers that they are missing out on the full range of staff who may wish to work for them, because people will be turned off if those kinds of rules apply?

Azmat Mohammed: Absolutely. Again, that is a very good point. There are people that they could employ who wouldn't work for a company that they basically thought wanted to impose things on staff that could harm them in the long run.

Q85 **Ian Blackford:** Do you think that has affected the range of employees who have come forward for job opportunities?

Azmat Mohammed: I definitely think so. Nicola herself said she wouldn't work for companies like that. In terms of the brands, they want to protect those brands. I am sure PwC has changed its policy. Portico has changed its policy. They don't want to be seen as companies that are living in the 1960s or 1970s; they have moved on and they understand the health impacts.

Q86 **Ian Blackford:** Portico has changed, but how seriously do you think any company in your sector, or any other sector, should be taking these issues on board and having the responsibility to review these things on an ongoing basis, so they are not missing these things?

Azmat Mohammed: I think they need support through legislation and guidance. They can't do that autonomously. If you are saying that is something that should come out of this, ACAS should be very clear about this and it is not. It doesn't offer any guidance for employers or employees. That is where it should start, and through education in HR in terms of what is a good dress code policy. That is where the issue could be resolved.

Q87 **Catherine McKinnell:** That leads on very nicely to the issue that I wanted to ask you about. There has been a lot of debate in response to this petition about how clear the law actually is in this area. Azmat, you raised the issue of a code of conduct, and there is also the legislation surrounding it. It would be helpful to hear from you whether you think the law is clear enough, and also how we go about trying to improve the situation, because—to pre-empt it—even if the law is clear enough, there is not enough guidance, as you said. It would be helpful to try to bottom



out where we go from here.

Azmat Mohammed: The law is clear to the extent that you shouldn't discriminate, but a health and safety point of view is what is needed. There are many people who can tell you that wearing flat shoes can cause problems with your back if there is no support, so you can't just single out one item of footwear and say it is an issue. The key is that bodies like ACAS should be very clear in their guidance about what employers should and shouldn't be doing. I think people would then understand that, if you don't follow that advice, you could end up in a court or tribunal for some kind of a claim against health and safety or sexual discrimination if you didn't follow that guideline.

- Q88 **Catherine McKinnell:** You mention footwear, but that does not really account for the make-up and the tights, which you seem to have an issue with. The issue I have is the nail polish, which I found quite alarming. I could count on one hand the number of MPs in the House who would comply with Portico's dress code. We are very much public, front-facing people. It would be interesting to hear, Scarlet, whether you think the law is clear enough, whether you think it is simply a guidelines issue, or whether there needs to be change?

Scarlet Harris: I think the law is clear. I think the Equality Act is clear. I am personally not crazy about the line in there that you can differentiate and that it is reasonable to have a different set of uniform guidelines or a different dress code for men and women. I actually think that just complicates things unnecessarily. This issue comes up around school uniforms as well. Why stipulate a list of what boys and girls must wear? You are just opening it up to, "Well, why can't the girls wear the trousers?". It was only last year that Unite won a case against BA to allow women cabin crew to wear trousers. In 2015, why would you even stipulate that? Surely it is best to have a set of uniform items or a dress code that stipulates you must be smart, well turned out, maybe you have to wear black, maybe you have to wear uniform items, but not to start getting into a list of what women and men must wear, and certainly not make-up or high heels.

I think it is clear that it is potentially discriminatory to have a different dress code for a woman, depending on what it is. I think the guidelines could be a lot clearer. I think it would be really helpful to be explicit in those guidelines that mandating women to wear make-up or compelling women to wear high heels would definitely be discriminatory. I also think the guidance around health and safety legislation could be stronger in this instance to make it clear that it is not just about protecting the safety of people who need to wear safety footwear for work; it is also about ensuring that employers are not damaging the health and wellbeing of employees by forcing them to wear things that are not good for them.

- Q89 **Catherine McKinnell:** Two issues spring to mind from what you say. It leaves Portico in a difficult position, even with your current dress code. A lot of the conversation was also around it already being discriminatory, but we are talking about agency workers. The three witnesses explained



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very clearly how vulnerable they feel within the workplace. What do we do, in practical terms, to change that and to ensure that workers who can perfectly legally be sent home and not called in the next day are not put in that position if they do not comply with Portico's dress code? Simon, have you got something you want to say about your dress code in the light of the discussion about the legalities? Do you think the law for employers is clear enough in this area?

Simon Pratt: No, I don't. As I said earlier, I think this requires further investigations and debates to get some clearer guidelines. If that ultimately requires that laws should change, so be it. That would be helpful for us, and also for the market and the industry in general, because this is quite a broad issue that we're talking about, as you're well aware.

Scarlet Harris: Can I come back on that quickly? I think that is a really important point. I have been thinking about this a lot over the last few days. I'd like to be able to offer solutions. I don't think there are easy solutions but I think you've just hit the nail on the head about women—often young ones—in precarious employment, whether those are agency contracts or zero-hours contracts or whatever it might be, who are always going to find it difficult to assert their rights. We can talk about changes to legislation, but legislation is only as good as anyone's ability to use it. I won't go on and on about employment tribunal fees. I'm sure you know where we stand on those and on access to justice, but it goes wider than that.

I have just done a huge piece of work about sexual harassment in the workplace. I won't go into all the findings, but one was very clearly that women on more precarious contracts, like zero-hours contracts and agency work, were experiencing more sexual harassment and more sexual harassment from third parties—clients and customers, rather than a colleague—and they felt less able to assert their rights; they were less likely to report it to management. All of those things are bound up in that.

The solutions are complicated; it is not as straightforward as tweaking the legislation. Better guidance would be useful, but I think there is also something there about enforcement and access to justice, and I think there is something there about decent work as well, and about recognising that some of those types of contracts do put people in incredibly vulnerable positions.

Chair: Thank you. I think Ben Howlett wanted to follow that up.

Q90 **Ben Howlett:** I do indeed. Azmat, you said just now that ACAS does not offer any guidance; Scarlet and Simon said it offers some guidance but it is not good enough. Did you ever look at the ACAS website? I have just googled it now and it has a large section on dress code, including a rather nifty video about what should be worn at work. I am just wondering if you noticed the fact it has key points as to what is constituted as discrimination on that website: "Employers must avoid unlawful discrimination in any dress code policy"; "Employers may have health and



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safety reasons for having certain standards”; “Reasonable adjustments must be made for disabled people when dress codes are in place”; “Dress codes must apply to both men and women equally, although they may have different requirements.” That is pretty clear that it exists. In one breath, you said it does not offer any guidance and yet I have just searched “dress code ACAS” and it has come up very quickly.

Azmat Mohammed: That is just legalities. Effectively, if you—

Ben Howlett: Just legalities?

Azmat Mohammed: If you created a dress code looking at that, you could create a dress code and end up with Portico’s dress code. You could look at what it says there and end up with Portico’s dress code because it is not clear about, for example, footwear. What a dress code should say—I think as a solution—is what you should not wear, rather than what you should wear. They should be clear about things that are not acceptable, rather than things that are acceptable.

Q91 **Ben Howlett:** It also says on here that you are welcome to contact ACAS if you have any questions. Have you ever contacted ACAS to clarify your impression of someone?

Azmat Mohammed: I personally have not about their dress code, no.

Q92 **Ben Howlett:** On a positive note, Simon, will you be going to the ACAS website, looking at your new, probably wrong, dress code policy and updating it based on the information that is available on the website?

Simon Pratt: Yes, and I will be talking to my team and the legal advisers that we have had working on this. I can assure you that a lot of work did go into that, but we need to look at it and keep refining it.

Q93 **Chair:** I have two follow-up questions, if I may. Did you have a discussion with PwC about dress codes? As I recall, they said their dress code did not require high heels, but you are clearly under the impression that it did. Which is correct? Did they require your employees to wear high heels?

Simon Pratt: It was our dress code.

Q94 **Chair:** It was your dress code; it was not PwC’s. Okay. That is just so that we are clear about that. The other thing that came up is that you did say you changed your dress code as soon as you could but, as I understand it, Nicola was sent home in December and the review began in May. Is that right? What took so long?

Simon Pratt: That was when it was brought to my direct attention, and we took immediate action.

Q95 **Chair:** So there was a problem of you knowing about what had happened, rather than of being unwilling to change the dress code. Is that correct?

Simon Pratt: With regard to communications from the agency to Portico, there was a delay, yes.



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Q96 **Chair:** You did tell us that you had a health and safety assessment of the original dress code done. Can we have a copy of that? That would be helpful to the Committee.

Simon Pratt: Yes, absolutely.

Q97 **Chair:** Thank you very much indeed. May I thank the members of the second panel—Azmat, Scarlet and Simon—for their evidence today? That has been extremely useful for us. Again, we are sorry about the delays and that you had to wait, but we are grateful to you for your patience. If any of our witnesses today have anything that they feel they did not have a chance to get across, or were not asked and would like to send in, please feel free to send that evidence to us in writing and the Committee will consider that before it finalises what it is doing on this issue. Thank you all very much indeed.