

10-25-2010

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Recommended Citation

Diwanji, Shailee. "High Heels in 2010?" The Modern America Blog, entry posted October 25, 2010.
<http://wclmodernamerican.blogspot.com/2010/10/high-heels-in-2010.html> (accessed November 19, 2010).

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Monday, October 25, 2010

High Heels in 2010?

By Shailee Diwanji

At a recent seminar discussing clerkship interviews, a federal judge advised, "females must wear skirt suits and pantyhose when they interview with me." I laughed out loud. Literally. But then, I saw a similar situation on CBS's *The Good Wife*. And yes, I know courtroom TV dramas aren't an accurate reflection of the real world, but they do get their inspiration from somewhere. Then, as if to validate my concern, I read an [article](#) about a law firm which requires its female secretaries to wear skirts and high heels!

This law firm's dress code injured a female assistant. That's not something you hear every day. But this law firm's dress code policies would perhaps have remained in the shadows were it not for this female assistant's injury. She was injured when her heel got caught in the carpet. Sadly, as a result she underwent multiple surgeries. Worse, however, is that her employer wouldn't rehire her when she recovered from these surgeries. Needless to say, the employer law firm is being sued, but under violations of the Americans with Disabilities Act and the Family Medical Leave Act. Not for gender discrimination.

Why not?! Isn't it obvious that mandatory skirts and high heels are a blatant violation of gender discrimination policies and laws? It's 2010! There must be something out there that would prevent an employer from mandating such a dress code!

Imagine my disappointment when I discovered I was wrong. The Equal Employment Opportunity Commission has generally held, and courts have ratified, that [employers](#) may establish varying dress codes for men and women without violating discrimination laws. Traditionally, men and women dress differently. That's simply how it is.

Isn't it time that our definition of "traditional" change? It is no longer the social norm for women to wear skirts or dresses or high heels, so why shouldn't our regulations reflect current practice? Shouldn't we have the option, albeit reasonably, to dress how we choose? I understand and endorse an employer's need to establish general guidelines for a dress code such as casual, business casual, business professional, etc. I even understand an employer's prerogative to, for instance, disallow three-quarter pant suits or mandate a particular skirt length, if an employee chooses to wear a skirt. But to mandate that a skirt or high heels be worn, well, isn't that crossing the line?

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