



Ministry
of Defence

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1 October 2014

Dear [REDACTED]

Release of Information

Thank you for your correspondence dated 17 September 2014 requesting information on the RN standards of dress and appearance and its compatibility with the Equality Act 2010. Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000.

The Royal Navy's standards of dress and appearance as detailed in BR3 "Naval Personnel Management" Articles 3818 and 3819 are in accordance with the Ministry of Defence Equality and Diversity policy and the Equality Act 2010. The Equality Act 2010 came into force in October 2010. This new legislation has brought together all the previously existing equality law into one place and has simplified and strengthened previous legislation.

There is a well developed line of case law on the point you raise and it is clear that restrictions on choice of dress or appearance do not require to be identical for both sexes provided that when taken in the round, they are imposed to an equal degree. The IDS Employment Law Handbook on Discrimination in the Workplace (their website can be found at <https://ids.thomsonreuters.com/our-services>) summarises this line as follows:

"Comparing the treatment of women and men in respect of clothing or appearance can be problematic because conventional ideas about dress tend to distinguish between the sexes. This means that, for example, while earrings and long hair may be acceptable for women, they may be seen as unacceptable for men. Conventional ideas, of course, evolve with time, but even now a man would find it impossible to prove that he has been treated less favourably because he is not allowed to wear a skirt to work – see for example, Ryder-Barratt v Alpha Training ET Case No.43377/91."

Also, this approach to dress codes was sanctioned by the Employment Appeal Tribunal in Schmidt v Austicks Bookshops Ltd 1978 ICR 65 EAT which concluded that “there was in force rules restricting apparel and governing appearance which applied to men and also applied to women although, obviously, women and men being different, the rules in the two cases are not the same”. Thus, as long as the employer enforces rules even-handedly, so far as comparison is possible, it will have treated women and men alike.

Your assertion that many males today often wear their hair in longer styles (although this is possibly less common than in past decades) is accepted however, for male military personnel, long hair would conflict with the “requirement of conventional appearance” whether viewed through the eyes of their colleagues or the overwhelming majority of the general public. In addition, the requirement for male Service personnel to keep their hair cut short is, within the context of the whole dress and appearance policy, not less favourable than the standards applied to females.

Although the cases cited above predate the Equality Act 2010, they remain good law.

Consequently, it is the view of the Department that the dress and appearance policies are lawful and there is no requirement to change this policy. Furthermore, it is noted that this approach to dress and appearance policy which is not applied identically to males and females, accords with the European Human Rights Convention Employment Code.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely

Signed on original