Tattoos can color hiring decisions

But as body art rises among the young, profs say, flat bans can rob firms of good staffers

By MARISSA BARNETT
Austin Bureau
mbarnett@dallasnews.com

AUSTIN — When it comes to the prevalence of tattoos among younger people, the ink is spreading.

But when they go to apply for jobs, they may find it’s still a stain, researchers say.

Two professors at Texas A&M University at Corpus Christi recently looked at trends in corporate workplaces and the legal climate for nixing or hiring applicants based on their ink and piercings.

“There’s still a stigma” in the corporate world over visible tattoos and unconventional piercings, said Brian Elzweig, an associate professor of business law at A&M-Corpus Christi and co-author of a paper published last week on the topic. “But the difference now is that employers have to weigh that against what percentage of the applicant pool they would be immediately giving up.”

The report looks at how strict employers should be in their policies about tattoos and piercings other than conventional earrings.

A Harris Poll from 2008 showed that people between 25 and 49 were getting tattooed at a much higher rate than previous generations. Nearly a third of people ages 25 to 29 and a fourth of those 30 to 39 had tattoos, compared with just 9 percent of people 65 and older, according to the report.

“You have to be really careful; you are going to lose a good sector if you have a no-tattoo policy,” Elzweig said.

But companies have a lot of leeway in using appearance to decide whom they hire, he added.

“The general rule is you’re allowed to discriminate,” he said in an interview.

Exceptions to the rule exist and could become more prominent. Newer court cases seem to require companies to show actual hardship in their cases. For example, the report said, “some courts are now requiring data to support blanket claims that customers would not like to be served by employees with tattoos or piercings.”

The report refers to a case in which a Red Robin restaurant employee, who had been asked to cover a tattoo around his wrist that he said represented an ancient Egyptian religion, argued that “intentionally” covering the tattoo would be a sin. The court ruled in his favor.

The researchers’ report suggests, though, that passing on applicants or going through costly lawsuits may not be worth it.

“Beyond legal aspects, companies may wish to analyze policies more closely in light of changing demographics and social norms,” said the report, written by Elzweig and Donna Peeples, a retired associate professor of management.

Today, employers commonly disallow face and neck tattoos or call for no visible tattoos, Elzweig said. Such policies could be adjusted to avoid missing out on good workers, he said.

In adopting new policies, the report suggests, employers should “take claims of religious and other forms of discrimination seriously, know the implications of the dress code, and make employees understand the repercussions of violating the dress code.”

Follow Marissa Barnett on Twitter at @marissambarnett.