Are Dreadlocks Protected under Title VII?

Christopher Polk was a delivery employee for FedEx when he listened to a Lord Jamal music video rapping about Rastafarian beliefs in the sanctity of dreadlocks. Such dreadlocks, permanently interlocked strands of hair, were worn by African chieftains 6,000 years ago. Polk became a Rastafarian and grew shoulder length locks to symbolize his new religious path. Dreadlocks are now quite fashionable and worn by many who do not practice Rastafarianism.

But Polk’s new hair style violated FedEx grooming policy of a “reasonable style.” After several internal rounds of problem solving, FedEx ordered Polk to cut his hair or be assigned to a job with no direct customer contact and lower pay. He refused and was terminated. He sued under Title VII, claiming religious discrimination. Six other FedEx employees lost their jobs for the same reason. These are not isolated cases. Police departments, prison authorities, retailers and schools have also been sued after refusing to allow dreadlocks that are not covered at work.

In general, courts have allowed employers to impose their own grooming standards provided that such standards are applied uniformly or fairly. For example, when Afros were all the rage, an employer could be accused of not applying a grooming policy fairly if Afros were banned but long hair or ponytails were allowed for men. But there was no religious basis to these hairstyle cases. Although limited, the legal track record for hair styles based on religion versus grooming policy is more favorable to plaintiffs like Mr. Polk. For example, Sikh men have won lawsuits based on their religion that requires them to wear their beards.

Assignment

Should Mr. Polk and others be allowed to violate a grooming policy on the basis of a religious proclamation on the sanctity of dreadlocks? Why or why not? If you answer “yes,” is there any point where you would draw the line in terms of company policy regarding appearance and the religious implications of dress? Does FedEx have a right to impose a reasonable grooming policy based on customer reactions to personnel appearances?