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## **Bier Markt's skimpy dress code called 'sexist and discriminatory'**



**Cara Operations backs down on new uniform policy after *CBC's Go Public* gets involved**

By Rosa Marchitelli, CBC News Posted: Nov 02, 2015 5:00 AM

A company that owns several popular restaurant chains across the country has changed a new uniform policy that forced female servers at Bier Markt locations to wear revealing dresses to work after *Go Public* made inquiries.

### **CBC News investigates**

"I was upset that I had to squeeze my body into something that small," said Tierney Angus, a server at the Bier Markt in Toronto's west end.

"The material is almost bathing suit-like. It is very tight, very skimpy. I went up a size and my boyfriend commented he could see my tailbone through it."

Angus has worked at the restaurant since it opened three years ago. Cara Operations Ltd. owns Bier Markt and several other restaurants including Milestones, Montana's Cookhouse, Swiss Chalet, Harvey's and more.

The uniform changes kicked in on Oct. 5, and affected employees at Bier Markt locations in Ontario and Quebec.



Tierney Angus, right, shows lawyer Barbara Green the difference between the new uniform that she felt uncomfortable wearing and the old jeans and golf shirt look. (CBC)

Under the new policy, the old gender-neutral uniform — black pants and golf shirt — were replaced.

Male servers were told they could wear jeans, a button-down shirt and Converse runners. Women were told they had to wear a short, sleeveless blue dress and heels or boots, with no jackets, sweaters or thick tights.

"One of the girls I work with mentioned you could see her underwear and the suggestion by my general manager was that she wear a thong if she didn't want her underwear to show, which is totally inappropriate. It's an extra requirement of the female staff that the men don't have to comply with. No one is asking them to wear a thong," she said.

### **Employee quits over sexy uniform**

According to Angus, more than 40 women from four different locations complained to Cara's human resources department.

They received an email response saying, "The uniforms were based on our brand and industry standards and are not intended to sexualize team members or to discriminate." Unhappy with that response, one woman quit her job. Angus said others challenged the policy by wearing runners instead of high heels or boots. Some tried to cover up with a sweater or jacket, but were sent home or told that wasn't allowed.

The company did make two concessions. It offered a slightly longer version of the dress and eventually told female employees they could wear a cardigan when the weather got colder, but only a short one.

"I think it's ridiculous. I know that women have fought for the right to wear pants for about 100 years. It's behind the times ... It's very shocking and it's sad that women are still being treated like this today," Angus said.

### Company backtracks

In an email to Go Public, Cara said the new uniforms were selected to reflect Bier Markt's "stylish image." It said restaurant staff were involved in the selection process and the company made changes to the uniforms based on staff feedback.

"The majority of feedback to our new uniforms has been very positive," the email said.



Cara Operations Ltd., which owns the Bier Markt chain, changed its uniform policy after Go Public's inquiries to allow women to wear the same uniform as men. (CBC)

After our inquiries, Cara changed the uniform policy, deciding female staff no longer have to wear the dresses.

"Based on continuing feedback from a few employees, we have now made the male uniform option a unisex option available to female staff as well. Female staff who prefer to wear the jeans, shirt and running shoe option may return the dress for a full refund," Cara told Go Public in an email.

Servers paid \$70 for a dress and \$20 for a server belt out of their paycheques.

### Human rights violated, says lawyer

Angus hired employment lawyer Barbara Green, and although the pair hoped Cara would change its policy after being contacted by Go Public, they were prepared to take the issue to court.

Green says Angus and other female employees just wanted the option of wearing pants or a dress.

"It's sad that we have to fight this battle in 2015," she said, adding the issue is not specific to Bier Markt and that similar dress codes, or even more sexual or provocative ones, are common at a lot of other restaurants.

"Women's bodies shouldn't be used to sell burgers and beer at restaurants. It's completely inappropriate," Angus says.



Employment lawyer Barbara Green says revealing uniforms for female workers are not only embarrassing but also a violation of the Ontario Human Rights Code. (CBC)

Green believes it's not only embarrassing for female staff, it's a violation of the Ontario Human Rights Code.

The code was amended in 2008 to specifically address this issue. It states employers should be able to prove "any sex-linked differences in dress code are bona fide occupational requirements" and employers "do not subject female employees to more difficult requirements than male employees and do not expect them to dress provocatively to attract clients."

CORRECTION NOTE: An earlier version of this article stated The Ontario Human Right's code states employers should be able to prove "any sex-linked differences in dress code are bona fide occupational requirements" and "do not subject female employees to more difficult requirements than male employees and do not expect them to dress provocatively to attract clients." Those quotes come from The Ontario's Human Rights Commission's guide Human Rights at Work 2008. Nov 02, 2015 12:38 PM ET