No Stepping Around It! B.C. Ends Mandatory High Heels In The Workplace

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The B.C. government took steps earlier this month to address the issue of mandatory high heels in the workplace, a topic that has received a lot of attention recently as a result of a bill that had been introduced in March by Green Party leader Andrew Weaver to prohibit employers from requiring different footwear for different genders. Rather than specifically addressing this as a gender issue, the B.C. government amended the existing footwear requirements in the Occupational Health and Safety Regulation under the *Workers Compensation Act* to set out specific health and safety standards that must be met for all workers' footwear in the workplace.

Section 8.22 of the *Occupational Health and Safety Regulation* now sets out a requirement for all workers' footwear to be "of a design, construction, and material appropriate to the protection required and that allows the worker to safely perform the worker's work" and precludes an employer from requiring a worker to wear footwear that is contrary to this requirement. In making this determination, a variety of factors must be considered, including slipping, tripping, uneven terrain, abrasion, ankle protection and foot support, potential for musculoskeletal injury, crushing potential, temperature extremes, corrosive substances, puncture hazards, electrical shock, and any other recognizable hazard.

While the amendment does not specifically state that high heels cannot be mandated in the workplace, the effect is to ban such a practice for health and safety reasons, which is to be enforced by WorkSafeBC. The B.C. *Human Rights Code* also sets out existing restrictions against gender-based discrimination in the workplace. This does not mean that employers in B.C. cannot dictate what their workers wear on their feet or otherwise. An employer still has the right to set a dress code for its workplace, but it must comply with these new health and safety standards and cannot be discriminatory.

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