



Sports in the news – what do the employment lawyers think this October?

In September, the International Swimming Federation (Fina) approved the use of a swimming cap for afro hair in top level competitions. This specialised covering, which is designed for styles such as dreadlocks, weaves, afros and braids, was banned from the Tokyo Olympics last year on the grounds that it did not follow “the natural form of the head”.

The decision reversal has been welcomed as a positive step in improving diversity and inclusion in aquatics. Olympic swimmer, Alice Dearling, wrote a great [piece](#) about how this decision has affected her as a black, female professional swimmer, “who loves both having her hair braided and wearing it in its natural, afro form”. She noted that black women should protect the right to wear the hair they are born with and be given more support to do so.

This brings to mind several strands of employment law.

Black hair discrimination

As Alice says – “for black women, our hair is a large part of our identity and how we express ourselves”. We wrote about this last year in relation to hair discrimination in the workplace. This is a subtle form of discrimination which involves ostracising hairstyles and textures more commonly found in marginalised groups e.g. by deeming them “unprofessional” for work.

Although employers may impose their own dress codes (which could include acceptable hairstyles), if the standards are more difficult to comply with for people belonging to specific ethnic groups, then there are risks that an employee could bring an action for indirect discrimination – i.e. where a requirement that is applied universally to the workforce, disproportionately impacts a certain protected group.

We anticipated this is an issue that will continue to gain wider awareness, so we included some tips for what employers can do to address this in our previous article which you can see [here](#).

Uniforms and performance

Alice also points out the wider impacts of having an appropriate swim cap for her hair – how it reduces the potential for stressful moments in the changing rooms and will in turn give her confidence. Clearly, this is another example where adopting a “one size fits all” approach to uniforms may have a broader impact on individual performance.

Relatively simple uniform changes can make a big difference in creating an environment which allows all employees to thrive.

Diversity, equality and inclusion

Finally, the announcement from Fina has been celebrated as a big step in the right direction to make swimming a more inclusive sport and remove some of the barriers for certain communities at every level.

This is a wider lesson that employers can take from this story. Allowing employees to be their authentic selves and making efforts to try and create an inclusive environment can lead to significant benefits both in attracting and retaining talent and (as mentioned above) in improving individual performance.