



News

Tom Luetkemeyer Highlights the Importance of Enforcing Consistent Dress Code Policies in Light of Recent NLRB Discrimination Ruling

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In an *HR Dive* article, Tom Luetkemeyer discussed a recent National Labor Relations Board (NLRB) ruling that a home improvement store violated federal labor law when it prohibited an employee from wearing "Black Lives Matter" (BLM) text on their uniform. The employee resigned and alleged a constructive discharge.

The NLRB ruled that the employee's refusal to remove the marking was protected by the National Labor Relations Act (NLRA) because it was connected to previous worker protests regarding racial discrimination in the workplace.

Luetkemeyer explained that employers often mistakenly believe that the NLRA only applies to unionized workers. In fact, the law also applies to workers not represented by a union.

His takeaway for employers is to enforce consistent dress code policies, adding that the store had a neutral policy, but it did not enforce it consistently. The store also failed to adequately consider the context of wearing the button, which was related to internal complaints regarding a co-employee and vandalism related to a Black History Month display in the store.

In this case, there also was evidence the employer had allegedly allowed workers to add "LGBTQ Pride symbols, the Pan-African flag colors, [and] holiday symbols" to their aprons, which conflicted with their subsequent ban on the BLM apron marking.

[Read the full article.](#)

"NLRB protects worker's right to wear 'BLM' marking on Home Depot uniform" was published by *HR Dive* on March 6, 2024.

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- [Andrew Gordon Reviews NLRB Ruling that Banning an Employee from Wearing a BLM Mark on their Uniform Violated the National Labor Relations Act](#)

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