

Going for the Look, but Risking Discrimination

by Steven Greenhouse
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1 A funny thing happens when Elizabeth Nill, a sophomore at Northwestern University, goes shopping at Abercrombie & Fitch.

2 At no fewer than three Abercrombie stores, she says, managers have approached her and offered her a job as a clerk.

3 “Every time this happens, my little sister says, ‘Not again,’” said Ms. Nill, who is 5-foot-6 and has long blond hair. She looks striking. She looks hip. She looks, in fact, as if she belongs in an Abercrombie & Fitch catalog.

4 Is this a coincidence? A fluke? No, says Antonio Serrano, a former assistant Abercrombie store manager in Scranton, Pa. It’s policy.

5 “If someone came in with a pretty face, we were told to approach them and ask them if they wanted a job,” Mr. Serrano said. “They thought if we had the best-looking college kids working in our store, everyone will want to shop there.”

6 Abercrombie’s aggressive approach to building a pretty and handsome sales force, an effort that company officials proudly acknowledge, is a leading example of what many industry experts and sociologists describe as a steadily growing trend in American retailing. From Abercrombie to the cosmetics giant L’Oreal, from the sleek W hotel chain to the Gap, businesses are openly seeking workers who are sexy, sleek or simply good-looking.

7 Hiring for looks is old news in some industries, as cocktail waitresses, strippers and previous generations of flight attendants know all too well. But many companies have taken that approach to sophisticated new heights in recent years, hiring workers to project an image.

8 In doing so, some of those companies have been skirting the edges of antidiscrimination laws and provoking a wave of private and government lawsuits. Hiring attractive people is not necessarily illegal, but discriminating on the basis of age, sex or ethnicity is. That is where things can get confusing and contentious.

9 “If you’re hiring by looks, then you can run into problems of race discrimination, national origin discrimination, gender discrimination, age discrimination and even disability discrimination,” said Olophius Perry, director of the Los Angeles office of the Equal Employment Opportunity Commission, which has accused several companies of practicing race and age discrimination, by favoring good-looking young white people in their hiring.

10 Some chains, most notably the Gap and Benetton, pride themselves on hiring attractive people from many backgrounds and races. Abercrombie’s “classic American” look, pervasive in its store and catalogs and on its Web site, is blond, blue-eyed and preppy. Abercrombie finds such workers and

models by concentrating its hiring on certain colleges, fraternities and sororities.

- 11 The company says it does not discriminate. But in a lawsuit filed last month in Federal District Court in San Francisco, some Hispanic, Asian and black job applicants maintained otherwise. Several plaintiffs said in interviews that when they applied for jobs, store managers steered them to the stockroom, not to the sales floor.
- 12 In interviews, managers like Mr. Serrano described a recruiting approach used by Abercrombie, which has become one of the most popular retailers among the nation's youth.
- 13 "We were supposed to approach someone in the mall who we think will look attractive in our store," said Mr. Serrano, who said he quit when told he would be promoted only if he accepted a transfer. "If that person said, 'I never worked in retailing before,' we said: 'Who cares? We'll hire you.' But if someone came in who had lots of retail experience and not a pretty face, we were told not to hire them at all."
- 14 Tom Lennox, Abercrombie's communications director, emphatically denied job bias but acknowledged the company likes hiring sales assistants, known as brand representatives, who "look great."
- 15 "Brand representatives are ambassadors to the brand," Mr. Lennox said. "We want to hire brand representatives that will represent the Abercrombie & Fitch brand with natural classic American style, look great while exhibiting individuality, project the brand and themselves with energy and enthusiasm, and make the store a warm, inviting place that provides a social experience for the customer."
- 16 Retailers defend that approach to hiring as necessary and smart, and industry experts see the point.
- 17 "In today's competitive retail environment, the methods have changed for capturing the consumers' awareness of your brand," said Marshal Cohen, a senior industry analyst with the NPD Group, a market research firm. "Being able to find a brand enhancer, or what I call a walking billboard, is critical. It's really important to create an environment that's enticing to the community, particularly with the younger, fashionable market. A guy wants to go hang out in a store where he can see good-looking gals."
- 18 While hiring by looks has a long history, some sociologists and retail consultants agree that the emphasis has increased—not at WalMart and other mass marketers, but at upscale businesses.
- 19 The federal government has accused some of the businesses of going too far. The hotel entrepreneur Ian Scharger agreed to a \$1.08 million settlement three years ago after the Equal Employment Opportunity Commission accused his Mondrian Hotel in West Hollywood of racial discrimination for firing nine valets and bellhops, eight of them nonwhite. Documents filed in court showed that Mr. Scharger had written memos saying that he wanted a trendier group of workers and that the fired employees were "too ethnic."

- 20** Last month the commission reached a \$5,000 settlement with 36th Street Food and Drink, a restaurant in St. Joseph, Mo., after accusing it of age discrimination against a 47-year-old waitress. The waitress, Michele Cornell, had worked at the restaurant for 23 years, but when it reopened after renovations, it refused to rehire her because, the commission said, she no longer fit the young, trendy look it had adopted.
- 21** “The problem with all this image stuff is it just reeks of marketing for this white-bread, Northern European, thin, wealthy, fashion-model look,” said Donna Harper, supervisory attorney in the commission’s St. Louis office. “We all can’t be Anglo, athletic and young.”
- 22** Ms. Harper said an employer who insisted on hiring only athletic-looking people could be viewed as discriminating against a person in a wheelchair. Employers who insisted on hiring only strapping, tall people might be found guilty of discriminating against Mexican-Americans or Asian-Americans, who tend to be shorter, she added.
- 23** Stephen J. Roppolo, a New Orleans lawyer who represents many hotels and restaurants, said: “Hiring someone who is attractive isn’t illegal per se. But people’s views on what’s attractive may be influenced by their race, their religion, their age. If I think Caucasian people are more attractive than African-American people, then I may inadvertently discriminate in some impermissible way. I tell employers that their main focus needs to be hiring somebody who can get the job done. When they want to hire to project a certain image, that’s where things can get screwy.”
- 24** Image seemed very much in evidence the other evening at the Abercrombie & Fitch store in Water Tower Place, one of Chicago’s most upscale malls. Working there was a 6-foot-2 sales clerk with muscles rippling under his Abercrombie T-shirt and a young long-haired blond clerk, her navel showing, who could have been a fashion model.
- 25** “If you see an attractive person working in the store wearing Abercrombie clothes, it makes you want to wear it, too,” said Matthew Sheehey, a high school senior from Orland Park, a Chicago suburb.
- 26** Elysa Yanowitz says that when she was a West Coast sales manager for L’Oreal, she felt intense pressure to hire attractive saleswomen, even if they were incompetent. In fact, she says, company officials sought to force her out after she ignored an order to fire a woman a top manager described as not “hot” enough.
- 27** “It was pretty well understood that they had to have magazine-look quality,” she said of the sales force. “Everyone is supposed to look like a 110-pound model.”
- 28** L’Oreal officials did not respond to a request for comment.
- 29** Melissa Milkie, a sociology professor at the University of Maryland who has written about perceptions of beauty, said: “Good-looking people are treated better by others. Maybe companies have noticed that hiring them impacts their bottom line. Whether that’s morally proper is a different question.”

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