Chapter 14
Weight and Appearance

Section II
Examining Specific Groups and Categories
Chapter Objectives

After completing this chapter, readers should understand weight and appearance as they relate to diversity in organizations. They should specifically be able to

- discuss increasing weight levels in the United States and other populations around the world.
- understand the U.S. legislation relevant to weight and appearance discrimination.
- describe employment experiences of overweight people and gender differences in employment outcomes based on weight and appearance.
- explain how weight and appearance are relevant aspects of diversity and consider whether the obese should be a protected class.
Chapter Objectives

After completing this chapter, readers should understand weight and appearance as they relate to diversity in organizations. They should specifically be able to

- discuss legitimate health consequences of obesity and employers’ concerns about increased health-care and other costs associated with obesity.

- discuss how seemingly legitimate appearance requirements may result in illegal discrimination.

- develop methods that can be used to increase acceptance of people of varying dimensions, with or without the presence of widespread legislation.
Population

• Obesity and overweight are increasing in prevalence around the world.

• Reasons for this increase include
  ➢ *The increased transportation reduced walking*
  ➢ *The shift from active to sedentary jobs and lifestyles*
  ➢ *Increased availability of fatty high-calorie fast food*

• Research indicates that weight is controlled by social, behavioral, cultural, physiological, metabolic, and genetic factors.
Education, Employment Levels, Types, and Income

• People of various weights will have similar and different education levels, employment levels, types, and income levels.
  
  ➢ There are fewer fat people at higher levels and disproportionately more fat people at lower levels.
  
  ➢ Fat people are likely to be unemployed and to remain unemployed longer than people who are not fat.
  
  ➢ All things being equal, fat workers fare worse than those who are not fat, particularly fat women.
Effects of Attractiveness of Appearance on Employment and Income

• Research Findings

- Attractiveness was positively related to hiring, performance evaluations, and promotion, for both men and women.

- Providing raters with job-relevant information does not reduce the attractiveness bias.

- Height was significantly related to earnings for both men and women, and advantages for tall people were stable over the course of participants' careers.
Legislation Relevant to Weight and Appearance

• Presently, no Federal legislation prohibits weight discrimination alone.

• The ADA and Weight

  ➤ *If an employer assumes that an applicant’s weight will impede the applicant’s ability to perform a job and makes a negative employment decision on the basis of this perception, the applicant could have a claim under the ADA.*

  ➤ *The ADA covers persons who are morbidly obese.*
State and Local Statutes Prohibiting Weight and Appearance Discrimination

• Cities, states, and localities prohibit weight-based discrimination directly, or as a consequence of prohibitions of appearance-related discrimination.

  Professionalism and cleanliness are not prohibited when such requirements are necessary for reasonable business purposes and are consistently applied.
Should Size Discrimination be Prohibited by Federal Law?

- Does overt discrimination (in employment, housing, public accommodations, and other areas) and lack of controllability of weight warrant its inclusion as a protected class?

  Given the pervasiveness of weight discrimination, the increased risks for health conditions associated with excess weight, and the difficulty in losing weight and maintaining weight loss, it is possible that weight should be a federally protected class, similar to sex, race, ethnicity, and disability.
Effects of Weight on Health and on Costs to Employers

• Although some overweight people are quite healthy, the correlation between excess weight and various severe health problems is clear.

➤ Obese and overweight workers are estimated to lose nearly 40 million work days and cost employers 15%, 20%, and 55% more in prescription drug, long-term disability, and short-term disability costs, respectively, with greater costs as the weight level increases.
<table>
<thead>
<tr>
<th>BMI</th>
<th>BMI Category</th>
<th>Percent of Workers</th>
<th>Medical and Drug Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.5–24.9</td>
<td>Normal</td>
<td>25.2</td>
<td>$3,593</td>
</tr>
<tr>
<td>25.0–29.9</td>
<td>Overweight</td>
<td>40.4</td>
<td>$3,705</td>
</tr>
<tr>
<td>30.0–34.9</td>
<td>Obese</td>
<td>21.8</td>
<td>$5,032</td>
</tr>
<tr>
<td>&gt;34.9</td>
<td>Obese, morbidly obese</td>
<td>11.7</td>
<td>$5,965</td>
</tr>
</tbody>
</table>

Is it the Fat, the Health, or the Stigma of Overweight?

• Bases for Fat Discrimination
  - The widespread dislike for fatness
  - The clear visibility of fatness
  - The perceived association of excess weight with many negative personal attributes
  - The lack of widespread sanctions for discrimination on the basis of fat all contribute to continued fat discrimination.

• Stigmatization results from deviance from preferred attributes of thinness rather than normal attributes.
<table>
<thead>
<tr>
<th>Appearance Aspect</th>
<th>Requirement/Issue</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hair color</td>
<td>Color of own “ethnic origin”</td>
<td>Title VII: Race</td>
</tr>
<tr>
<td></td>
<td>No gray</td>
<td>ADEA</td>
</tr>
<tr>
<td>Hairstyle</td>
<td>Braids, dreadlocks</td>
<td>Title VII: Race</td>
</tr>
<tr>
<td></td>
<td>Length</td>
<td>Title VII: Gender, religion</td>
</tr>
<tr>
<td>Makeup</td>
<td>Mandatory to wear</td>
<td>Title VII: Gender</td>
</tr>
<tr>
<td>Facial Hair</td>
<td>No beards</td>
<td>Title VII: Race, religion</td>
</tr>
<tr>
<td>Attire</td>
<td>Restrictions on religious apparel</td>
<td>Title VII: Religion</td>
</tr>
<tr>
<td></td>
<td>Skirt length</td>
<td>Title VII: Gender</td>
</tr>
<tr>
<td>Weight</td>
<td>Presumption of performance limitations</td>
<td>ADA</td>
</tr>
<tr>
<td>Physical disfigurement</td>
<td>None visible</td>
<td>ADA</td>
</tr>
</tbody>
</table>
Organizational Recommendations

- **Considerations for Employers:**
  - What is the legitimacy of health, absence, and cost-related concerns for their employee population.
  - Are similar concerns expressed regarding other health issues?
  - Do people with other health issues that are viewed as controllable (e.g., pregnancy, smoking-related lung cancer) experience similar treatment?
  - By focusing on health, rather than weight, employers may find a healthier workplace overall, for all employees.
Organizational Recommendations (cont’d)

• Considerations for Employees:

➢ When faced with or observing weight-based stereotyping or discrimination, employees should address this with valid information about weight and the characteristics of those who are overweight.

➢ Overweight employees should consider and model behaviors of other nondominant groups in the face of overt social and employment discrimination.

➢ Those who are overweight should also take care to monitor their health; with exercise and proper eating, one may be healthy in spite of excess weight.
Individual and Organizational Recommendations to Minimize Appearance Discrimination

- Employers should carefully scrutinize appearance preferences and requirements for potential for various types of discrimination.
  - Is the employee or applicant neat? Are his or her clothes ironed, of sufficient length, and an appropriate size?
  - Is the employee or applicant’s clothing clean?
  - Is the requirement necessary to the safe operation of the business?
  - Is resistance to the employee or applicant’s appearance a situation of race, cultural, ethnic, gender, age, social, or other bias?
  - If religious discrimination is a possibility, could the employee’s request be reasonably accommodated?
Key Term

• Stigma