

RUDD REPORT



WEIGHT BIAS

A Policy Brief

INTRODUCTION

Science has documented clear, consistent evidence that people with high body weight face discrimination in employment, education, and healthcare. In a country where two out of three adults is affected by overweight or obesity, weight bias impacts millions. Evidence from national studies shows that weight discrimination is one of the most common forms of discrimination reported by Americans, and that rates of weight discrimination have increased.

WEIGHT BIAS

- Impairs physical and psychological health
- Reduces earning potential
- Affects hiring and employment opportunities
- Affects academic opportunities and achievement

Weight bias stems, in part, from inaccurate societal stereotypes that people who have a high body weight are lazy, and lacking self-discipline or willpower, and from false beliefs that stigma will motivate people to lose weight. Unfairly blaming individuals for their high body weight is often at the core of weight bias.

CONSEQUENCES OF WEIGHT BIAS

Weight bias is harmful to health. Individuals who experience weight bias and/or discrimination are at risk for numerous adverse health consequences including the following:

PSYCHOLOGICAL CONSEQUENCES

- Depression
- Anxiety
- Low self-esteem
- Poor body image
- Substance abuse
- Suicidal thoughts

PHYSICAL HEALTH CONSEQUENCES

- Eating disorders
- Overeating
- Weight gain
- Obesity
- Physiological stress
- Higher blood pressure
- Metabolic syndrome
- Avoidance of health care

Weight bias can have a significant impact on social, economic, psychological, and physical health. It is both an issue of social injustice, and a concerning public health problem.

Without legislation to protect individuals from weight discrimination, people will continue to face harmful consequences from unfair treatment, prejudice, and inequities.

BIAS IN EMPLOYMENT

Compared to job applicants with the same qualifications, applicants with high body weight are rated more negatively, earn less, are less likely to be hired, and are viewed to be unfit for jobs involving face-to-face interactions.

A 2007 study of over 2800 Americans found that overweight adults were 12 times more likely to report weight-based employment discrimination compared to thinner adults. People with obesity were 37 times more likely to report discrimination, and those with severe obesity were 100 times more likely. Women appear particularly vulnerable.

According to research, over 40% of people with high body weight report that they have experienced weight bias from employers and supervisors.

“Appearance, especially weight, has a lot to do with advancing. I have been normal size and have advanced. But since I have been heavy, no one wants me. I have a high IQ and my productivity is extremely high. But, no one cares.” --- Employee

EXAMPLES OF WEIGHT BIAS IN EMPLOYMENT

- Not being hired because of weight
- Being denied a promotion because of weight
- Being fired because of weight or failure to lose weight
- Being the target of derogatory comments and stigma from co-workers or employers
- Being penalized for weight through company benefits programs

Without laws to prohibit weight discrimination, people will continue to be unfairly fired, suspended, or demoted because of their weight – even if they demonstrate good job performance and even if body weight is unrelated to their job responsibilities.

To learn more about weight bias, visit:

www.uconnruddcenter.org

CURRENT LAW

Current federal laws do not adequately address weight discrimination

The Americans with Disabilities Act of 1990 (ADA) protects against discrimination based on a real or misperceived disability. Since Congress passed the ADA Amendments Act in 2008, severe obesity has been found to be a covered impairment. However, this law only protects against disability discrimination – it does not apply widely to weight discrimination, or to people who have been discriminated against because of their weight who have no disability.

The Rehabilitation Act of 1973 is interpreted similarly to the ADA. Together these statutes protect against disability discrimination by the federal, state, and local governments and the private sector.

The Civil Rights Act of 1964 prohibits discrimination based on race, color, religion, sex, or national origin. Weight is not included as a protected class.

Michigan is the only state that prohibits discrimination against people because of their weight.

Enacted in 1977, the Elliott-Larsen Civil Rights Act prohibits discrimination based on 10 categories, including weight, in areas such as employment, housing, public accommodations and public service.

SEVERAL CITIES AND MUNICIPALITIES HAVE LAWS PROHIBITING WEIGHT DISCRIMINATION

San Francisco, CA: The Human Rights Commission added ‘weight and height’ to the municipal code to ensure that programs, services, and facilities would be accessible.

Santa Cruz, CA: The municipal code on discrimination includes ‘height, weight, or physical characteristics’ as protected categories.

Washington, DC: The Human Rights Law includes ‘personal appearance’ in its protected categories.

Urbana, IL: A city anti-discrimination ordinance includes ‘height, weight, or physical characteristics’ as protected categories.

Binghamton, NY: A city anti-discrimination ordinance includes ‘height, weight, or physical characteristics’ as protected categories.

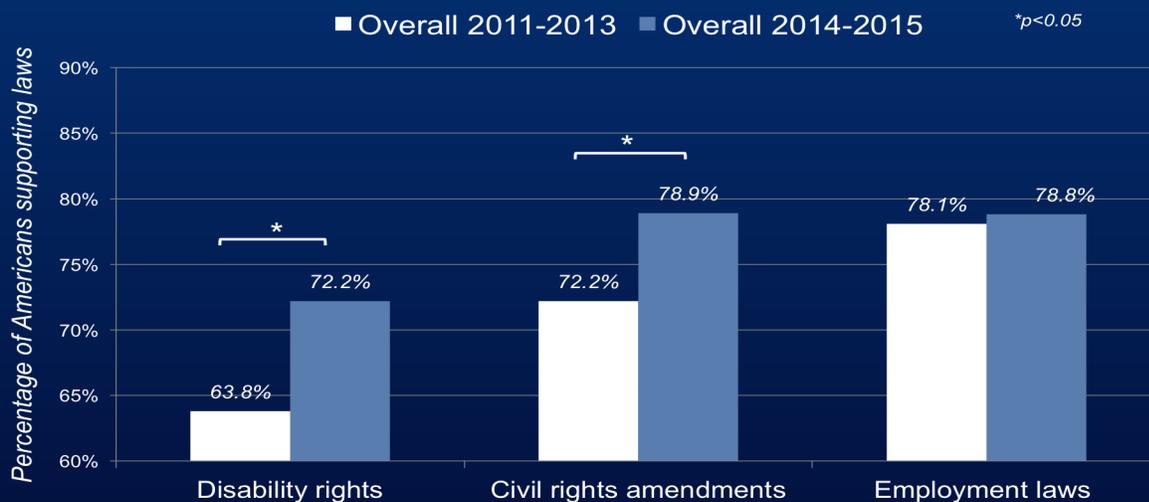
Madison, WI: A city anti-discrimination ordinance includes ‘height, weight, or physical characteristics’ as protected categories.

THERE IS SUBSTANTIAL PUBLIC SUPPORT FOR LAWS TO PROHIBIT WEIGHT DISCRIMINATION

Research with national samples of thousands of Americans shows that there is widespread support for laws to protect people from weight discrimination. As depicted in the graph below, recent findings show that:

- 1) Public support increased from 72% in 2011 to 78% in 2015 for legislation that would add body weight as a protected class in Civil Rights statutes.
- 2) Public support has remained consistently high at 78% of Americans who support laws that would prohibit weight-based employment discrimination.
- 3) Overall, at least 3/4 of Americans now support these legislative measures.

Trends in Public Support for Laws to Address Weight Discrimination from 2011-2015



Comparing public support in 2011-13 versus 2014-15:

Significant increase for civil rights amendments and disability rights.
Consistently high support for employment laws.

RESPONSES TO COMMON ARGUMENTS AGAINST POLICY

ARGUMENT	RESPONSE
Weight bias? It's not a big deal, and besides, people who say negative things about people because of their weight are just making jokes.	Weight bias is serious and pervasive. It is a legitimate form of prejudice that leads to adverse social, economic, physical and emotional consequences for people who have a high body weight.
Weight isn't worthy of a protected status.	Overweight and obesity affects 2/3 of Americans who deserve equitable treatment under the law. Several decades of research evidence consistently document weight bias and discrimination as a significant problem in American society – in employment, health care, education, public services, and the media.
People who feel they have been discriminated against already have a legal option – they can use the Americans with Disabilities Act to claim discrimination based on disability.	This law only applies to a small number of people who have experienced weight discrimination. Claiming disability using the ADA has not been successful except when a person is significantly disabled due to illness or other conditions related to body weight. This is of little help to people who suffer discrimination on a daily basis. Also, labeling people as 'disabled' who have been treated unfairly because of their weight is itself stigmatizing.
People who have obesity don't need legal protection. If they want to avoid discrimination, they should just lose weight.	Many years of scientific evidence show that significant weight loss is difficult to achieve and sustain over time. Only a small percentage of people can sustain significant weight loss over time. This has much more to do with human biology and lack of effective treatment options than with personal characteristics like willpower or discipline.
If you fight weight stigma, you'll discourage people from trying to lose weight. The criticism is motivating.	The opposite is true. Research shows that weight stigma contributes to unhealthy behaviors that reinforce weight gain and obesity, and interferes with efforts to lose weight.
We should be focusing on education rather than the law.	Education is important but can't succeed without legal protection. States don't rely solely on education about fairness to stop racial or sexual discrimination; rather, they step in to protect people who are treated unfairly.
Anti-discrimination laws will generate a lot more lawsuits in the workplace, which we don't need.	Each time a group has been added to anti-discrimination regulations, opponents have predicted a huge increase in lawsuits – and each time the prediction has been wrong. In the 40 years that the Michigan law has been enforced, it has resulted in few lawsuits.

<p>With all of the work being done to reduce obesity in this country, it's a contradiction to want to make people thinner but also protect individuals who have a high body weight.</p>	<p>Stigma, bias, and discrimination aimed at people with a high body weight is pervasive and wrong. Little has been done to stop this discrimination. Improving the food environment to help people reach a healthy weight goes hand in hand with reducing weight bias.</p> <p>Medicine and public health offer many precedents for addressing both a health issue and the stigma associated with it. For example:</p> <p>When alcoholism was declared a disease, societal blame decreased and resources increased for prevention.</p> <p>With cancer, bold and aggressive efforts for prevention proceed side-by-side with efforts to reduce stigma.</p> <p>Reducing the stigma towards people with AIDS allowed for important advances in treatment and prevention.</p> <p>The aim is not to punish people with cancer, substance abuse, AIDS, mental illness --- or obesity. Quite the contrary. It is to protect their basic human rights.</p>
<p>This kind of law could make it difficult for public accommodations, such as amusement park rides, to comply with industry safety standards and regulations regarding height and weight restrictions.</p>	<p>This issue can be easily remedied by adding a disclaimer section at the end of the bill stating that the intent of the legislation is not to interfere with duties to comply with any state, federal, or industry safety standards.</p>

POLICY RECOMMENDATIONS

To reduce unfair treatment, inequities, and discrimination for millions of Americans, it is imperative to include body weight on the list of categories that are covered in anti-discrimination laws.

Federal, State and Local Governments:

- Include weight as a protected class under civil and human rights statutes.
- Create new weight-based employment discrimination legislation mirrored after the Age Discrimination in Employment Act (ADEA).
- Align state disability laws with the ADA Amendments Act to cover weight-based impairments and perceived impairments.

REAL CHANGE WILL REQUIRE COMPASSION AND A CLEAR METHOD OF DEFENDING BASIC HUMAN RIGHTS

For More Information

To access research publications on weight bias, tools for researchers, weblinks and resources for health professionals, and community members, visit www.uconnruddcenter.org.

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