

Section Overview	Weight Discrimination: A Socially Acceptable Injustice By Rebecca Puhl, PhD
OAC Annual Convention (http://www.obesityaction.org/educational-resources/oac-annual-convention)	For a PDF version of this article, please click here (http://www.obesityaction.org/wp-content/uploads/Obesity-Discrimination.pdf).
Your Weight Matters Magazine (http://www.obesityaction.org/educational-resources/your-weight-matters-magazine)	Obesity is highly stigmatized in our society. Overweight and obese individuals are vulnerable to negative bias, prejudice and discrimination in many different settings, including the workplace, educational institutions, healthcare facilities and even within interpersonal relationships.
YWM Local Events (http://www.obesityaction.org/educational-resources/ywm-local-events)	Unfortunately, weight bias remains very socially acceptable in North American culture; it is rarely challenged, and often ignored. As a result, thousands of obese individuals are at risk for unfair treatment, and there are few outlets available to provide support or protection.
Brochures and Guides (http://www.obesityaction.org/educational-resources/brochures-and-guides)	What is the difference between "stigma" and "discrimination?" Weight stigma or bias generally refers to negative weight-related attitudes toward an overweight or obese individual. These attitudes are often manifested by negative stereotypes (e.g., that obese persons are "lazy" or "lacking in willpower"), social rejection and prejudice. Weight stigma includes verbal teasing (e.g., name calling, derogatory remarks, being made fun of, etc.), physical aggression (e.g., hitting, kicking, pushing, shoving, etc.) and relational victimization (e.g., social exclusion, being ignored, avoided, or the target of rumors).
OAC Educational Webinars (http://www.obesityaction.org/educational-resources/oac-educational-webinars)	Many obese individuals report being treated with less respect or courtesy than thinner persons and being called names or insults because of their weight. Thus, weight stigma can emerge in subtle forms, or it can be expressed directly.
Obesity Action Alert (http://www.obesityaction.org/educational-resources/obesity-action-alert)	Discrimination is distinct from stigma and negative attitudes, and specifically refers to unequal, unfair treatment of people because of their weight. For example, an obese person who is qualified for a job but is not hired for the position because of his or her weight may have been the victim of weight discrimination.
Resource Articles (http://www.obesityaction.org/educational-resources/resource-articles-2)	Other examples include being denied a job promotion or fired from a job because of one's weight; being denied certain medical procedures or provided inferior medical care because of one's weight; or being denied a scholarship, a bank loan or prevented from renting or buying a home because of one's weight.
Obesity Statistics (http://www.obesityaction.org/educational-resources/obesity-statistics-fact-sheets)	In each of these cases, the behaviors directed toward the obese individual depict inequitable treatment with no justifiable cause, and legal recourse may be an appropriate response in these situations.
Your Weight Matters Brand (http://www.obesityaction.org/educational-resources/your-weight-matters)	Obesity Discrimination on the Rise Despite the increasing prevalence of obesity, it appears that incidences of weight discrimination are only becoming worse.
Order Resources (http://www.obesityaction.org/educational-resources/order-resources)	In our research, we examined trends of weight discrimination throughout a 10 year period from 1995-2005 and found that the prevalence increased by 66 percent during this decade, from 7-12 percent of the general population. This finding was not a result of increasing obesity rates, but rather specifically demonstrates that more people are experiencing weight discrimination.
Helpful Links (http://www.obesityaction.org/educational-resources/helpful-links)	How common is weight discrimination? Given the social acceptability of negative attitudes toward obese individuals, it may not be surprising to learn that weight discrimination is common in the United States.

In a recent study, we examined the prevalence of multiple forms of discrimination in a nationally representative sample of 2,290 American adults and found that weight discrimination is common among Americans, with rates relatively close to the prevalence of race and age discrimination. Among women, weight discrimination was even more common than racial discrimination. Among all adults in the study, weight discrimination was more prevalent than discrimination due to ethnicity, sexual orientation and physical disability. Almost 60 percent of participants in our study who reported weight discrimination experienced at least one occurrence of employment-based discrimination, such as not being hired for a job.

On average, a person's chances of being discriminated against because of weight become higher as their body weight increases. In our study, 10 percent of overweight women reported weight discrimination, 20 percent of obese women reported weight discrimination and 45 percent of very obese women reported weight discrimination.

Rates for men were lower, with 3 percent of overweight, 6 percent of obese and 28 percent of very obese men reporting weight discrimination. This finding also tells us that women begin experiencing weight discrimination at lower levels of body weight than men.

What legal action can be taken for victims of weight discrimination?

Unfortunately, there are few legal options available for individuals who suffer weight discrimination. Currently, there are no federal laws that exist to prohibit discrimination based on weight.

With the exception of one state law (Michigan) and a few local jurisdictions that address discrimination on the basis of weight or appearance (e.g., San Francisco), the vast majority of people who experience weight discrimination in the U.S. must pursue legal recourse through other indirect avenues.

In particular, obese individuals have depended on the *Rehabilitation Act of 1973* (RA) and the *Americans with Disabilities Act of 1990* (ADA). Most cases filed under these categories pertain to weight-based discrimination in employment settings, and only a few cases have been successful. In addition, whether it is appropriate for obesity to be considered a "disability" under the ADA is questionable and could perpetuate bias further.

Overweight people who are not "morbidly obese," but who experience weight discrimination cannot file claims under the ADA because they are not considered disabled under this law. It places an unfair burden for individuals to prove that their obesity is debilitating and disabling in order to obtain fair and equitable treatment in the workplace.

These unresolved issues, in addition to public perceptions that place blame on obese people, have led to inconsistent court rulings and often deter obese individuals from taking any legal action.

Clearly, legislation is badly needed to protect individuals from weight discrimination. Massachusetts recently introduced legislation (House Bill 1844) to prohibit weight-based discrimination in employment settings. The hearing was held on March 25th 2008, with no opposition present at the hearing, and all expert testimonies were in favor of the bill. No decision has yet been made, but if this bill passes, it will be an important step in encouraging other states to follow suit.

Reducing weight bias requires major shifts in societal attitudes, and national actions are needed to establish meaningful legislation to ensure that obese persons receive the equitable treatment they deserve.

About the Author:

Rebecca Puhl, PhD, is the Director of Research and Weight Stigma Initiatives at the Rudd Center for Food Policy and Obesity at Yale University. Dr. Puhl is responsible for coordinating research and policy efforts aimed at reducing weight bias.

References:

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For more resources on weight bias, including fact sheets, handouts, research articles, assessment tools and PowerPoint presentations, please visit www.yaleruddcenter.org (<http://www.yaleruddcenter.org>).