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PEOPLE WITH EXCESS BODY WEIGHT AND WEIGHT DISCRIMINATION IN THE LABOUR MARKET

Abstract. This article addresses issues associated with the perception of obesity and being overweight in the labour market, and the issue of weight discrimination. Excess body weight has become a very serious social problem. The increase in rates of obesity and being overweight is a serious problem both for individuals and social policies in advanced societies. In some countries, over 50% of the population have excess body weight. The literature to date indicates that people struggling with being overweight and obesity are discriminated at work. Research shows that these individuals are believed to have lower leadership potential, a lower IQ and lower effectiveness compared to individuals of normal weight. For this reason, people with excess body weight are subjected to stigmatisation and discrimination, have limited chances of occupying managerial positions, and earn lower incomes. The article also shows whether and how overweight and obese people can defend their rights.

Keywords: overweight, obesity, excess body weight, stigmatisation, discrimination, stereotypes, labour market.

Obesity and being overweight as a social problem

According to the World Health Organisation (WHO), the number of people with excess body weight in developed countries is constantly growing and is currently one of the most widespread health problems (WHO 2018a: 24). These conclusions are based on analyses of values of the Body Mass Index (BMI) in several dozen countries. BMI is calculated as the body mass (in kilograms) divided by the square of the body height (in meters) (kg/m^2). According to the WHO standards, a person is overweight when their BMI is equal to or greater than 25, and obese when their index is 30 or greater (WHO 2018a: 24).

The WHO estimates that, worldwide, more than 1.9 billion people over 18 are overweight and 650 million are obese. Excess body weight is not only a problem for adults. The statistics show that as many as 380 million children and young people

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are overweight or obese. According to WHO data, from 1975 to 2016 the number of people with excess body weight tripled (WHO 2018b: 17) and is expected to grow.

More than 58% of Europeans are overweight or obese, which means that Europe is in second place when it comes to the highest percentage of people having excess body weight worldwide. Similar tendencies can also be observed in Poland. According to data from the Polish Central Statistical Office (GUS), the percentage of Poles with excess body weight in 1996 amounted to 27.7%, it rose to 29.6% in 2004 and reached nearly 54% in 2014 (GUS 2006; GUS 2016). In the case of Poland, men are more likely to be overweight or obese; in 2014, 62% of Poles had excess body weight, of which 44% were overweight and 18% – obese, while in the case of Polish women, the overall percentage was 46%, of which 30% were overweight and 16% were obese (GUS 2016). According to national forecasts, as many as two thirds of Poles will be overweight or obese in 2030.

According to the WHO, the main factor responsible for people being overweight and obese is an unhealthy lifestyle i.e. unhealthy eating habits and limited physical activity. The statistical data show that EU citizens have a daily intake of 500 kcals more than 40 years ago, which is accompanied by a more sedentary lifestyle; the average European citizen spends at least 5 hours a day in a sitting position, while the daily metabolic rate at work has decreased from 1,500 kcals to 1,400 kcals over 40 years in the case of men, and from 1,300 kcals to 1,200 kcals in the case of women (UMWŁ 2019: 2). In addition, stress, fatigue and irregular working hours may result in a tendency to consume more calories than the individual needs.

An individual does not live in a vacuum. The surrounding and financial standing of an individual plays a huge role in their life, which is why the perception of the causes of obesity and being overweight through the prism of socio-cultural and economic factors characteristic of a given community is becoming increasingly common. The popularity of highly processed food and all sorts of fast food also impacts our body weight.

The myth that excess weight and obesity is a plague of affluent societies has been persistent for years, but the WHO is warning that obesity is, on the one hand, a manifestation of inequality and, on the other, a factor that exacerbates it. According to Forbes, French scientists estimate that a portion of fruit and vegetables providing 100 kilocalories, has about five times the nutritional value of other types of food equivalent in energy terms, but it is also about five times more expensive (Krukowska 2015). Moreover, people on low incomes cannot afford specialist sports equipment or gym season tickets. As a rule, such people also do not have time to prepare balanced meals. Therefore, less developed countries and low-income members of society face the problem of gaining extra kilogrammes. The gap between the richest and aspiring middle class and the rest of society is also deepened by the media and the Internet which promote the slim/fit body model as an indication of self-fulfilment and success in life.

Not only do such tendencies cause a systematic growth of the number of people with excess body weight, but they also lead to polarisation and divide individuals into two groups, those who fit culturally imposed beauty patterns and those who do not meet the norm of the average body size. This, in turn, generates stigmatisation, stereotyping and, consequently, discrimination against people with excess body weight in various areas of social life.

Body as a project

As a social being, an individual functions simultaneously in many dimensions of social life, such as family, school and work. In each of these areas, not only obese people, but also those who are slightly overweight, encounter difficulties in interpersonal relations.

This happens because, today, special attention is paid to self-presentation. These days, human corporeality plays the role of a business card in interpersonal contacts and constitutes an active part in what Erving Goffman would call an “everyday life performance” (2005). The body, as our immediate garment, requires constant care and attention to its appearance, size and shape.

This trend is undoubtedly reinforced by the central position of human corporeality in modern culture and the media, which promote the ideal of beauty of a young, slim and athletic body. As Mike Featherstone points out:

While the body has permanent properties, such as height or bone structure, there is a tendency in consumer culture to see the qualities of the body as fully malleable. Individuals are assured that through workout and body shaping exercise they will achieve a certain desired appearance. Advertisements, articles and advice columns in magazines and newspapers advise that individuals take responsibility for the way they look (2001: 178).

As a result, the human body is perceived as extremely malleable matter that needs to be shaped, sculpted and beautified (Shilling 2010). Moreover, in the world in which we are responsible for the design of our own body, external appearance is increasingly equated with one’s personal worth (Giddens 2010: 70–72). Such an (unconscious) belief plays an important role in the case of people who do not want or are unable to bring their body in line with the slim/fit model. Huge expectations are placed mainly on women. In the case of women, her looks are a formal characteristic important from the point of view of building her self-identity, self-esteem and relations with other members of society (Hyży 2012: 190–205). However, high expectations are also increasingly applicable to men, who, to the same extent as women, are entangled in contemporary discourses of body discipline (Kluczyńska 2009: 124).

Excess body weight as social stigma

Individuals who do not meet culturally imposed patterns of a slim/fit appearance are increasingly perceived as different or even inferior. This approach to human differences will be associated with Goffman's concept of social stigma, referred to simply as "stigma" by this author. Thus, in line with Goffman's concept, "stigmatised individuals have a social attribute that is deeply discrediting and are therefore perceived as flawed" (Goffman 2005: 16). Goffman (2005: 34) distinguished three types of a stigma, namely:

- 1) abominations of the body – various physical deformities;
- 2) blemishes of individual character perceived as weak will, domineering or unnatural passions, treacherous and rigid beliefs, and dishonesty; these being inferred from a known record of, for example, mental disorder, imprisonment, addiction, alcoholism, homosexuality, unemployment, suicidal attempts, and radical political behaviour;
- 3) the tribal stigma of race, nation, and religion, these being stigma that can be transmitted through lineages and equally contaminate all the members of a family.

People with excess body weight can therefore fall into the first and second category of stigma bearers. An individual can be stigmatised based on the first category due to the fact that there is a cultural belief that extra kilogrammes are unattractive and that the neglect of the body is not tolerated in society. On the other hand, the belief that laziness and intemperance in eating results in being overweight or obese stigmatises individuals for "blemishes of individual character".

Let us explore the immanent characteristics of stigmatisation. According to Elżbieta Czykwin, stigmatisation has an axio-normative character and is often irrational and unconscious. It is also characterised by a certain temporal inertia, which makes it difficult to get rid of the acquired stigma. A stigma can also be all-encompassing when an individual is reduced to a stigma itself, their other traits becoming invisible and marginalised (Czykwin 2007: 39–45). Weight stigmatisation is therefore undoubtedly a negative, unconscious phenomenon. Stigmatised individuals are perceived as inferior and flawed from the very beginning of any relationship. This is because the belief in the possibility of influencing the body's appearance leads to a situation in which, according to Elżbieta Czykwin (2007: 190): "[...] the observer is likely to treat obesity as the main personal trait, at least at first sight. In this case, obesity seems to dominate, becoming the central category of an individual as perceived by others".

In the case of individuals with excess body weight, we will be talking about the phenomenon of "fat shaming", that is, stigmatisation of overweight or obese individuals. This, in turn, leads to many weight-based stereotypes.

People with excess body weight are attributed many negative traits such as self-neglect, laziness, lack of self-control and even inferior professional qualifica-

tions. In Western culture there is a wide range of stereotypes about individuals who are overweight or obese. Currently, one may speak of the obesity social stereotype which is often compared by psychologists to a “stereotype of an unattractive person”, which stems from a common belief that people who are overweight and obese are unattractive.

Weightism, i.e. weight discrimination

The concept of stigmatisation is strongly associated with discrimination understood as: “[...] unequal treatment of individuals or social groups by denying them privileges, prestige or power, based only on unfavourable attitudes and bias due to some of their actual or assumed (mostly) qualities e.g. social class, race, sex or religion” (Olechnicki, Załęcki 2000: 49–50). Discrimination is very similar to stigmatisation, but there are also significant differences between the two. One of them is the institutional nature of discrimination while stigmatisation is characteristic of an interactive, intimate form of interpersonal relations. Therefore, unlike stigmatisation, discrimination is a conscious action. It can be said that discrimination is a derivative of stigmatisation and stereotypes. Discrimination and stigmatisation are similar in that they underly the social segregation and isolation of certain groups, as well as marginalisation and categorisation.

It turns out that discrimination based on gender, race, faith or sexual orientation does not exhaust the list of reasons for social bias. The scholarly literature mentions the concept of weightism as a form of discrimination against all overweight and obese people, regardless of their age, gender, race, origin, education, occupation, social position, religion and culture.¹ Weightism leads to the rejection and social segregation of an individual and can take the following forms:

- visual – being looked at with disgust and revulsion;
- verbal – using nicknames, insults, name that ridicule and humiliate, comparisons to large animals (e.g. elephant, hippo, cow or pig);
- physical – nudging, pushing or beating;
- mental – bullying, manipulating their sense of guilt, dependence on loved ones, humiliating, creating situations of humiliation and harassment;
- legal – not including this group of patients in the legislation;
- technological, architectural and social.²

Based on the body of literature, it can be concluded that overweight and obese people are often subjected to weight discrimination (both conceptual categories, obesity and being overweight, are included in this general concept used in the literature). Individuals with excess body weight face weight discrimination when

¹ OD-WAGA Foundation for People with Obesity Disease, <http://www.od-waga.org.pl/dyskryminacja.html> (accessed 1.08.2019).

² *Ibidem*.

looking for a job, e.g. it is much more difficult for them to find their dream job because many employers do not want to hire people who are overweight or obese at all, even though they do not differ from slim candidates in terms of their qualifications or skills. This is especially apparent in the case of white-collar jobs, as individuals with excess body weight are perceived as lazy, inept and less intelligent. Many advertisements contain requirements of “attractive looks”, which, given the existing canons of beauty, almost immediately excludes individuals that do not fit the slim/fit model. In the case of some professions, such as secretaries and salespeople, appearance is often valued more than experience and skills. Women in particular have fewer chances of getting a dream job.

However, when an overweight or obese person manages to get a job, they are often confronted with unpleasant comments from both colleagues and superiors. Individuals with excess body weight are discriminated against because there are many negative stereotypes about them, indicating, for example, that they are less productive, less punctual or take sick leave more often. Employers accuse them of being less enthusiastic about their duties and of having bad manners. At the same time, employees with excess body weight are often assigned additional tasks which are not part of their duties and which they cannot perform well enough or efficiently due to their physical condition, or which are doomed to failure by definition. It also happens that these individuals are ignored when more demanding tasks, promotions or training are involved. It is also common for such employees to be kept away from customers, contractors, etc. as they are “less presentable” and their appearance “has a negative impact on the company’s image”. In extreme cases, individuals with excess body weight are dismissed because of weight stigma, although their body size is in no way related to their work performance. Apart from the above-mentioned manifestations of weightism, its most common form is open criticism of the appearance, diet and lifestyle of people with excess body weight by co-workers and superiors.

Weight discrimination: research perspective

The problem of the perception of individuals with excess body weight at work has been described quite thoroughly by US scientists. Examples include the following studies: *Is obesity stigmatizing? Body weight, perceived discrimination, and psychological well-being in the United States* (Carr, Friedman 2005: 244–259), *Bias, discrimination, and obesity* (Puhl, Brownell 2001: 788–805) or *The economic reality of the beauty myth* (Averett, Korenman 1996: 304–330). Several interesting experiments have also been conducted, such as *Stigmatization of obese individuals by human resource professionals: an experimental study* in which scientists from the University of Tübingen analysed the way overweight or obese

people are perceived by Human Resource specialists who selected candidates for a given position (Giel et al. 2012: 1–9).

Unfortunately, no such research has been conducted in Poland. Most often, the issue of overweight or obese people is part of broader studies on, for example, the quality of life, overall health condition, etc. Therefore, one may get the impression that weight discrimination does not exist in Poland, since researchers do not deal with the issue of how individuals with excess body weight are perceived and whether they are discriminated against in the labour market, and since the Polish law disregards obesity and being overweight as possible causes of inequality.

Individuals who have experienced discrimination often share their experience in online forums and describe problems with getting their dream job or unpleasant comments from their employer or fellow employees:³

I know from my own experience that obesity makes finding a job more difficult. I have a strong motivation to work, excellent interpersonal skills, but unfortunately I look unattractive and I couldn't keep my dream job because of my gargantuan weight (sick leave; 4 years ago I had to retrain and change my qualifications [...]) (GP64).

Not only are individuals with excess body weight afraid of being rejected because of their body size during a job interview or promotion, but they seem to be even more frustrated by manifestations of stigmatisation on the part of their fellow employees:

[...] I remember the problem started on the first day, and as it turned out later, it lasted for the next six months. My fellow female employees, and there were three of them in the room I was sitting in, and four of them in the adjoining and connecting room. There were rude comments about my weight and the way I dressed, admiring the XS size, comments about Britney being too fat (while she is much thinner than me), etc. Looking disgusted when I was eating and recommending me "miracle diets" [...]. Three months later I got another position where I had contact with people. And then it all started. Endless comments about my looks, that I should look more elegant, that maybe I should take care of myself, and so on [...]) (I13.01).

Internet forums are also full of posts showing what society thinks about people with excess body weight. Below is an example of a post illustrating that obesity and being overweight are treated as a consequence of self-neglect and laziness:

³ I came across the quoted statements in several online forums where individuals with excess body weight describe the problems they encounter in everyday life. Unfortunately, the amount of material related strictly to the problem of weight discrimination turned out to be unsatisfactory from a research point of view. The lack of online forums devoted specifically to the situation of individuals with excess body weight in the labour market made it much more difficult to identify such posts, which limited their empirical availability. Moreover, potential information about problems in professional life often appears as a side-line to discussions about the difficulties in establishing and maintaining interpersonal relations. Therefore, I decided to abandon regular content analysis. The examples of cited statements only illustrate the problem of weight discrimination in the labour market.

Apart from those who are ill, fat people are fat because they have neglected themselves and are too lazy to change this. Clearly, others do not like self-neglect, so they happen to be discriminated against (V08.36).

Some opinions reinforce stereotypes that individuals with excess body weight are unsuitable for certain positions, especially those related to presentable functions as they do not meet contemporary standards of proper appearance:

I am of the opinion that obese people are generally less suited to fulfilling “presentable” roles, and several others. It is not a question of my taste but of statistics, the prevailing fashion, fitness/health trends and similar issues (GL09.39).

Excess body weight is nowadays attributed to a lack of control over one’s own body, and thus to the lack of control over one’s life, which, according to some, may be to the detriment of the company which employs such individuals:

[...] I believe that if someone cannot take care of their physical condition and appearance, they will not be able to do work properly (although there are probably some exceptions) [...] (G08.22).

Even the internet users who are not Human Resource professionals point out that they would not employ a person with excess body weight for reputational reasons:

It’s true I don’t think you should dislike a fat girl or guy, but... if I had a company/beauty parLOUR/shop, for example, I would never hire an obese girl or guy. Why? The image is the most important thing and fat people are usually ASSOCIATED with disease, dirt (greasy tuft of hair, pimples), self-neglect, laziness, indolence, etc. I’m not saying that everyone looks like that, but... the world is brutal and you have to adapt; when you go beyond the norm (a tonne of fat or a pile of bones) it doesn’t resonate with people [...] (V08.16).

In their statements, HR professionals themselves indicate there is covert discrimination with regard to overweight or obese people during the recruitment process:

I am an HR specialist, I recruit people for very different positions in many companies. Not everyone knows that, apart from the criteria listed in job advertisements that appear on e.g. portals, employers also have so-called “hidden criteria” that cannot be included in the advertisement [...]. However, when I talk to the owner of the company for which I am recruiting an employee, I am informed about the way the person the company wants to hire should look, how old he or she should be, whether it should be a man or a woman and many other things [...] (W12.11).

Although some people are aware of discrimination due to extra kilograms, a large number of people believe that this problem does not exist or blame people with excess weight themselves, since they are unable to comply with socially imposed standards of physicality.

Weight discrimination and the law

According to the Constitution of the Republic of Poland, all Poles are equal before the law. Everyone is entitled to equal treatment by public authorities. None of the citizens of Poland, including those suffering from the medical condition of obesity or being overweight, can be discriminated against in political, social or economic life for any reason whatsoever.

The principles of equality before the law and protection against discrimination are laid down in various Polish, European and international legal acts, to which Poland is a signatory. These acts include:

- the Universal Declaration of Human Rights;
- the International Covenant on Civil and Political Rights;
- the European Convention on Human Rights.

Unfortunately, none of the acts mentions the protection of an individual from weight discrimination, which in turn leads to a situation where it is difficult for the aggrieved party to pursue their rights in court. For example, in 2014, the Court of Justice of the European Union (CJEU) ruled that a person who is significantly overweight or obese can defend their rights by referring to their disability.⁴ At the same time, the CJEU confirmed that EU legislation does not prohibit discrimination against an employee precisely based on their body weight; obesity and being overweight are not listed as grounds for discrimination in Directive 2000/78. The Polish Labour Code also overlooked the issue of excess weight while implementing the directive. However, the difference is that the Labour Code contains a non-exhaustive list of grounds for discrimination (such as gender, ethnicity, religion, etc.), which in itself constitutes a rather open catalogue.⁵ As a result, a Polish employee can defend their rights and demand compensation even in the case of being moderately overweight, which in itself does not cause disability.⁶

Organisations providing assistance and information

Representatives of government organisations as well as various foundations and associations are involved in defending the rights of people with excess weight. Overweight or obese people can therefore address their questions and requests to

⁴ The CJEU ruled thus in its decision C-354/13 of 18.12.2014 in which it interpreted the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁵ The Polish Supreme Court ruled on 23.05.2012 (decision I PK 206/11) that discrimination is also possible on grounds other than those indicated in the labour code.

⁶ Working conditions or a type of work in which normal weight is a professional requirement is an exception. The criterion of normal body weight can therefore be applied when full physical aptitude is expected of employees.

institutions such as the Commissioner for Civil Rights, Government Plenipotentiary for Equal Treatment, Government Plenipotentiary for Persons with Disability, National Labour Inspectorate, and others.

Although there is no official unit representing the rights of people with excess weight in Poland, the institution of the Advocate for the Rights of People with the Obesity Disease was established by the OD-WAGA Foundation for People with the Obesity Disease.

According to information available on the Foundation's website, the Advocate for the Rights of People with the Obesity Disease⁷ has the following mandate:

- to defend the rights, interests and needs of Poles suffering from the disease of obesity (children, young people and adults) before the legislative (Sejm, Senate) and executive (government, local government) authorities, and public institutions tasked with supporting the sick and disabled persons and the media in Poland and abroad;
- to improve the quality of the social life of people suffering from obesity (activities in cooperation with the OD-WAGA Foundation);
- to conduct preliminary investigation of cases of the violation of human rights, civil rights, patient rights; into discrimination against, or exclusion and stigmatisation of the person(s) suffering from obesity by public institutions, companies, the media, etc. (at the request of patients, their relatives, or other people, as well as on their own initiative or that of the OD-WAGA Foundation).

It is noteworthy that the Advocate is not a state institution, nor is it in any way financed by any public institution. Due to the independent nature of her activities, the Advocate does not have the right to make interventions as, for example, the Commissioner for Civil Rights or the Patient Rights Ombudsman can do. Therefore, the Advocate cooperates with state bodies to clarify issues referred to her.

Summary

Based on both the body of literature and quoted posts by internet users, it can be concluded that overweight and obese people are often subjected to discrimination on grounds of their excess weight. Many employers do not want to employ such individuals at all, so their chances of finding a dream job or having a successful career are limited. At work, they often experience verbal abuse and victimisation in the form of detraction, gossip and isolation. Individuals with excess body weight are discriminated against because there exist numerous negative stereotypes which associate being overweight and obese with laziness, self-neglect,

⁷ OD-WAGA Foundation for People with the Obesity Disease, *Kim jest Społeczny Rzecznik Praw Osób Chorych na Otyłość (Who is the Advocate for the Rights of People with the Obesity Disease in Poland?)*, <http://od-waga.org.pl/rzecznik.html> (accessed 1.08.2019).

unattractiveness or inferior skills. In addition, the ideal of beauty promoted by the media and contemporary culture is based on one “proper” slim/fit body model. Therefore, contemporary society treats the problem of excess body weight without empathy, tolerance or understanding, increasingly identifying the appearance of a person with their inner worth. Although the number of overweight and obese people in Poland (and many other countries) is constantly rising, no regulations that would directly address weight discrimination have been formulated in the contemporary national law or EU directives. Consequently, we may witness not only increasing social pressure but, above all, the rise and multiplication of even greater social inequalities stemming from the way the physical condition and aesthetics of our bodies are perceived.

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DYSKRYMINACJA OSÓB Z NADMIERNĄ MASĄ CIAŁA NA RYNKU PRACY

Abstrakt. Artykuł dotyczy postrzegania nadwagi i otyłości na rynku pracy oraz dyskryminacji związanej z tym zjawiskiem. Nadmierna masa ciała stała się bardzo poważnym problemem społecznym. Wzrost wskaźników nadwagi i otyłości stanowi istotny problem dla osób i polityki społecznej w krajach rozwiniętych. W niektórych krajach już ponad 50 proc. społeczeństwa ma problemy z nadmierną masą ciała. Dotychczasowa literatura podaje, że osoby zmagające się z nadwagą i otyłością są dyskryminowane w miejscu pracy. Badania wykazują, że osoby te są postrzegane jako mające mniejszy potencjał przywódczy, niższy iloraz inteligencji i skuteczność w porównaniu z osobami o normalnej wadze. Z tego też powodu osoby z nadmierną masą ciała są narażone na stygmatyzację i dyskryminację, mają mniejsze szanse na zatrudnienie na wyższych stanowiskach i niższe dochody. Artykuł pokazuje również, czy i jak osoby z nadwagą i otyłością mogą bronić swoich praw.

Słowa kluczowe: nadwaga, otyłość, nadmierna masa ciała, stygmatyzacja, dyskryminacja, stereotypy, rynek pracy.