

Overweight Women Are Being Unfairly Punished in the Labor Market

by **NATALIE SHOEMAKER** NOVEMBER 3, 2014, 6:00 PM



Suzanne McGee of The Guardian has been keeping track of an ugly trend developing in our offices. More weight may be translating into less income (but only if you're a woman).

Jennifer Shinall, Assistant Professor of Law at Vanderbilt Law School, set out to learn, "Why are obese women--more than obese men--penalized in the labor market?" In a [paper that's currently under review](#), "Occupational Characteristics and the Obesity Wage Penalty," she discusses a wage gap that's forming in the workplace. Heavy-set women are less likely to receive promotions and certain job opportunities than average-weight females and even heavy-set males.

In her study, Shinall used education as a control for a person's expected wage and she found that there is a clear, deciding force being driven by employers as to who gets the corner office and it's based on sex and appearance:

"Starting when a woman becomes overweight, she is increasingly less likely to work in a personal interaction or personal communication occupation. And the heaviest women in the labor market are the least likely individuals to work in personal interaction occupations."

"They don't want an obese woman to be the face of their company or the person their clients interact with."

"A morbidly obese woman working in an occupation with an emphasis on personal interaction will earn almost 5 percent less than a normal-weight woman working in an occupation with exactly the same emphasis."



For men, however, there seems to be no disparity between obese and average-sized workers in the office:

"No matter what the type of occupation, obese men seem to do just as well as average-size men. They make just as much as non-obese men and make just as much money in both personal interaction occupations and physical occupations. But we see the opposite pattern for women."

Shinall isn't the first to take note of the wage gap. In 2011, **Forbes' Lisa Quast** reported on a study that found obese women lost \$9,000 to \$19,000 of pay compared to their average-weight counterparts. While men who experienced "increases in weight have positive linear effects of pay but at diminished returns at above-average levels of weight."

From a legal perspective, many are arguing that these gaps in workplace wages and employment opportunities should be seen as infractions against the Americans with Disabilities Act. But Shinall disagrees. She sees these cases as discrimination on sex—not ability—and should be tied to Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on gender in employment.

In Vanderbilt University's video below, Shinall discusses her findings, and why this issue is about women's rights and not just obesity:

