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ASMBS Supports Passage of Massachusetts Legislation to Outlaw Weight Discrimination

On behalf of the more than 4,000 members of the American Society for Metabolic and Bariatric Surgery (ASMBS), the largest non-profit medical organization in the nation dedicated to metabolic and bariatric surgery, I am pleased to offer our support for passage of Massachusetts Senate Bill (SB) 1127 and House Bill (HB) 1822, sponsored by Senator Rebecca Rausch and Representative Tram Nguyen, respectively. SB 1127/HB 1822 would make it unlawful to discriminate based on height and weight in compensation, in terms, conditions, or privileges of employment, housing or public accommodations in the State of Massachusetts. We urge the Joint Committee on the Judiciary and Chairs Day and Eldridge to take swift action and support committee passage of this critical legislation to ensure social prosperity for many people who suffer from weight discrimination in employment in Massachusetts.

Our understanding of the consequences of obesity on an individual's biology (e.g., diabetes and hypertension) and psychology (such as depression) continues to grow as the prevalence of obesity continues to increase. There is also a growing appreciation for social consequences of obesity and general bias based on an individual's weight. There is an early, but broadening, understanding of weight bias and its consequences on health outcomes. Indeed, there is reason to suspect that the prevalence of weight bias has increased with the growing obesity epidemic. To address the broad array of issues surrounding weight bias and stigma, ASMBS released a formal [position statement](#) in April of 2019, which touches on many of the following points.

The Obesity Action Coalition defines weight bias as negative attitudes, beliefs, judgments, stereotypes, and discriminatory acts aimed at individuals solely because of their weight. It can be overt or subtle and occur in any setting, including employment, healthcare, education, mass media and relationships with family and friends. It also takes many forms – verbal, written, media, online and more. Weight bias is dehumanizing and damaging. It can cause adverse physical and psychological health outcomes and promotes a social norm that marginalizes people.

Perceptions about the causes of obesity may contribute to weight stigma and bias. Assumptions that obesity can be prevented by self-control, that individual non-compliance explains failure at weight-loss, and that obesity is caused by emotional problems, are all examples of attitudes that contribute to negative bias. Research suggests that beliefs about the causality and stability

of obesity are also important factors contributing to negative attitudes. For example, studies show that individuals affected by obesity are more likely to be stigmatized if their overweight condition is perceived to be caused by controllable factors compared to uncontrollable factors (e.g., overeating versus a thyroid condition), and if obesity is perceived to be a condition of personal choice, versus a serious health condition.

There is clear evidence that negative perceptions of people affected by obesity exist in employment settings. Employees affected by obesity are viewed as less competent, lazy, and lacking in self-discipline by their co-workers and employers. These attitudes can have a negative impact on wages, promotions, and decisions about employment status for employees affected by obesity. Experimental studies also show that applicants affected by obesity are less likely to be hired than thinner applicants, despite having identical job qualifications. There are also increasing legal cases emerging where employees affected by obesity have been fired or suspended because of their weight, despite demonstrating good job performance and even though their body weight was unrelated to their job responsibilities.

For these reasons, ASMBS urges the members of the Joint Committee on the Judiciary to support committee passage of SB 1127/HB 1822 so that employers and service providers will no longer be able to discriminate against the hundreds of thousands of individuals affected by obesity in Massachusetts.