



SEMINAIR PAPER

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Topic: Injustice discrimination at work

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INTRODUCTION

Discrimination according to Wikipedia definition is making unwarranted disparities between individuals based on the groups, classes, or other categories to which they formally or implicitly belong is known as discrimination. Discrimination against individuals is possible on the grounds of race, gender, age, religion, handicap, and sexual orientation, among other things. Discrimination happens most frequently when people or groups are treated unfairly or worse than others based on their real or perceived membership in one or more groups or social categories. It entails denying members of one group access to advantages or opportunities enjoyed by members of another group (Wikipedia)

The fastest-growing kind of discrimination in employment is age and weight discrimination. The Equal Employment Opportunity Commission (EEOC) looked into complaints of workplace age discrimination made by employees 40 years of age and older ("About EEOC," 2009). In 2008, the EEOC received 24,582 complaints alleging age discrimination (Levitz and Shishkin, 2009). Overweight people make up a sizable segment of the American population. People who are overweight commonly experience ongoing prejudice, particularly in the workplace. This essay looks at issues relating to age and weight discrimination at work.

AGE DISCRIMINATION IN THE WORKFORCE

Age bias has always been a factor for employers looking to hire new employees, and weight discrimination is the fastest-growing type of discrimination in the workforce. The Age Discrimination in Employment Act of 1967 was designed by the federal government to deter employers from engaging in age discrimination ("Laws Enforced," 2009). "The Age Discrimination in Employment Act of 1967 (ADEA) is a federal statute that guards against age-based employment discrimination for those who are 40 years of age or older. Companies with less than twenty employees are not covered by ADEA, but many states do have laws that protect workers against age discrimination. According to "Laws Enforced" (2009). According to ADEA, age bias is a prejudiced incidence that targets employees 40 years of age and older, but the weak economy has also compelled an age bias among younger employees. Employees who experience age discrimination may suffer physically, psychologically, and financially. Employees may lose their jobs, their homes, or they may experience extreme stress as a result of age discrimination. Four particular cases illustrating various instances of age discrimination and how they impacted the lives of the employees were located and documented in the implications and analysis section. The Equal Employment Opportunity Commission conducts all of the investigations into the allegations of workplace discrimination (EEOC, 2009).

The EEOC reports that age bias discrimination is the most common and fastest-growing kind of discrimination. When people think of discrimination, they typically think of black and white, male and female, or homosexual and lesbian. Considering that the national unemployment rate is currently over 10%, businesses are trying to find the most economical approach to carry on with business as usual. Employers now care less about moral behavior and employee relations and more about maximizing profits. The EEOC details the legal repercussions of breaking this law.

- **What is Discrimination**

Discrimination is described as "a prejudiced choice based on a prejudice against and an individual group identified by race, class, sexual orientation, age, impairments, etc." in Webster's Online Dictionary. Some employers are engaging in discriminatory redundancy practices as a result of businesses having to "trim" in order to survive. With a 29% increase in age, a 14% increase in sex, a 13% increase in nationality, an 11% increase in race, and a 10% increase in disability complaints from 2007 to 2008, bias complaints are at an all-time high (Levitz and Shishkin, 2009). With a total of 95,402 complaints, overall job discrimination complaints are at a record high, up 15% in 2008. (Levitz and Shishkin, 2009).

- **Discrimination against older workers**

The most common kind of discrimination to date has been age-based prejudice. "Over the past three years, the number of people who contacted the Michigan Department of Civil Rights claiming age discrimination has increased by 77%, from 703 in 2005 to 1,245 in 2008. A claim of workplace discrimination was implicated in all but one of those (Price, 2009). Several blind experiments have been carried out to determine whether or not elderly workers were viewed on the same level as younger ones. Employees perceived to be under 50 years old were 40% more likely to be employed in a Joanna Lahey research when 4,000 fictitious resumes were put out for entry-level clerk jobs in Boston and St. Petersburg, Florida, contacted for an interview (Price, 2009).

The Department of Labor reports that in January, around 40% of the workforce was over the age of 55. A 4% increase since January 2004 can be seen in the 40% of workers who are over 55. (Levitz and Shishkin, 2009). Older workers are delaying retirement as a result of the weak economy in order to strengthen their 401K and pension. Even in 2002, there was a 2% increase in the number of workers in the 55–64 age range (Armour, 2003).

Although reverse age discrimination is prohibited by federal law for employees 40 years of age and above, some states have passed legislation to protect younger employees as well. The Minnesota Human Rights Act (MHRA) forbids companies from treating workers unfairly because of their age. The Federal Age Discrimination in Employment Act only protects those under the age of 18, whereas the MHRA protects everyone over that age of majority (Ross, 2006). The number of employment available to people between the ages of 16 and 24 has decreased. Almost ten years ago, 59 percent of those between the ages of

16 and 24 were employed; today, only 49 percent are. Additionally, the number of jobs available to Americans between the ages of 25 and 29 is decreasing. Compared to 81 percent a decade ago, only 74 percent of people are employed now (Greenhouse, 2009). In Michigan, lawmakers established the Elliott-Larsen Civil Rights Act after realizing the value of safeguarding employees of all ages. The Elliott-Larsen Civil Rights Act forbids discrimination based on race, color, national origin, age, sex, height, weight, marital status, family status, and other factors, as well as acts of retaliation (Hornberger, 2003).

- **Explanation of Age Bias**

The reasons behind age discrimination in the workforce can be attributed to a number of different factors. Older workers are cited by several organizations and businesses as being less productive, less ambitious, lacking in inventiveness, more difficult to teach, and frequently more expensive (Dipboye and Colella, 2005). Older workers aren't getting hired because "some organizations may have problems with older workers since they may not be willing to shift with a company's new way of doing things or have the technological skill set to maintain pace with their company." Younger workers and recent graduates typically exhibit greater adaptability to change (Price, 2009). The top five misconceptions about older workers were listed by human resource managers in an AARP study that was conducted nationally in 2000. . The top five myths about older workers are that they are resistant to change, less agile and quick, have more health issues, are resistant to learning new technologies, and are less motivated since they are close to retiring and burnt out (AARP, 2009). Because senior staff members tend to earn the highest salaries and have the most attractive benefits, it is also possible that some employers may target older personnel when making layoffs (Levitz and Shishkin, 2009). Younger workers are being rejected due to their inexperience. Due to the economy's problems, younger employees are being let go in favor of older workers or those who have personal or family obligations. In a Rosen and Jerdee study from 1976, younger workers were seen as more imaginative, ambitious, driven, rational, and perform more effectively under duress than elder workers (Dipboye and Colella, 2005).

OBESITY AND DISCRIMINATION IN THE WORKPLACE

The majority of the population in America is overweight. People who are overweight frequently experience widespread prejudice, especially in the workplace. The percentage of overweight people in America is above 64%, and it rises alarmingly every year. According to the Centers for Disease Control and Prevention, 44 million Americans are obese (CDC),. One in five of the people are obese. The most alarming aspect of that data is the 7% annual increase in the number of obese people since 1991. Overweight people make up the majority of the population in America. Overweight people frequently encounter pervasive prejudice, particularly at work. Over 64% of Americans are overweight, and that number is alarmingly rising each year. 44 million

Americans are obese, according to the Centers for Disease Control and Prevention (CDC). Obesity affects one in five people. The fact that the number of obese persons has increased by 7% a year since 1991 is the data's most concerning finding.

Although anti-discrimination regulations for obese persons are starting to exist, stereotypes and frequent prejudice against them still exist in the workplace. Obese employees typically result in higher expenditures for businesses due to higher absence rates, more medical claims, and poorer production rates, according to recent research. A major issue on a global scale is obesity. According to the WHO (World Health Organization, October 2009), obesity and overweight deaths have surpassed underweight deaths as the leading causes of death worldwide. According to WHO research, there are 1.6 billion overweight or obese persons in the world, and obesity is responsible for 2.5 million deaths each year. Over 39 million lost workdays and 63 million doctor visits are attributed to obesity. Overweight employees cost American firms \$13 billion annually (Obesity in America, 2004). Obese adults with BMIs over 40 experienced the most lost workdays (USA Today, 2007).

The findings of the John Hopkins study matched those of the Duke study. According to the John Hopkins study, 85% of the injured workers were considered obese, and 29% (percent) of the 7690 workers included in the study sustained an injury at least once (Obese Workers, Associated Content, 2007).

- **Hesitations in Hiring**

Employers are reluctant to hire overweight personnel for a variety of reasons. The first of these hesitations is a decline in employee output. Numerous studies have found that businesses that hire overweight employees lose money because of a decline in production. Because they are slower and less productive than their slimmer counterparts, overweight employees pay their employers an average of \$1800 per year (Harper, 2008) Employers who take on overweight employees run the risk of rising insurance costs. Healthcare spending made up about 12% of the budget in 2004 but has since increased to more than 18%.

The rate of health insurance, life insurance, disability insurance, worker's compensation liability insurance, and excess casualty insurance are all increasing as a result of obesity, according to a New York-based insurance information institute (Merx, 2004). According to Joyce, the overall yearly expenses of obesity to American businesses were roughly \$13 billion in 2004. In addition, health insurance premiums had increased by 13%. (Joyce, 2004). Additionally, the CDC (Center for Disease Control) reports that the cost of treating patients doubled over a ten-year period, rising to around 150 billion in 2008. In 1998, it cost 74 billion dollars (WSJ, July 28, 2009).

Weight discrimination can have an impact on wages. According to a study, moderately obese women make 6% less money than average-sized women and overweight women make 24% less money (Kirstein, 2002). For workers who are heavier than average, airline industry weight restrictions for flight attendants have been problematic. Due to weight exceeding airline regulations, a flight attendant in *Tudyman v. Southwest Airlines* was fired and his reinstatement was denied (Garcia J, Hofstra Labor Law J. 1995). Weight limitations for airlines have been recognized by courts. To prove our point, we can mention a lot of examples. *Cook v. Rhode Island Department of Mental Health* (1993), *Butterfield v. New York State*, *EEOC v. Watkins Motor Case*, *Pan Am Flight Attendants v. Delta Air Lines*, *McDuffy v. Interstate Distributor Company* (2004), and others.

- **Obesity in the Workplace**

The prevalence of obesity in the workplace is still rising quickly. In fact, it is anticipated that by 2015, forty percent of American workers will be obese (Gabel, 2009). A 1990 study that looked at body mass index (BMI) and body fat % produced lower results than a 2000 study of the same subject matter.

- **Impact of Obesity**

The aforementioned incidents show how obesity affects business. The prevalence of obesity is viewed by many companies as a severe issue. Obesity has an influence on productivity, which is gauged by the number of sick days taken. The costs of lost productivity could be many times higher than those of obesity-related medical expenses. Additionally, compared to being absent from work, working while present but at a decreased rate might be more responsible for losses. Overweight personnel are more expensive. Compared to their fit peers, obese employees filed twice as many workers' compensation claims. According to a Duke University study, overweight workers were more prone than normal workers to file claims for injuries to the back, wrist, arm, neck, shoulder, hip, knee, and foot. 13 times more lost workdays were a result of injuries among obese workers. (Fox, 2008). According to the CDC (Center for Disease Control), obesity results in annual expenses of around \$75 billion for health care, disability, absenteeism, and lost productivity. Prior to 2007, businesses paid 8% extra for medical claims related to overweight and obesity (National Business Group on Health, 2007). According to government estimates, obesity causes over 300,000 deaths annually and costs close to \$117 billion in medical expenses. Over 39 million lost workdays and 63 million doctor visits are attributed to obesity. Overweight employees cost American firms \$13 billion annually (Obesity in America, 2004). Obese adults with BMIs over 40 experienced the most lost workdays (USA Today, 2007). The findings of the John Hopkins study matched those of the Duke study. According to the John Hopkins study, 85% of the injured workers were considered obese, and 29% (percent) of the 7690 workers included in the study sustained an injury at least once (Obese Workers, Associated

Content, 2007). According to research, there are myths about obese people who are emotionally atrophied, sluggish, and selfish, and these myths affect how obese people are perceived. Others believe that overweight individuals are greedy, ignorant, sluggish, and "smelly." "Discrimination towards obese people seems to be the last fashionable form of overt bigotry that individuals may indulge in without feeling guilty."

CONCLUSION

The fundamental problem with obesity discrimination is that the held assumptions may just be beliefs; in many circumstances, the stereotypes are untrue and provide a hostile workplace that does not help or support obese employees. The community, the business, and the public sectors, as well as the individual, are all responsible (Strumpf, 2004). It is becoming clear that either more weight management programs will need to be implemented by companies, or they will need to start being proactive in their hiring policies on this issue.

Business management needs to be aware of the obesity trends in the public and offers their employees who are stressed out by their weight a better work environment. Additionally, they should teach and educate staff members, particularly those in the hiring division, about obesity and prejudice. It's crucial that interviewers avoid making the Halo Error, which would attribute unfavorable traits to obese applicants whether they deserved it or not (Townsend and Paul, 1998).

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