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Nearly one-half (47 percent) of American workers believe that plus-size workers are being discriminated against in the U.S. workplace by their co-workers and supervisors, according to the latest "American At Work" public opinion survey conducted by the Employment Law Alliance.

Judith A. Biggs, partner and Chair of the employment practice group at the Colorado-based law firm of Holland & Hart LLP, said the survey of 603 Americans (who currently work full or part time) is among the first to focus on "the perception and predicament" of America's working overweight.

"Employers continue to focus on trimming budgets, often by laying off employees. A lot of people think employers trim employees based on how they look or how overweight they are. We're seeing real concern among Americans for the welfare of the overweight worker," explained Biggs. Significant findings of the national telephone survey conducted during the week of October 20 include:

- 47% believe obese workers suffer discrimination in the workplace.
- 32% think these workers are less likely to be respected and taken seriously in the workplace.
- 31% say the workers deserve special government protection against weight-based discrimination.
- 30% feel these overweight workers are less likely to be hired or promoted.
- 11% who describe themselves as overweight or obese say they have been the victim of weight-related discrimination in either their current or former workplace.

Biggs, drilling down into the poll results, said they reveal sharp differences in attitudes when it comes to the issue of the government providing special legal protections for the overweight and obese worker. For example, she noted that while 38% of those polled who consider themselves overweight said they support special federal protections, that view was shared by only 26% of the respondents who describe themselves as standard or underweight.

"Obesity is at crisis proportions in America as a health issue but not as an employment issue," said Biggs, "at least not yet. Employers have to realize - and for many this poll will serve as a reminder - that they are looking at a problem that could rival or surpass that of gender and race discrimination in the workplace. Now is the time for education and communication, or increased regulation and litigation won't be far off." In addition, employees throughout the U.S. are seeing their health care costs dramatically rising in part due to the growing epidemic of obesity. According to Biggs, she and her fellow ELA members work closely with their clients to develop and implement employee dietary and fitness programs designed to lower health care costs, decrease absenteeism and increase productivity and morale.

Biggs noted that presently only a handful of cities have explicit laws barring size discrimination. These include San Francisco and Santa Cruz, California. However, California is often thought of as a "bellwether" state, so such laws may spread to Colorado and other states. The poll was designed and conducted by Dr. Ted Reed of the Media-Pennsylvania based marketing research firm of Reed, Haldy, Macintosh & Associates.

The Employment Law Alliance is the world's largest integrated, global practice network comprised of premier, independent law firms distinguished for their practice in employment and labor law. There are member firms in every jurisdiction in the United States and major commercial centers throughout the world. For further information, including access to the survey charts and graphs, visit www.employmentlawalliance.com

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