



MASSACHUSETTS INSTITUTE OF TECHNOLOGY
GRADUATE STUDENT COUNCIL

Statement on An Act Prohibiting Body Size Discrimination

The Graduate Student Council (GSC) of the Massachusetts Institute of Technology (MIT), which represents MIT's 6,900 graduate students, strongly supports efforts and policies that protect the rights of all students, especially as it pertains to vulnerable and disadvantaged communities. Therefore, the GSC strongly supports Bills [H.1822](#) / [S.1127](#), An Act Prohibiting Body Size Discrimination.

Massachusetts Law currently outlaws discrimination in employment, housing, credit and mortgage lending, and places of public accommodation such as schools and health care facilities. Discrimination is prohibited on the basis of race, national origin, religion, disability, age, sexual orientation, or gender identity. However, no protections are in place against size-based discrimination despite such discrimination being evident in healthcare, employment, and other institutional settings. Height and weight have both been shown to disadvantage individuals when it comes to hiring decisions, promotability, and other job-related outcomes^{1,2}. Studies show, when controlling for other socio-demographic factors, employees with high BMIs (>30kg/m²) face a 3-6% wage penalty³ and shorter employees are disadvantaged with every inch of height correlating to a 2.5% increase in annual salary². In healthcare too, there are structural level issues; for example, many treatments for obesity are not considered essential and thus not covered by insurance³. Size-based discrimination impacts students too; one significant example is the lack of correctly sized personal protective equipment (PPE), an issue often overlooked. Employers in numerous industries and academic institutions do not provide access to properly fitted PPE for those who don't fall within a narrow range of average height and weight; this hinders performance and jeopardizes the health and safety of workers. At MIT, students have encountered this issue first-hand when requiring small-sized cleanroom gowns or boots.

Even though size discrimination disproportionately impacts women and certain ethnicities, legally pursuing cases of discrimination with existing anti-discrimination laws often fail due to the requirement to establish a clear nexus between body size and a trait protected by law⁴. Discriminatory policies will continue to remain legal without protections against size-based discrimination. Bills H.1822 / S.1127 seek to prohibit such discrimination by adding "height or weight" to the list of attributes protected in existing anti-discrimination laws and provide essential protections for individuals of varying heights and weights. **Thus, we urge the Massachusetts legislature to pass Bills H.1822 / S.1127.**

Prepared by the External Affairs Board on behalf of the MIT Graduate Student Council. [March 2021]

¹ Register, C. A., & Williams, D. R. (1990). Wage effects of obesity among young workers. *Social Science Quarterly*, 71(1), 130.

² Kimhi, O. (2020). Falling Short: On Implicit Biases and the Discrimination of Short Individuals. *Conn. L. Rev.*, 52, 719.

³ Pearl, R. L. (2018). Weight bias and stigma: public health implications and structural solutions. *Social Issues and Policy Review*, 12(1), 146-182.

⁴ Rosenberg, I. B. (2009). Height discrimination in employment. *Utah L. Rev.*, 907.