

Let the Boss Decide What to Do



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November 29, 2011

If the nation’s public health mandate is to produce a significantly lower level of obesity in the near term, the use of discrimination by employers is a perfectly logical and defensible instrument to employ in such a war on fat. The painful and inconvenient truth is that any rapid reduction in the number of obese Americans would require the private sector to discriminate against, rather than in favor of, the obese.

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The thinner path was first mapped out in 2002, when Southwest Airlines initiated a policy of requesting that its largest passengers -- those who require two seats on an airplane -- purchase two tickets. This was a common sense solution to a growing problem, one that was achieved without government interference or fiat. However, today many states are preventing private health insurers from charging overweight and obese clients higher premiums, which effectively removes any financial incentive for maintaining a healthy lifestyle.

Why is employer-driven discrimination the correct approach? First, this policy would place the costs for being overweight squarely on individuals, giving them stronger incentives to slim down. Second, since most employers want a healthy workforce, it would give them an incentive to help employees control their weight, perhaps by restricting what is served in the company cafeteria, or offering exercise facilities.

Such marketplace-driven discrimination is clearly within the rights of private sector employers. If it turns out that such discrimination actually, if mistakenly, punishes

otherwise productive and healthy employees, the marketplace will punish the discriminating company. Morale among overweight employees will plummet and competing firms will reap the economic benefit of retaining, hiring and indulging the obese, especially if consumers are also morally offended and choose to vote with their wallets against such discriminatory practices.

The decision to discriminate -- or not -- is a decision for each individual employer to make according to his or her own economic calculation and moral judgment. Critically, the employer should exclusively bear and enjoy the respective costs and benefits of that private decision.