

Looks, Beauty, & Appearance Discrimination in Employment

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Looks, Beauty, & Appearance Discrimination in Employment Employment discrimination legislation has evolved to include race, disabilities, sexual harassment of either gender, and age. In lieu of this evolution and an increasing trend toward equality for all individuals in the workplace, the time has come for the protective reach of employment discrimination law to cover ugliness. While the proposal may cause titters at first, evidence exists that discrimination based on looks (or physical appearance) occurs in the workplace. An investigation was conducted by ABC's 20/20 news program in 1994 that sent two men and two women into the workplace to secure the same jobs (Sessions 1). The individuals were coached to act in a similar manner during the interviews and took with them resumes with matching education and experience. The only difference was that one of the men and one of the women was superior in physical attraction to their counterpart. The results demonstrate whether intentional or not, looks discrimination does play a role in the employment process "In five cases out of five, the more attractive woman got the job; in three chances out of three, the more attractive man was hired" (Sessions 1). Historically, legislation aimed at physical appearance is not a revolutionary concept. Many jurisdictions had laws in the past that barred "ugly" or "unsightly" people from appearing in public

places. Such laws today would cause an outcry among civil rights activists. Yet, legislation aimed at protecting “ugly” people from discrimination does not exist on a national level with other employment discrimination legislation. Title VII of the Civil Rights Act affords protection against discrimination based on many aspects, including race, disability, sex, and age. However, before a new kind of characteristic can become protected under federal civil rights law, it must be associated in some form with an already protected characteristic under anti-discrimination law. For example, someone who is grossly obese and believes they have suffered employment discrimination as a result will have a good chance of winning a lawsuit based on discrimination if the obesity is due to some kind of disability or medical condition. However, if the obesity is not related to some already protected characteristics, chances are the courts would not view it as discriminati..... middle of paperon against race “If an employment practice which operates to exclude blacks cannot be shown to be related to job performance, the practice is prohibited” (Shaping 3). Thus, all forms of looks discrimination should be afforded employment discrimination protection that have nothing to do with job performance. The burden will be on the employer to prove those rejected due to physical appearance have a direct bearing on job performance (i.e., someone who is 150 pounds overweight does not appeal to consumers of a diet program, or someone with bad acne does not perform well at a cosmetics counter). Therefore, looks discrimination protection should be afforded under Title VII employment discrimination law. Bibliography: New developments in employment discrimination law. Available at: <http://www.google.com>, November 2000, 1-6. Shaping employment discrimination law. Available at: <http://www.google.com>, November 2000, 1-5. Amack, L. O. The future of employment discrimination law. Law Info Forum, Available at: <http://www.google.com>, March 6, 1994, 1-4. Sessions, D. D. Looks discrimination: If looks could kill.... Equal Opportunity Career Journal, Nov-Dec 1995, 1-6.

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