

CASE #15: OBESE AIRLINE PASSENGERS

Irish airline Ryanair recently raised media attention by suggesting that it may implement a surcharge for passengers above a specified weight limit or waist circumference. According to a representative, one in three passengers surveyed favors an extra fee for overweight passengers.

¹ In response to this so-called “fat tax” some have argued that extra fees amount to discrimination against the obese.²

Most U.S. airlines have policies regarding seats for obese passengers;³ however, these policies are not well publicized. Defending this tendency to be secretive, airline companies state that they prefer to be discreet about announcing this particular area of policy because their onsite workers try to find comfortable seating for all passengers if they possibly can do so. Southwest Airlines, for example, places its Obese Passenger policy on its website.⁴

The lack of a clearly communicated policy on obesity, though, can result in obese people being bumped to a later flight or hit with a double fare or both, due to lack of information. In fairness, this would be likely to occur only with an inexperienced passenger, since agents in the airports usually inform the client, diplomatically in most cases, of the requirements.

Most airlines now require obese people to purchase two tickets in coach. Usually the company refunds the extra fare if the flight does not fill up, making that second seat available. If the negotiation occurs at the gate, no extra fare changes hands if there are empty seats. On the other hand, boarding-time decisions have included incidents of humiliating treatment of passengers, who are called out from the line and confronted in public with their extra-fare obligation, and an option to stand by for a plane offering extra seats.

Passengers who are 6’5” and taller are also met with problems of inadequate space on planes.⁵ However, they do not encounter policies requiring them to arrange appropriate seating for themselves, e.g. by obtaining aisle or emergency row seats, preferably in advance. One obese passenger states that he observed a seat being taken out in a bulkhead row, to allow a tall passenger his leg-room, while he, the fat man, had been offered no comparable accommodation.

“Normal sized” passengers have claims to comfort and safety, as do the obese; legion are the reports to airlines of the many experiences of discomfort, and even embarrassments, that have occurred from being seated next to obese people. This is not always a blanket issue of

¹ Ingham, John, “Now Rynaair plans a ‘fat tax’ for obese passengers,” www.express.co.uk/posts/v/96590/now-Ryanair, *Daily Express, UK News* (Apr. 23, 2009).

² Datko, Karen, “Is airline policy for obese passengers fair?,” <http://blogs.moneycentral.msn.com/smartsending/archive/2009/04/16/is-airline-policy-for-obese-passengers-fair.aspx>, *MSN Smart Spending Blog* (Apr. 16, 2009); see also, Vedelago, Chris, “When size matters: obese passengers and economy seating,” www.theage.com.au/action/printArticle?id=348127, *TheAge.Com* (Jan. 17, 2009).

³ Landsel, David, “Some Airlines Make Obese Passengers Buy Two Seats,” <http://www.smartertravel.com/travel-advice/some-airlines-may-make-obese-passengers-buy-two-seats.html?id=2644439>, originally printed at www.airfarewatchdog.com (Aug. 6, 2008).

⁴ Southwest Airlines, “Customer of Size Q&A,” http://www.southwest.com/travel_center/cos_qa.html.

⁵ Doyle, Brendan, “Airlines squeezing extra fares out of extra-large people,” <http://www.mcclatchydc.com/economy/story/70390.html>, *McClatchy Washington Bureau* (June 19, 2009).

equitable enjoyment of the space; for example, a thin person might have a chronic shoulder or back disorder that requires her to favor one armrest, or else expect proportional support from both. She requests aisle seats for every flight, but cannot always obtain them. If one or both armrests has in effect disappeared into the flesh of another, the back-pain surges up needlessly, and she either suffers in silence or files a complaint. Many slim passengers do not complain and in fact they quietly sacrifice some of their seating space with compassion and empathy. Still, it is they, not the airlines and not the obese people, who pay for extras the overweight people receive.

In January of 2008, the Supreme Court of Canada upheld the “one person, one ticket” policy that has been the touchstone of passenger services since commercial aviation began.⁶ The Court said it is discrimination to require extra fares from the differently-abled, including those who are obese because of an illness and/or medically recognized condition. As of January, 2009, Canadian companies must provide a second seat free for disabled passengers. The firms have complied, but they require medical notation, weeks in advance of the flight, of the disability or of the obesity’s medically-recognized origin. They supply a form for physicians to fill out, including instructions with a diagram on how to “measure the obese person’s butt.”⁷

Obesity remains a controversial subject. Some argue that most obesity results from poor individual choices, including excessive calorie intake and a sedentary lifestyle. Others believe that obesity more likely results from genetic makeup, metabolic disorders or illnesses, or social conditions for which obese individuals should not be held responsible.⁸

⁶ “Ruling means airlines must make room for disabled,” http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20081120/scc_ruling_081120/20081120?hub=Health, *CTV.ca News* (Nov. 20, 2008).

⁷ Weibel, Barbara, “Hysterical New Rules For Obese Canadian Airline Passengers,” <http://holeinthedonut.com/2009/02/06/obese-canadian-airline-passenger-rule/>, Hole in the Donut (blog) (Feb. 6, 2009).

⁸ Neuroanthropology, “On the Causes of Obesity: Common Sense or Interacting Systems,” <http://neuroanthropology.net/2008/04/03/on-the-causes-of-obesity-common-sense-or-interacting-systems/> (Apr. 3, 2008).