

In Atlantic City's Borgata Hotel Casino & Spa, cocktail waitresses are not just drink servers. They are, in the opinion of New Jersey judge Nelson Johnson, "sex objects." The casino calls its waitresses the "Borgata Babes." Their job description is "part fashion model, part beverage server, part charming host and hostess. All impossibly lovely." When the Borgata hires a new babe, it puts her on the scale, then requires her to weigh in periodically throughout her career to ensure that her weight does not increase by more than 7 percent of her initial poundage. If it does, the casino reserves the right to suspend the babe until she slims down.

Last week, 22 of these babes lost a lawsuit against the casino. They had alleged that the Borgata discriminated against them based on both weight and sex. Male servers at the Borgata, they said, are not judged on their babeliness, or their poundage. But Judge Johnson found that the Borgata's requirements were legal because the babe label was applied to a waitress with "that person's participation." He wrote, "Plaintiffs cannot shed the label 'babe'; they embraced it when they went to work for the Borgata." If you take a job as a babe, you better stay a babe. Even if the casino admits that its standard for loveliness is an "impossible" one.

The case shines a spotlight on the lingering acceptability of weight discrimination in the American workforce: Michigan is currently the only state to explicitly bar discrimination based on weight and height, thanks to a 1976 law meant to protect the jobs of female workers regardless of their size. "That's a horrible ruling," Michigan disability rights attorney Richard Bernstein said of the case. "That decision gives employers a tremendous power over people in the workplace." But the ruling also raises questions about the role of babes in workplaces across the country. It's conventional wisdom that male gamblers will keep pulling away at the slots as long as they're lubricated by strong drinks served up by babely women. But wouldn't some female patrons prefer to be served by hunky pieces of man candy? And couldn't most workplaces argue that its jobs are better performed by babes, regardless of the venue? Is it OK to require that strippers be babes? Casino waitresses? How about investment bankers?

While the Borgata babes are heading back to the scale, three women who worked for Merrill Lynch have filed suit against the company for sexing up their own job descriptions. The women allege that their employer forced them to attend female-only seminars on how to dress, to act "perky," and to read a book called *Seducing the Boys Club: Uncensored Tactics From a Woman at the Top* (and to attend a mandatory lecture by the book's author). The book counsels women to stage workplace interactions with their coworkers that play out like "great sex." It tells women that it's "important to reinforce his hunk status," to tell him "I love you," and to use comments like "Wow, you look great. Been working out?" to curry favor among their male peers. That last line, the book says, ought to be applied to any male coworker who is not "morbidly obese." Male Merrill Lynch employees may not be hired based on their bodies, but it was apparently the job of female employees to insist on their inherent babeliness. The case was recently refiled in state court after a similar federal suit was dismissed.

Meanwhile, a legal framework is emerging for barring babes from certain workplaces. This month, an Iowa court found that a dentist was within his rights to fire a longtime dental assistant he deemed sexually “irresistible,” because her existence in his office constituted a threat to his marriage. Before the firing, the dentist had frequently commented on his employee’s babeliness. Though he “agonized” over the decision, he let her go under his wife’s advisement.

What is a working babe to do? Should she work to maintain her babeliness? Downplay her babe status at work? Or dutifully attend office seminars on how best to dress, while outwardly pretending that male colleagues are the real babes here? Perhaps women need a Sheryl Sandberg companion piece—Lean In: Literally Though—to help them navigate this divide. Or maybe American employers ought to stop viewing their female employees as sex workers, and get back to their jobs.