



"Are Obesity-Related Disability Claims the Next Weighty Issue Facing Employers?," The Growth Company January/February 2013 Newsletter

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If the outcomes of three recent federal cases are any indication, the answer is yes. The original Americans with Disability Act ("ADA") provided protection to individuals who were morbidly obese, where the obesity was the result of a physiological condition or disorder and the obesity substantially limits one or more major life activities. In 2008 the ADA was amended to expand the definition of disability. Now, employees no longer have to demonstrate their obesity is caused by a physiological disorder; the fact that an individual is classified as obese – not just morbidly or severely obese – based on their weight, and that their weight impacts a major life activity such as walking or breathing, is sufficient to categorize an employee as disabled.