

Obesity's New Label A Concern For Employers

News

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The Kansas City Star interviewed Atlanta Partner Myra Creighton for the July 22 article “Obesity’s New Label A Concern For Employers.”

The article, which was picked up by several other media outlets around the country, reported on the recent decision by the American Medical Association to classify obesity as a disease instead of a condition.

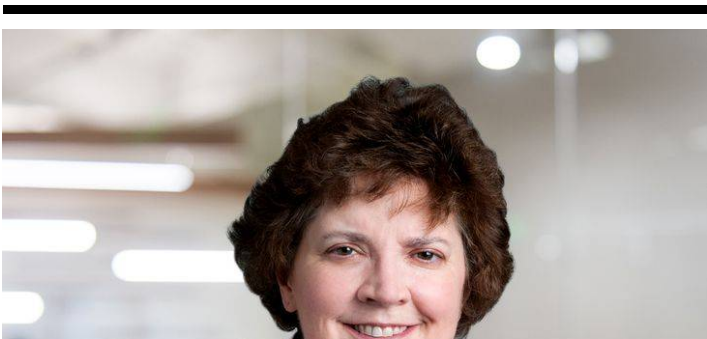
The decision has heightened about its impact on the workplace.

Employees who are obese — possibly as few as 30 pounds over recommended body weight for their height, age and sex — are now more likely to be recognized as disabled with rights under the 2008 amendments to the Americans with Disabilities Act.

Although the physician group’s new definition of obesity doesn’t in itself have any force of law, Myra said: “There’s a high probability it will make it easier for an obese employee to argue that he or she is disabled. It may be easier for employees to prove disability discrimination. And, if classified as a disease, it will be difficult for employers to argue that any level of obesity is not an impairment.” Disability law says an impairment is something that affects a major life activity or body function — and that could include walking or sitting. Obese workers, with extremely limited exceptions, have never had any specific anti-discrimination protections by law. Myra advised, “Employers should avoid any suggestion that the employee’s weight suggests the employee cannot do a particular job.”

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