

## As Americans Gain Weight, Employers Gain Liability

News

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Jeff Weintraub offered insight to *The Wall Street Journal's Risk & Compliance Journal* on obesity discrimination.

Claudia Center, director of the disability rights program at the Legal Aid Society-Employment Law Center in San Francisco, said it used to be very difficult to bring an obesity discrimination claim, but that may have changed, according to the article.

The article points to the American Medical Association's recognition of obesity as a disease last summer, and the withdrawal of restrictive guidance by the Equal Employment Opportunity Commission. EEOC guidance previously said obesity at less than the morbid level was generally not a disability, but that has been withdrawn without any guidance to replace it.

Jeff said that the withdrawn guidance should raise a yellow flag for employers.

"If a wellness program puts an employer in the position of inquiring about obesity and if the obesity is deemed to be a covered disability then I see the possibility that corporate wellness programs themselves could lead to litigation," Jeff said.

[Subscribers can read the full article here.](#) Jeff was also quoted in *Legal Monitor Worldwide*.

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