

Legal Disputes Over Disability Protections for Obese Workers on the Rise

News

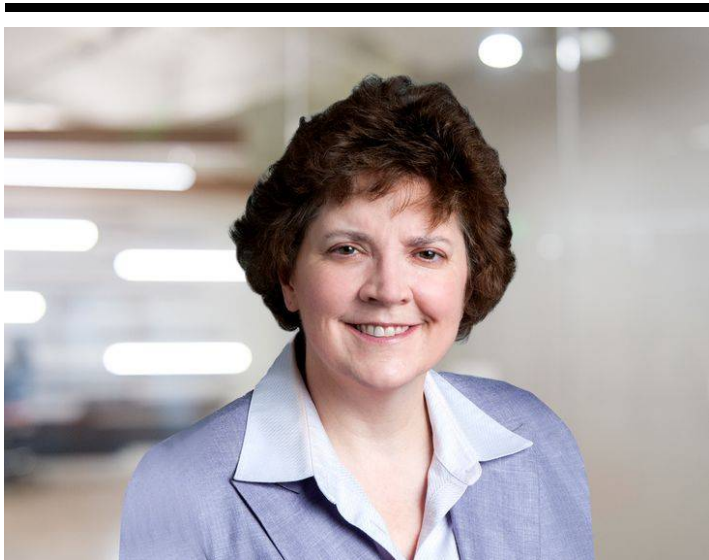
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Courts across the U.S. are issuing conflicting rulings on whether employees who are morbidly obese are protected disability under the ADA. Four circuit courts of appeal have held obesity can only be considered a disability if there is an underlying physiological condition. However, at least two state supreme courts have held that morbid obesity per se can be considered a disability. In speaking with *Business Insurance* on the topic, Myra Creighton says employers should proceed cautiously in their dealings with obese workers. She also explained that it is unlikely that a federal appeals court is likely to rule the ADA covers obesity without a physiological condition. The ADA's definition of impairment "specifically requires a physiological condition," Myra said. Morbid obesity "doesn't meet the definition of impairment" under the law unless that is present.

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