



Employer Wellness Programs Get Clarification

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Chris Morehead's article "Employer Wellness Programs Get Clarification" was featured in *Vancouver Business Journal* on June 19, 2015.

It's no secret that the Pacific Northwest is a hub for outdoor enthusiasts and individuals leading (or trying to lead) an active lifestyle. That's why the new set of rules on employer wellness programs proposed by the Equal Employment Opportunity Commission (EEOC) is worth the attention of Washington employers.

Most people understand that a "wellness program" is designed to encourage employees to live healthier lifestyles, often focusing on eating "better," exercising, quitting smoking or even just completing a health risk assessment to help figure out what their next steps should be. Employers have a huge incentive in seeking healthier employees in their workforce because a healthy workforce means reduced healthcare costs. As these programs have become more popular, employers have expressed concerns about implementing them for fear that they could run afoul of the Americans with Disabilities Act's (ADA) general prohibition on collecting medical information from employees. The ADA allows such gathering of information if it is done as part of a "voluntary" employee health program, but the EEOC has been silent on whether employers could offer incentives to employees to induce them into engaging in such programs. For example, could an employer offer cash prizes to the worker who wins the "Biggest Loser" weight loss competition or quits smoking? The good news is that the EEOC has now offered significant guidance on what compliant wellness programs should look like.

In the article, Chris discusses how the proposed rules offer much-needed, significant guidance on what compliant wellness programs should look like. Chris advises employers keep to in mind that the proposed rule is not finalized yet, so there is time to get into compliance. It's never too early for Washington employers to start thinking about how to structure their wellness programs to match and encourage employees' active and healthy lifestyles.

To read the full article, please visit [Vancouver Business Journal](#).