Employment Law Monthly - December 2012

December 12, 2012

Wait, Watch Her: Obesity as a Disability under the ADA
By Suzanne E. Peters

This year, the U.S. Equal Employment Opportunity Commission ("EEOC") settled two cases involving alleged discrimination based on an employee's obesity. In these cases, Resources for Human Development, Inc. and BAE Systems, the employees claimed that their employers discriminated against them based on their obesity and failed to provide reasonable accommodations, in violation of the Americans with Disabilities Act (the "ADA"). The EEOC's position signals that employers may face heightened liability if they fail to provide reasonable accommodations or discriminate against obese employees.