

# Fat-Shaming in the Workplace: It's Not Nice, But is it Unlawful?

October 10, 2019

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According to the Centers for Disease Control and Prevention (CDC), approximately 40 percent of American adults are obese, which is defined as having a body mass index (BMI) of 30 or higher.<sup>1</sup> Studies also show the prevalence of obesity is substantially higher among women and in minority populations.<sup>2</sup>

No federal legislation protects employees from discrimination due to their excess weight, and only the state of Michigan, along with a sprinkling of local governments, has enacted laws that explicitly prohibit employers from discriminating based on weight.<sup>3</sup> However, the Americans with Disabilities Act (ADA), as amended, and the New Jersey Law Against Discrimination (NJLAD) may protect overweight or obese employees from discrimination in the workplace, in certain circumstances. This article examines...