



## A Heavy Decision: Is Obesity A Disability?



The case of a Danish childcare worker who claims he was fired for being obese has reached the top court in the EU, the European Court of Justice in Luxembourg. Now, judges must clarify existing European law and decide whether employers should treat obesity as a disability, entitling overweight workers to discrimination protection. The court's ruling will be applicable to all EU countries.

Karsten Kaltoft may be representative of plenty of citizens across Europe, England and the US, where obesity levels are rising at an alarming rate. More than half of adults in England are overweight or obese, according to a 2012 survey. Mr. Kaltoft takes responsibility for his weight (approximately 160 kg; 25 stone; 350 pounds), calling it a product of his own "bad habits".

### Weight-Based Discrimination

However, Mr. Kaltoft does not see himself as disabled. On the contrary, he claims that his size did not cause problems in his work as a care provider to children. During an interview with BBC World Service, he denied reports that he could not bend down to tie the shoelaces of children in his care. "We hope the outcome is that it's not OK just to fire a person because they're fat, if they're doing their job properly," he said.

Mr. Kaltoft's former employer, Billund local authority, paid for a three-month gym membership to try to help him lose weight. He worked for the company for 15 years before being let go. Billund authority has attributed his dismissal to a drop in the number of children needing care.

### Wide Application of Court Ruling

One question for the court to consider is whether Mr. Kaltoft's obesity should be protected under the Employment Equality Directive. The directive prohibits job discrimination based on disability. An employment discrimination expert explains the potentially far-reaching ramifications of the court's decision.

According to Audrey Williams at Eversheds law firm, the judges must consider whether there should be preferential rights triggered by a person's obesity in itself, or only by other medical issues to which obesity contributes. If obesity is ruled a disability by the court, employers may be obligated in the future to make adjustments to office furniture and to create special parking spaces for obese employees. Considering the high number of overweight or obese citizens in the EU countries, the ruling will have widespread influence for employers.

[Source: BBC News](#)

Photo Credit: Google Images / BBC

Published on : Tue, 17 Jun 2014