

How many Easter eggs did you eat?

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The NHS has reported that almost 25% of adults in the UK are obese. It will hardly be surprising to hear therefore that questions have arisen as to whether obesity is a disability.

The Employment Appeal Tribunal in, *Walker v Sita Information Networking Computing Ltd*, found that although obesity is not,

in itself, an impairment under disability discrimination law, the physical and mental conditions arising from obesity can qualify as impairments.

Mr Walker weighed over 21 stone and suffered from health problems including bowel problems, chronic fatigue symptoms and depression, which had a significant effect on his day-to-day life. He brought a claim for disability discrimination against his employer. The Employment Appeal Tribunal upheld his claim and said that is not the cause of Mr Walker's symptoms that should be focused on but the effect. This is the case even where the cause is excluded from the definition of disability. A prime example is liver disease caused by alcoholism.

As an employer, if you have any obese employees and the effect of their obesity is that they qualify as disabled under the Equality Act, you will be under an obligation to consider and, where appropriate, make reasonable adjustments.

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