Obesity is not a disability (well not for now at least)

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Obesity does not, of itself, render someone disabled and trigger a duty to make reasonable adjustments on the part of an employer. However, if as a result of someone's obesity there are substantial and long term effects on an employees' ability to carry out normal day-to-day activities (such as lack of mobility) this could mean that an employee is deemed

"disabled" pursuant to the Equality Act legislation.

The European Court of Justice has been asked to review a recent Danish case, where a child-minder was dismissed because he was obese, and consider whether discrimination on the grounds of obesity is contrary to EU law, and if so how?

Separately, employers must be aware of the risk of perceiving a disability where none exists. For example, if an interviewer believed that an obese job applicant was impaired and that was the reason why the applicant did not get the job; then this belief would amount to direct disability discrimination even if the obese job applicant was not impaired. Discrimination on the grounds of perceived but not actual disability is enough to establish disability.

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