

MANAGEMENT

Liability Focus

GLP-1 Drugs and Employment Practices Risks

Glucagon-like peptide-1 (GLP-1) receptor agonists, such as Wegovy and Zepbound, are a class of prescription medications that help control blood sugar levels, slow digestion, and regulate appetite. Although originally developed to treat Type 2 diabetes, the use of GLP-1 drugs has expanded rapidly in recent years to include weight loss and weight management.

While much workplace discussion around GLP-1 drugs has focused on whether they are included in employer-sponsored health plans, employers must also consider the potential employment practices risks that could arise from their use, such as accommodation requests, inappropriate workplace comments and medical privacy issues. Although taking a GLP-1 medication does not automatically give employees protection under the Americans with Disabilities Act (ADA), employers may still face legal obligations depending on an employee's individual circumstances and any underlying medical condition. Failure to appropriately address such obligations could increase exposure to employment practices liability claims.

This article discusses the employment practices risks associated with GLP-1 use, as well as risk management and employment practices liability insurance (EPLI) considerations.

Accommodation and Leave Requests

Employees using GLP-1 medications may ask for certain accommodations, such as schedule changes, additional breaks or temporary leave. Generally, whether an employer is required to provide accommodation depends on whether the employee has a qualifying disability under the ADA. For employees using GLP-1 medications, the assessment typically focuses on the underlying condition being treated, such as Type 2 diabetes or cardiovascular disease. Even in the absence of such a condition, side effects stemming from the medication (e.g., nausea or fatigue) may warrant consideration if they are sufficiently severe to substantially limit a major life activity.

Overall, employers should evaluate these requests consistently and in accordance with their standard accommodation procedures, as inconsistent handling of similar requests can increase the risk of discrimination claims. Employers should also avoid making assumptions about an employee's health status, job performance or need for workplace adjustments based solely on GLP-1 use or visible weight changes.

Workplace Comments, Harassment and Medical Privacy

Visible weight changes may prompt comments from co-workers or managers. While casual remarks are not automatically unlawful, comments related to an employee's weight, health or medical treatment may increase the risk of harassment or discrimination claims, especially when they are severe enough to create a hostile work environment or linked to an actual or perceived disability. Even without a qualifying disability under the ADA, some jurisdictions prohibit discrimination based on weight, height or physical appearance.

Beyond comments and harassment, employers should also be mindful of how GLP-1 use or visible weight changes could influence employment decisions. For example, a manager who notices significant weight loss may assume an employee is unwell or less capable and remove them from a client-facing role or pass them over for a promotion based on that assumption. Adverse decisions based on perceived impairments can give rise to employment practices claims.

Employers should also consider retaliation risks. Employees who request accommodations or raise concerns about discrimination or harassment are generally protected from retaliation. Actions such as dismissal, demotion, reduced hours or unfavorable job reassignments in response to such activity may give rise to retaliation claims.

Additionally, employers are responsible for keeping any medical information obtained through accommodation requests or other processes confidential and separate from other personnel records. Moreover, employers should request only the information necessary to evaluate an employee's limitations.

Risk Management and EPLI Considerations

To reduce the risk of EPLI claims, organizations should consider the following measures:

- **Train managers on disability-related issues.** Organizations should ensure managers understand what they can and cannot ask about an employee's medical condition or medication use, and how to make employment decisions based on objective information rather than assumptions about an employee's health or abilities.
- **Follow a consistent accommodation process.** Organizations should ensure accommodation decisions are based on legitimate, objective criteria and made in accordance with established procedures. Documenting accommodation requests, discussions and outcomes can demonstrate consistency and strengthen the defensibility of employment decisions.
- **Protect confidential medical information.** Organizations should ensure that medical information obtained through accommodation requests or other interactions is stored securely and accessible only to those with a legitimate need.
- **Reinforce anti-harassment and anti-retaliation expectations.** Organizations should remind managers that harassment or retaliation based on an employee's actual or perceived health condition—including weight loss and the use of GLP-1 medication—can create legal risk. Managers should understand and consistently apply the company's anti-harassment and anti-retaliation policies.

Additionally, organizations should review their EPLI coverage with a broker to determine whether their existing policy adequately addresses potential claim types, including accommodation, harassment and retaliation.

Key Takeaways

Although GLP-1 use does not automatically create ADA protection, the underlying conditions for which these drugs are prescribed and any related side effects can. Employers can reduce employment practices risks by handling GLP-1-related workplace issues consistently; avoiding assumptions about employees' health or abilities; and following established accommodation, anti-harassment and anti-retaliation procedures.

Contact us today for further guidance and tailored insurance solutions.

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