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# Voluntary Wellness Programs

An exemption exists from the Americans with Disabilities Act (ADA) for wellness programs, if the wellness program is "voluntary." The EEOC has yet to rule on what amount of financial or other inducements will make a wellness program "involuntary," thereby violating the ADA rules. For the most part, plan sponsors have continued offering minor inducements, such as gift cards, deductible waivers, and copay waivers, for those individuals who participate in a wellness program. For the latest iteration of this long-running issue, the ABA Joint Committee on Employee Benefits asked the EEOC various voluntariness questions. As the EEOC has done for the past 10 years, it refused to set forth even minimal guidelines. This means that employer wellness plans will continue to be subject to the threat of EEOC action as well as participant lawsuits. A copy of the questions and answers can be found here: Questions for the EEOC Staff for the 2011 Joint Committee of Employee Benefits Technical Session