

Unintended Consequences: How COVID-19 Provided a Unique Opportunity for Disabled Workers

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COVID-19 has been such a challenge for everyone across society in all countries and every economy. It has been one of the most disruptive phenomena experienced by anyone in over a century. Because of COVID-19 the very nature of work changed significantly and therefore many obstacles arose that had to be handled as well as some opportunities. Most organizations were caught off guard and as expected clung very hard to established work procedures and protocols that had been previously established. The result created a conflict between accepted corporate cultures and the forces for change to adapt to COVID-19 and its implications. One such issue was the sudden reliance on working remotely and its effects on workers, especially those with disabilities. While this study is about working remotely and those with disabilities, it is important to note up front that regardless of the type of workers involved employer opposition to remote work exists to some extent for all workers and is not particularly directly at those with disabilities.

Keywords: COVID-19, disabled workers, remote work, Americans with Disabilities Act, organizational culture

INTRODUCTION

Unintended consequences come in all shapes and sizes in life. Obviously, such a thing also occurs in the world of work. COVID-19 created such a disruptive shift in the paradigm of work that will forever alter work procedures. In so many cases the sudden and surprising shock to society provided by the COVID pandemic, which started in early 2020, created challenges, hardships, death and for many opportunities. These opportunities created situations in which workers for the first time in anyone's memory allowed for and facilitated a condition where change was not only necessitated but welcomed. The obvious overriding change because of the pandemic was isolation. As people were forced to separate and quarantine, organizations such as governments, schools, churches and businesses were forced to rethink processes that would allow for the need to accomplish tasks and goals and at the same time control the pandemic. Although remote collaboration had taken place previously through various technological means, many turned to remote meeting software such as Zoom to accomplish what needed to be done. After the basis for accomplishing tasks was established through working remotely to educate our children, hold general meetings and to complete work a debate immediately arose between those advocating separation and isolation to battle COVID-19 and those opposed to any kind of mandated code of personal behavior. Even now after the pandemic has seemingly passed the arguments persist over what was done in the recent past and even what is being done now. Many of the battles waged had taken on political, sociological and even corporate cultural overtones and even after a few years they are not any less cooled.

In the world of business, the clashes persist in the corporate culture wars created by the COVID-19 pandemic. The disagreement is fundamentally being argued about the newfound positive experiences of employees working remotely versus organizations demanding a return to face-to-face work interactions now that the urgency of the pandemic has been significantly reduced. Despite recent events, many organizations cling to the notion of sacred corporate cultures formed and codified over an extended period of time. However, the fact is that is difficult to dispute the benefits of working from home with the flexibility it allows and the ability of workers to manage their work-life balance in a preferred manner. While the quality and quantity of working remotely has been in question, there does appear to be positive evidence to support the increased productivity and the satisfaction of remote workers along with lower turnover (Schur et al., 2020). Even in light of all this, the tug-of-war will seemingly continue into the foreseeable future.

REMOTE WORK AND DISABLED WORKERS

The Americans with Disabilities Act of 1990 (ADA) has no doubt made a world of difference in providing opportunities for those in our society who as disabled and face challenges in life, whether it be everyday personal functioning or in the world of work. In over 30 years since its passage the ADA has put a face on those who need to be productive and meaningful members of society. In an ironic twist of fate, The COVID-19 pandemic actually provided one of the greatest chances for more people who face work challenges to have the opportunity to meet and succeed in doing needed and productive work. The reality of the widespread acceptance and demand for working remotely provided historic opportunities for many skilled and underutilized workers (Lee, 2022). The new normal of working from home has provided opportunities for every worker, especially someone with challenges that limit working in everyday office situations that demand mobility and adaptability that may prove difficult. The employment numbers of those with disabilities have not only improved beyond pre-pandemic conditions, but they actually have also exceeded the benchmarks of the pre-Great Recession levels (Tornone, 2023). In fact, almost 52 percent of the increase in employment opportunities for the disabled was due to telework as compared to about 31 percent who were without disabilities most likely because of the fact that workers with disabilities are more likely to work primarily from home (Schur et al., 2020). This may be due in part to the fact that much of the disparity in telework for those with disabilities and those without is basically a function of the types of jobs performed since most disabled workers are involved in blue-collar type occupations where only slight changes may indicate larger percentage changes in work status (Kruse, et. al, 2022).

COVID-19 AND THE AMERICANS WITH DISABILITIES ACT (ADA)

The Equal Employment Opportunity Commission (EEOC) has been very clear in providing guidance and recommended procedures related to the strategies to be employed as related to the workplace in general and in light of recent pandemic conditions. The elements of EEOC Pandemic Preparedness are written in the context of the established legal standards of disability related to definition, reasonable accommodation, undue hardship and conditions for appeals and basically establishes a case-by-case assessment of situations for both parties of telework as an alternative to at-work requirements (EEOC, 2020). The ADA and working remotely requires an interactive approach between employers and employees to create conditions beneficial to both parties that support positive outcomes for both parties. Therefore, it is necessary to understand that employers aren't required to have telework options for employees, any requests for telework should be a shown to be a reasonable accommodation, the requested telework can accomplish workplace requirements and if telework is something that benefits both the employer and employee (Clausen, 2022).

ACCOMMODATIONS, REMOTE WORK AND CULTURE

While the EEOC did state in 1999 that telework may be a form of reasonable accommodation under the ADA, the courts generally over the years have consistently found in favor of employers in deciding that telework is not a reasonable accommodation because it prevents employees from performing an essential job function, which is onsite attendance (EEOC, 2003; Schur et al., 2020). That finding is obviously more difficult to defend because of the forced necessities of remote work during the COVID-19 pandemic and the period time after the pandemic has subsided where essential work was being done successfully (Wagstaff & Quasius, 2020). Besides all the legal arguments there exists the philosophical debate between the benefits of teleworking and an organization's corporate culture. The jolts and shocks of the disruptive forces of the pandemic have rocked the core of many organizations' cultures. Therefore, a myriad of forces is now at play in this area relating to established protocols of culture, the legal standing relating to worker disability, the demands of workers to work at home and the ability of organizations to succeed considering all of this. The fear is that such demands to an organization's mode of operation and its established culture may lead to botched or poorly modified organizational cultures (Spicer, 2020). Any attempts to change an organization's culture requires experimentation that facilitates the development of a new culture which better aligns with new environmental challenges such as the COVID-19 pandemic and its aftermath (Howard-Greenville, 2020).

REMOTE WORK AND DISABILITIES: HUMAN RESOURCE MANAGEMENT IMPLICATIONS

This recent work-related phenomenon emphasizing telework and remote work has made it clear that for any lasting positive results to be achieved for those disabled in the workplace, longer-term structural changes to the distribution of occupations must occur to help the disabled have more opportunities in the labor market (Ameri et al., 2022). Tight labor markets may in fact benefit people with disabilities through concerted efforts to change the conditions, public policy initiatives and the possibility of funding (Casselmann, 2022). There are challenges to be considered as we go forward. Keeping disabled workers clustered in jobs that are less amenable to telework can make reasonable accommodations less of a reality now that the pandemic is past and those who are able to do remote work must try to avoid being "out of sight and out of mind" (Ameri et al., 2022).

Possible corporate programming (Ne'eman & Maestas, 2022; Woods, 2023) has emerged that takes into account several key guidelines to promote the improved workplace conditions for the disabled in light of recent economic system disruptions such as COVID;

1. Encourage and support employers to facilitate positive changes to remote jobs for people with disabilities;
2. Enlighten people with disabilities to increase their human capital to fit with the potential increased need for remote jobs in the future;
3. Increase the technical structure needed to support bandwidth and internet requirements needed for remote work;
4. Empower those with disabilities to be engaged to help provide a competitive advantage to organizations;
5. Develop progressive and innovative Human Resource programs supported by management that help increase the recruiting applicant pool that facilitates fair employment practices and supports employee diversity.

CONCLUSION

People with disabilities is the largest minority group in the United States at 50 million people which is about 15 percent of the population (Woods, 2023). Employing those with disabilities makes perfect sense and obviously can help organizations meet the legal, moral and financial standards and expectations. For

several decades even before the COVID-19 pandemic of 2020, the legal system was reluctant to require employers to permit working remotely as a reasonable accommodation under the Americans with Disabilities Act (Nichols & Grant, 2023). However, that legal standing and “accepted” policy has been more difficult to enforce and defend since the pandemic occurred with a vast number of all kinds of employees, whether disabled or not, worked very successfully from home because of the health-related mandates that were widely required. For obvious reasons, the use of remote work, especially for professional office jobs, is no longer in dispute since most employees now demand such a work option. This has clearly opened the possibilities for those who are disabled to be in a position to exercise the same type of work situation without the type of opposition once seen. Because of COVID-19, the world of work, especially those who are disabled, experienced a very extensive and positive unintended consequence that has provided more opportunities that provide a mutual benefit to both employers and employees.

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