



Gig Workers with Disabilities: Opportunities, Challenges, and Regulatory Response

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Abstract

Purpose This article examines gig work—typified by technologically-based, on-demand, independent contractor arrangements—for people with disabilities. **Methods** To do so, it draws upon prior and current research to describe the nature of gig work for people with disabilities, as well as the challenges and new prospects that such work presents. It also discusses recent regulatory reforms and proposes improvements, particularly in light of the current pandemic. **Results** Participation in the traditional employment market for people with disabilities who can and wish to work remains limited, even when workplace accommodations and individualized adjustments are possible. Increasingly, though, self-directed or independently contracted work is a way for people with disabilities to participate in the mainstream economy. The “gig economy,” in particular, has provided additional opportunities for self-directed work, although the novel coronavirus pandemic has required existing approaches to be reconceived. **Conclusions** The gig economy provides new prospects, as well as challenges, for people with disabilities to engage in meaningful work. It also requires innovative regulatory responses to the gig work relationship, especially during the pandemic era.

Keywords Right to employment · COVID-19 · Disability studies · Government regulation · Workplace

Gig work—typified by self-directed, on-demand contracting arrangements using a company’s online platform to arrange work tasks—has created new prospects for people with disabilities to participate in the economic mainstream. In this article, we consider ways in which gig workers with disabilities may enter and succeed in this fast-developing sector. We also consider the challenges gig work presents for people with disabilities as they endeavour to engage in the mainstream economy.

Unfortunately, in the past, people with disabilities who have had the capacity and desire to work have been limited in their entry to and participation in the traditional employment market, even when workplace accommodations and individualized adjustments were possible [1, 2]. Disability

antidiscrimination laws in the United States, such as the Americans with Disabilities Act (“ADA”) in 1990 [3], and similar laws of other countries [4], were designed to reduce attitudinal and structural barriers to employment for people with disabilities. But such barriers persist: attitudinal barriers include express and implicit discrimination [5], as well as governmental or regulatory policies that act as disincentives to employment [6]. Structural barriers include the ways in which tasks are arranged and organized, and the design of the physical and technological aspects of work and workplaces themselves.

Research shows that many workplace accommodations, such as flexible workhours and reasonable adjustments to how work is performed, enable productive participation in employment across the spectrum of disabilities [7–9]. Still, often it is easier for people with disabilities to create and manage inclusive and flexible work arrangements when they own and operate the businesses in question, as do self- and independent-contractors. This is one reason why a relatively high proportion of people with disabilities choose to engage in self-contracting as opposed to traditional employment [10].

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Gig work is typically performed independently and therefore outside of the traditional employment relationship, which historically has been overseen by regulatory or governmental requirements. For instance, “employees” may be afforded opportunities to purchase retirement and healthcare benefits, and they are typically protected by wage regulations, occupational health and safety rules, and anti-discrimination laws that protect people with disabilities or those with other protected characteristics such as age and gender. Because they are independent contractors, however, gig workers are not afforded the traditional and typical terms, privileges, and benefits associated with employee status. Instead, self-directed gig work is scheduled around, and compensated based on, the completion of designated tasks organized by an online platform, such as those used by on-demand transportation and delivery service companies [11, 12]. Gig workers, as individual contractors rather than employees, perform prescribed tasks for compensation, often during irregular work hours determined by customer demand [13].

The rise of gig work has been tied to the expansion of “e-commerce”—the online marketplace for goods and services—which relies on mobile handheld devices (smart phones, tablets, and other technologies) that allow for geolocation in real-time [14, 15] and “peer-to-peer” or “business-to-customer” communications [15, 16]. Presently, millions of people offer their services to online companies or are customers of such e-commerce platforms [13]. The rise of the gig economy has thus altered customary physical “brick-and-mortar” business models and employment models associated with them [17, 18].

This article first introduces people with disabilities as gig workers. It then considers ways in which gig work offers new prospects to people with disabilities. Thereafter, it examines challenges confronting gig workers with disabilities who engage in this evolving and under-regulated labor sector, where workers generally are not protected by customary employment laws and policies [19]. Lastly, it scans recent regulatory reforms as applied to gig work in the United States and other countries, and it offers proposals for possible improvement, particularly in light of the health and economic emergency resulting from the novel coronavirus pandemic.

Gig Workers with Disabilities

Throughout history, the desire and capacity of people to seek work, and the conduct of individuals or entities hiring people to work, have been transformed by technological advancements. Gig work is the most recent of such transformations. For many people, with and without disabilities, gig work has altered ways in which services and goods are provided.

Gig work covers a spectrum, from large-scale tasking or “crowdsourcing,” where multiple independent contractors work together on paid tasks, to more micro, individually-based, on-demand work activities that involve transportation and delivery services [18]. The stand-alone, freelance nature of gig work has been said to be akin to the work experiences of musicians performing a “gig” [20].

Gig workers, of course, may be entrepreneurs, small business owners, or self-employed contractors. In each instance, they are compensated for work completed, and they typically choose the times, but not necessarily the means, to accomplish specified tasks [21–23]. As self-directed workers, they contract with businesses for work tasks [24], but without the safeguards of the traditional regulated employment relationship. Instead, as independent contractors they are impersonally linked online to task brokers who manage their business via on-demand platforms.

Gig workers typically are required to purchase and maintain their own equipment (automobiles, smart phones with internet connections). To a greater degree than in traditional employment, they must absorb the risks (and enjoy the monetary upside) associated with completing assigned tasks on a schedule they often can choose [25]. By engaging in this “regulatory arbitrage,” gig workers agree to absorb the perils of independent contract work in exchange for flexibility in the use of their human capital [26]. One result of this arrangement is that gig workers generally do not organize their collective labor [26]. Indeed, the transportation online app Uber has funded an Independent Drivers Guild on the proviso that its participants do not unionize [26, 27].

For people with disabilities, the enduring lack of traditional employment opportunity had already contributed to interest in non-standard, independent contracting work relationships before the gig economy [1]. Self-employment arrangements and entrepreneurial activities have been areas of enduring interest for people with disabilities [28–31]. For example, there has been a history of people with disabilities working in the information communication technology sector, with required expertise akin to aspects of gig work [32–34].

In the United States, self-directed work has been an avenue for economic advancement by people with disabilities, and high numbers have engaged in self-employment [35, 36]. During the years 2000 to 2015, when compared to workers without work limitations, self-employment rates were 3.5% points higher for male workers with work limitations and 2.6% points higher for female workers with work limitations [37, 38]. Likewise, globally, high numbers of people with disabilities engage in self-directed work. This worldwide interest is reflected in Article 27 of the United Nations Convention on the Rights of People with Disabilities (“CRPD”) [39, 40], which is an international treaty that promotes self-employment as a central means for economic

advancement. Despite its increasing popularity, there have been relatively few studies examining the degree to which gig work may be an economically and logistically viable option for people with disabilities.

Benefits of Gig Work for People with Disabilities

Perhaps the primary benefits of gig work for people with disabilities are the abilities to independently control their work schedule and to create individualized disability-accessible work systems [10]. Like other self-employment arrangements, gig work allows greater control of when and how tasks are performed than traditional employment. People may, themselves, determine how to accommodate their individual needs [32, 40, 41]. For instance, a gig worker might distribute work into micro or focused tasks that allow for regular breaks as needed [42]. In general, control over the conduct of tasks benefits workers who desire flexibility as to the type and number of tasks they undertake, whether to accommodate their own health conditions or those of family members with disabilities.

Many disabilities are not visible, such as mental and cognitive health conditions including depression, anxiety, and learning disabilities, or physical health conditions such as diabetes and epilepsy [43, 44]. Flexible work hours can benefit people with these disabilities by reducing or avoiding the need to disclose them to an employer, thereby reducing potential stigma and bias. Self-directed work likewise reduces the need to seek formal accommodations, such as flexible time or permitted down periods when someone is not able to work, which also may result in stigma or even co-worker resentment [45]. From the perspectives of the workers themselves, the ability to manage work hours and pace can lessen the detrimental impact that fatigue and stress may have upon health conditions such as immunodeficiency disease, back impairments, and arthritis [8, 43, 44].

That work tasks and schedules may be adjusted to individualized needs, without the need to disclose a disability, is of particular relevance to people with stigmatized disabilities. Research documents high levels of employment bias and discrimination facing such individuals, both historically and presently [5, 46, 47]. Gig work further enables people to avoid disclosing private, non-task-relevant medical histories that sometimes are considered in different types of traditional employment decisions, albeit in contravention of laws like the ADA [1, 48].

As a general matter, the law does not enable gig workers with disabilities who need accommodations or adjustments to the online platform itself to require gig contractors to provide and fund such supports or changes [49]. Still, assuming the online platform is generally accessible, gig workers who operate their own business have greater control over how they arrange and perform their work tasks.

For example, people who are hard of hearing or with visual conditions nonetheless may operate as on-demand transportation or delivery providers when the online platform contains basic accessibility features such as voice activation and screen reader compatibility. Additionally, gig workers with disabilities may choose to use “natural supports,” such as compatible assistive devices or help from family and friends, in performing their work tasks [50].

For certain tasks, or parts of tasks, gig workers with disabilities may need to work from their homes or part-time [51]. Before the crisis provoked by the COVID-19/novel coronavirus pandemic, working from home was largely an exception in traditional employment, or viewed by employers as only a limited accommodation for otherwise-qualified employees with disabilities [1]. But working from home is now a “new normal” [1, 52, 53]. Still, recent studies show that, during the pandemic, remote work is more prevalent in industries involving more highly educated and paid workers [37]. Remote work is relatively less prevalent in lower-paying manufacturing, health sector, and related employment sectors. Gig work, often as a second source of income for persons with disabilities and others in lower-paying jobs, presents an alternative source of income. Whether part-time or on a flexible basis, gig work from home also may be especially beneficial for people with disabilities who require individualized medical or assistive devices and supports that they have arranged in their residences.

Challenges of Gig Work for People with Disabilities

When managed well, gig work, like self-employment generally, enables people with disabilities to gain experience, training, and economic independence. This option can play a significant role when people with disabilities transition from high levels of unemployment, under-employment, and governmental-based income supports to competitive work [1, 54]. But, as for self-employment generally, gig work is not without its particular challenges to people with disabilities [42].

Many people with disabilities lack the training, work history, and financial resources to enter gig work. It can be difficult to turn a desire to work into an operational and viable independent business. Administrative and other record-keeping activities are required to keep the businesses operating and compliant with legal requirements such as paying taxes and maintaining insurance. On-demand gig transportation and delivery services require transportation vehicles in good working condition and payment of associated upkeep costs. Gig work entry often requires acquiring financial investment or technical training support, which may be available to people with disabilities through governmental or private vocational rehabilitation services.

As the rates of gig workers with disabilities are rising [55, 56], the economic vulnerabilities of gig workers are coming under increasing regulatory scrutiny [57]. As said, gig work often serves as a necessary dual or second part-time source of income. If not properly managed and reported, this additional income may jeopardize the receipt of governmental welfare benefits [58]. In the United States, the Social Security Administration is the primary source of governmental disability work insurance (Social Security Disability Insurance or “SSDI”) and income and health cash benefits (Supplemental Security Income or “SSI”), as well as Medicaid and Medicare health insurance. These programs typically require recipients to stay under an income limit determined using a means test and need-based calculations [1].

The possibility of exceeding the income limits for governmental benefits, sometimes called an “income cliff,” acts as a disincentive for disabled recipients of governmental benefits to pursue additional income via gig work [58]. This disincentive has a real impact, even though large numbers of people with disabilities who are working still live below the poverty level. The economic complexities for gig workers with disabilities are discussed further below in light of federal and state regulatory responses in the United States to the rise of gig work, as well as the response to the health and economic emergency caused by the pandemic. Generally, the regulatory responses to date have complicated the determination of whether gig workers are considered independent contractors or traditional employees.

As in the United States, in Australia people with disabilities are more likely than workers without disabilities to pursue gig work as an essential way to meet their basic income needs [55]. The Australian government commissioned a survey of more than 14,000 people as part of its inquiry into the on-demand workforce [55]. The findings show that within the range of economically vulnerable workers, those with disabilities are more likely to participate in gig work than are workers without disabilities [55].

In addition to income and governmental benefit considerations, gig workers have limited or no control over their business relations with gig contractors [59]. Gig companies exercise technological control, monitoring, supervision, payment, and contractual dominance in ways different than, and perhaps greater than, traditional employers [33]. Gig companies may be less willing, or not required by regulation, to make individualized adjustments to accommodate individuals with disabilities, whether justified by perceived or actual economic and safety reasons. There is a dearth of research in this area.

To provide one example that the second author has learned of, gig companies may be resistant or hesitant about allowing workers with mobility impairments, such as those associated with an inability to use their legs to drive, to use hand controls as on-demand drivers, even

though they may otherwise be qualified and insured drivers presently using such devices. Similarly, without web-based accessibility accommodations readily available to a gig worker’s smart phone, gig companies may be resistant to working with individuals with low or monocular vision, or who are hard of hearing, even though, again, they are otherwise qualified drivers. Gig companies may contend that people with such disabilities create a safety risk, require they use different accident insurance than usual, or require impractical adjustments to the gig platform system. As to the last point, although little research is available, it is not apparent the extent to which retrofitting or individualizing online gig platform systems is difficult or costly in practice [60].

In general, therefore, gig companies that develop and control their core and patented technology platforms may be reluctant to make individualized adjustments for workers with disabilities, whether for sensory, physical, or cognitive impairments. The issues raised by such adjustments are discussed below in the context of universally designed solutions for gig work technologies.

Lastly, there is a dearth of study on the extent to which gig workers with disabilities transition to and from traditional employment, or use gig work as a dual source of income [38]. Information is needed on the reasons workers with disabilities may prefer gig work, whether as a second job or as post-retirement work for economic security. Little is known about the economic and personal reasons for engagement in gig work by people with disabilities.

Is gig work sought as a consequence of disability, of discrimination in traditional employment, or of insufficient income from governmental benefits programs and those programs’ disincentives to obtain and retain employment [27, 61–63]? While gig work is a viable and important option for many with disabilities, supporting traditional employment options must remain a prime focus of governmental regulatory policy [64]. However, there is insufficient study of the degree to which gig work may lead to an array of employment options for workers with a range of disabilities [38]. If not carefully considered, gig work may simply replace one low-wage work option with another [65, 66], and particularly so during the pandemic.

In summary, primary and applied research at all levels (individual, organizational, and regulatory) is needed to understand the reasons people with disabilities engage in gig work. If they do so because they cannot secure work in the traditional labor market due to a lack of education or training, attitudinal and structural barriers, or economic disincentives, then these factors suggest a research agenda to determine what programs and regulatory incentives are needed to support gig workers who desire to enter mainstream employment [38]. This is the focus of the next section.

Regulatory Intervention—Opportunities and Challenges for Gig Work

When deciding whether to pursue gig work, people with disabilities, as do all people, assess whether the work is viable economically and whether it meets individual needs and preferences [1]. But because of the health and economic emergency caused by the pandemic, this calculation has become more complex and difficult, with no satisfactory results. Higher-level intervention is needed.

Governments are now being challenged in unprecedented ways to spur both traditional and new forms of economic opportunity and activity. Most particularly, they must address challenges facing people with disabilities who seek to enter or re-enter the mainstream economy; due to the pandemic they have had among the highest rates of job and income loss as compared to those without disabilities [1]. In the United States, as in other countries, governments at all levels (here, local, state, and federal) are examining whether and, if so, how, to spur the as-yet generally unregulated conditions of gig workers.

In addition to determining whether to increase regulation of gig work itself, governments are examining regulatory issues posed by the ability of e-commerce companies to collect data and analytics about both their consumers and their workers [5, 12, 67]. While the issues raised by the gig economy are similar in some respects to those of traditional employment, in many respects gig work is a new economic paradigm, particularly when it comes to data collection.

Putting aside for the moment these important issues of data security and privacy, currently most countries' regulatory schemes are designed to respond to issues that arise in the traditional employment relationship. These may include fairness and equality in the conditions and terms of employment, environmental and workplace safety protections for employees, requirements for family and other leave practices and workplace accommodations, and the terms of labor and collective bargaining agreements.

While independent contract work arrangements have long existed, they remain relatively unregulated. Task-oriented gig work controlled by an online platform is different from traditional forms of freelancing. In deciding whether to regulate the gig economy, governments first must consider in what ways regulation may direct particular interventions, and to what end. Take the example of workplace accommodations: should regulators require gig companies to provide reasonable accommodations at their expense for their contractors, and if so, what might those accommodations include? Should gig workers be protected by employment antidiscrimination laws on the basis of their disabilities and thereby be covered under equal employment opportunity laws?

The answers to such questions will vary according to a country's regulatory paradigm. In the United States, employment laws customarily use the employer-employee relationship as the trigger for regulatory intervention. Independent contractors, as a general matter, are not covered by, for example, the ADA's employment provisions [1]. It is possible that gig workers with disabilities may be protected against discrimination under other federal and state laws, but that body of case law has yet to evolve.

Recently, however, there have been regulatory attempts in some jurisdictions to provide the growing numbers of gig workers employment-like protections, endowing them with rights as "employees" of the gig platforms they service [18]. In 2020, the State of California enacted a law (Assembly Bill 5) that, for purposes of the State's labor code, deems people providing labor or services for remuneration, such as self-directed gig workers, to be employees rather than independent contractors. The law does not apply if the hiring gig entity can demonstrate that the person performing the work is free from the entity's control and direction in the performance of the work.

Under the California law, gig platform companies must demonstrate that the person performing the task is working outside of the usual course of the company's core business. Defining the "core" business, of course, is a task for regulators, or for the courts to decide on a case-by-case basis. Some questions that arise in the context of gig work: must the worker be shown to be operating independent of the technology company's online platform development and maintenance? Is operation of the gig technology the core "business" endeavor for purposes of this analysis? Is the worker engaged in tasks that customarily are considered part of an independently established trade, occupation, or business [68]? No doubt, such questions will require close interpretation in future legal cases.

A number of countries besides the United States have examined their existing regulations that define "employees" for purposes of the traditional employment relationship and have found that traditional approaches do not easily transfer to gig work relationships [69]. To address such issues, Italy and Spain have created "intermediate" categories of workers who may receive traditional employment protections [69]. Likewise, Canada has created a "dependent contractor" category, which expands coverage to traditional employment protections [69].

Some commentators suggest, however, that rather than focusing primary regulatory reforms on workers, as do the United States and Canadian schemes, regulators should focus on employers [18]. This approach is used in Australia's rules for home-based "outworkers" [70] and labor for hire arrangements [71, 72]. The idea is to enhance the working conditions of, and protections for, independent workers generally. But it is not yet clear what the application may be

for gig workers with disabilities because in many countries existing labor and employment laws still fail to afford people with disabilities equal exercise of their “right to work.” Article 27 of the CRPD, referenced earlier [39, 40], does promote such rights for economic advancement. Although the United States has not ratified the CRPD, almost two-hundred other countries have signed the treaty. But actual implementation of laws and regulations providing these rights is inconsistent.

A more radical approach to regulating gig workers is to abandon altogether the traditional employment relationship as the trigger for regulatory intervention. Harpur argues in support of this idea that disability antidiscrimination laws for employment generally have failed to target the causes of discrimination at work [73, 74]. Other commentators suggest that abandoning the traditional employment relationship trigger would result in more appropriate protections to all people performing work, broadly defined [18]. This regulatory approach is used in a number of jurisdictions such as Australia, where supports are provided directly to people with disabilities to help them operate their businesses [18].

Another non-traditional approach that may especially benefit gig workers with disabilities in terms of equality and integration into the economic mainstream is the use of accessible and universally designed technologies and services by gig companies [60, 75]. Universal Design (“UD”) alters the concept of a “normal user” of physical and virtual products, services, and technologies by expanding the range of people who are able to use such services without the need for retrofitting, assistance from others, accommodations, or assistive technologies [76]. By enabling more people to use products and services without a need for disability-specific adjustments, and facilitating universally accessible designs for all aspects of gig work platforms (such as engagement, task arrangement and scheduling, and payment systems), UD makes gig work more readily available as an option to people with disabilities.

The benefits of UD are not limited to gig companies or to people with disabilities; all can benefit. UD has the potential to remove structural and attitudinal barriers to gig work that negatively impact engagement in the economic mainstream generally [77]. Even further, while UD is poised to assist gig workers of all abilities, it also can have transformational implications for the participation of people with disabilities in other types of work and in broader aspects of society [77, 78]. Because UD has the potential to mitigate attitudinal and structural barriers, it can also help to engage people with differing minority identities, differing capabilities, and roles that are interconnected or “intersectional” [1, 5, 56].

Overall, for people with disabilities who seek work in the gig economy, personal circumstances, in combination with disability, affect scheduling availability, income generation, and available time allocation, along with the ability

to meet job, family, and educational obligations, and to take advantage of transportation opportunities. These factors, in turn, interplay with family status, child-care responsibilities, gender, age, health and monetary considerations, and other conditions of life. These varied interactions require prompt additional study before effective regulatory schemes can be developed [38, 58, 79].

Gig Workers and the Response to the COVID-19 Global Health and Economic Emergency

While gig work has promise for people with disabilities to obtain or add sources of income, working according to schedules and in conditions they determine, gig work also can be constraining when it is the de facto or primary source of income. Its value to people with disabilities is unclear due to the regulatory, legal, and practical questions that remain unanswered. These questions, further, have been complicated by the global health and economic COVID-19 pandemic emergency. In light of these unprecedented circumstances, it is not yet apparent if, and to what extent, people across the spectrum of disability will have the same opportunity for meaningful engagement in the gig economy as do people without disabilities.

There is great uncertainty as to how, and the extent to which, the global health and economic emergency will effect short- and long-term systemic change to local, within-country, and regional economies or health systems. Governmental responses to the emergency are both country-specific and intertwined across the globe and in different types of communities.

In the United States, national regulatory economic stimulus programs have been enacted across the spectrum of small and large businesses to support traditional employees and gig workers [1]. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act provided emergency economic assistance and health care for individuals, families, and businesses affected by the pandemic [80]. The CARES Act, Section 1102, provides that individuals who operate as sole proprietors and independent contractors, as well as other self-employed individuals, are eligible, depending upon their income levels, to receive wage supports and loans during the pandemic.

The CARES Act, Section 2101, “Pandemic Unemployment Assistance,” provides monetary benefits for individuals who are self-employed, seeking part-time employment, lack a sufficient work history, or otherwise would not qualify for unemployment or extended benefits under state or federal law or pandemic emergency unemployment compensation [80]. These individuals must be able and available for work, unless the individual is unemployed or not able to work due

to the pandemic. The law covers individuals with symptoms or a diagnosis, household members who have been diagnosed, individuals providing care for family or household members diagnosed, or individuals who cannot perform their jobs because a child or people in the household for which the individual has caregiving responsibility are unable to attend school or facilities that are closed due to the health emergency [80].

The CARES Act's unemployment insurance coverage does not extend to individuals who have the ability to telework for pay or who are receiving paid sick leave or other paid leave benefits. Australia has passed a similar stimulus package to cover individuals and small businesses [24], with guaranteed loans for "small and medium enterprises" [81].

At the local level, in California for example, regulations direct the State's unemployment agency to help gig workers file for unemployment benefits on the same footing as would traditional employees [82]. This is in accord with California's Assembly Bill 5, introduced earlier in this article, which reclassifies independent contractors who are gig workers as "employees" of the online platform company. It is not yet clear how these measures may help or hinder, the economic advancement of gig workers, particularly those with disabilities. Critics of the California law contend that, although well-intentioned, this reform may result in the elimination of gig opportunities for those most in need of additional income [83]. Gig companies will not want to incur the costs of engaging freelance and part-time workers as traditional employees, with the required benefits and terms of employment.

The health and economic emergency has prompted other transformations of gig work, such as delivery services deployed in lieu of traditional onsite shopping. At the same time, the pandemic has depressed parts of the gig economy, such as the use of on-demand transportation services. Gig workers who have lower start-up and restart-up costs may be able to pivot to areas of the gig economy that require work to be done. For example, the on-demand transportation provider may shift to food and product delivery. But while the gig worker's capacity to shift within task areas may be relatively fluid, this flexibility comes with uncertainty as to future work opportunity. And there are other uncertainties as to whether gig workers with disabilities will find a place in the post-pandemic economic shakeout.

During this time of economic and health uncertainty, we may likewise witness changes in employment antidiscrimination laws to extend their reach from traditional employment to contracting work [3, 84]. To date, the traditional employment relationship has triggered most regulatory advances for workers with disabilities, as well as for other categories of protected individuals [85]. But it is possible that legal protections for independent contractor and part-time worker relationships, typically treated as commercial

operators without regulatory protections as to conditions of work, may be modified [86]. The pandemic's economic devastation may require governments to consider expanded forms of worker benefits in the areas of health insurance, retirement, leave policies and unemployment insurance, accommodation, remote or telework opportunities, and other terms and privileges that transcend the traditional employment relationship [38, 87, 88].

Conclusion

During the thirtieth anniversary of the ADA in the United States, and the coming fifteenth anniversary of the CRPD, there is growing recognition of the rights of people with disabilities to engage in gig opportunities on an equal basis with others [1, 89]. More than ever before, people with disabilities are seeking opportunities to take part in employment, civic and educational activities, and undertakings central to societal participation [89, 90]. People with disabilities are seeking to establish themselves as viable economic actors with a fair chance to achieve financial growth, security, and independence [91–93].

Gig work does not yet fully consider the individualized needs and skills of people with disabilities, notwithstanding its flexibility in work arrangements [6, 64]. As the social model of disability explains, society and its technologies are in large part designed for able-bodied users, and people with disabilities are not regarded as "standard" workers [6]. This physical and technological "designing-out" of otherwise motivated and qualified people with disabilities excludes them from meaningful work and participation in society. The UD paradigm discussed earlier, however, offers promise for the future.

For people with disabilities in the United States, existing employment protections under antidiscrimination laws like the ADA require reasonable physical, programmatic, and technological access via accommodations and individualized adjustments in employment [94, 95]. Yet, the health and economic emergency has created a "new normal" for work, based on flexible and accommodating approaches for millions who have lost their jobs but are able to work remotely or by telecommuting, or who are working part-time with flexible scheduling [88, 96]. We do not yet know the lasting effects of this unprecedented paradigm shift, in what ways it will transform the gig economy or other parts of the economy, the extent to which existing laws may also shift, and whether people with disabilities will be included in that transformation [38, 97–102].

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Compliance with Ethical Standards

Conflict of interest Author Paul Harpur declares that he has no conflict of interest. Author Peter Blanck declares that he has no conflict of interest.

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