

ADA Prohibits Retaliation Against Workers Who Telecommute as a Reasonable Accommodation, SHRM, ft. Philip Voluck

Philip R. Voluck, managing partner of the KD Blue Bell, PA office and co-chair of KD's Labor & Employment Law Practice Group, is quoted in an article written by Allen Smith, JD and published by SHRM.

Workers who are at higher risk for severe illness from COVID-19 because of an underlying impairment may be entitled to telecommute as an accommodation under the Americans with Disabilities Act (ADA). But they may also be scared of being retaliated against for telecommuting.

Make sure managers know that the ADA prohibits retaliation, particularly given how common retaliation claims have become and how difficult they are for employers to defend against.

EEO laws, such as the ADA, that prohibit retaliation provide that an employee cannot be retaliated against for having engaged in protected activity. Requesting a reasonable accommodation under the ADA can be a protected activity, said Philip Voluck, an attorney with Kaufman Dolowich & Voluck in Blue Bell, Pa. He emphasized that a general fear of contracting COVID-19 is not protected activity.