

Towards Ableism Against Unvaccinated Workers in the "Post-COVID-19" Workplace? Emergent Labor Market Controversies Following the Israeli Inoculation Campaign

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Abstract

Accumulating studies have addressed the stark inequalities revealed by the Coronavirus disease 2019 (COVID-19) pandemic. Considering the progress of SARS-CoV-2 inoculation, there is a risk that embedded inequalities will be further exacerbated due to uneven access to “post-vaccine” labour markets. Considering that human resource management (HRM) has played a significant role during COVID-19, the purpose of this study is to decipher the stance of HRM professionals in regards the inoculation controversy, which has percolated from society to the labour market. The participants in this study were 40 Israeli prominent HRM professionals from varied business organizations. In-depth semi-structured interviews were conducted to explore participants’ conceptions of the challenges organizations face considering the heated social controversy in regards the employment of unvaccinated workers. The findings suggest that unvaccinated workers and jobseekers are highly susceptible to both openly acknowledged and covert discrimination against them by employers as well as co-workers. HRM professionals are particularly concerned about discrimination against unvaccinated jobseekers in recruitment and selection processes, and discrimination against unvaccinated workers leading to employee dismissal. This study, which reflects current HRM controversies, makes a contribution to the critical theorizing of the post-COVID-19 workplace as regards non-vaccination as a cause of discrimination.

Keywords: COVID-19, Discrimination, Human resource management, Unvaccinated workers

1. Introduction

While initially the Coronavirus disease 2019 (COVID-19) pandemic was considered an unprecedented global unifier, with countries worldwide all challenged to flatten the infection curve, accumulating studies have addressed the stark inequalities revealed by the pandemic (Bapuji et al., 2020; Nkomo, 2020). As more and more countries have progressed with SARS-CoV-2 inoculation campaigns, there is a risk that embedded inequalities will be further exacerbated due to uneven access to the “post-vaccine” labour market. Higher inoculation rates have allowed the safe reopening of various areas of daily living activities that have been partially or fully shut down since the outbreak of the pandemic. Many individuals, however, especially people with disabilities, are not vaccinated and hence may be discriminated against by employers.

Studies on human resource management (HRM) in the “post-vaccine” workplace are still rare. Considering that HRM has played a significant role during COVID-19 (Collings et al., 2021), the purpose of this study is to decipher the stance of HRM professionals in regards the inoculation controversy, which has percolated from society to the labour market. This study is based on the emerging shifts in the Israeli labor market following the inoculation of Israeli society during the first months of 2021.

1.1 Unvaccinated people

The mass media has portrayed two groups who have not been inoculated and do not plan to do so: People with disabilities (PWD) and citizens who are critical or skeptical of the newly approved vaccine. The first group of unvaccinated PWD is a heterogeneous group. People with various physical and/or mental disabilities have expressed concerns that the unknown effects of the vaccine may exacerbate their physical and/or mental condition. A distinct subgroup of PWD consists of people with weak immune systems who fear the medical risk associated with the novel COVID-19 vaccine. The second group includes critical or skeptical citizens. The Israeli mass vaccination campaign is using Pfizer-BioNTech’s newly approved vaccine against COVID-19. Some are concerned or skeptical regarding both the effectiveness of the novel vaccine and its possible short- and long-term side-effects (Israeli People Committee, 2021). As opposed to data from clinical trials, studies on the real-life impact of the BNT162b2 vaccine were unavailable at the start of the Israeli inoculation campaign. Furthermore, as of spring 2021, there cannot yet be any scientific evidence in regard to the novel vaccine’s long-term side-effects. Critical citizens feel they are participants in an unprecedented real-life experiment that they know little about. They suspect that global and local political and economic interests may have compromised medical and ethical considerations.

1.2 Social ableism against unvaccinated individuals

Months into the Israeli mass vaccination campaign, unvaccinated people have become a shrinking percentage of the Israeli population. The two groups of unvaccinated people differ significantly in terms of the power and agency they exercise in the decision-making process of accepting vaccines. While PWD *cannot* get the vaccine, critical or skeptical citizens *choose* not to do so. PWD have no choice but to defend themselves in circumstances that may exacerbate their medical condition. The public debate has shown no regard or sensitivity towards individuals' reasons for not being vaccinated; all that matters is the bottom line, which has triggered harsh societal retaliation. Vaccinated people, who have become the numerical majority, have developed bias, stereotypes and prejudice against unvaccinated people, who are portrayed overall as a menace to public health. Unvaccinated adults have been typically described as reckless, irresponsible, egotistical free riders who exploit the common good of a healthy environment. Ableism is defined by Bogart and Dunn (2019, p. 650) as “stereotyping, prejudice, discrimination, and social oppression toward people with disabilities.” Being unvaccinated in spring 2021 was typically portrayed in Israeli public debate as both a physical and intellectual disability: Not only are unvaccinated people viewed as soon to be infected with the coronavirus and hence posing a physical risk to others, but they are also characterized as suffering from poor judgement, weakness of character and questionable morals. The prejudice has yielded discriminatory social behaviors, mainly exclusion from social events and public spheres.

2. Design/methodology

2.1 Sample

In depth semi-structured interviews were conducted with 40 (80% female) prominent Israeli HRM professionals from varied business organizations in terms of size, location and industry type.

2.2 Data Collection

The author conducted interviews individually with each participant. In-depth semi-structured interviews were conducted to explore participants' conceptions of the challenges organizations face considering the social controversy in regards the employment of unvaccinated workers. Predetermined questions were presented to interviewees. The main predetermined questions were: 1) Please describe how emergent social ableism in Israeli society has affected your organization or other business organizations in your domain? 2) How have decision makers in your organization reacted to this controversy? 3) Has ableism against unvaccinated jobseekers affected HRM processes in your organization or other business organizations in your domain? The interviews lasted about 80 minutes on average. All interviewees gave their informed

consent to participate in the study and were assured confidentiality. All interviews were recorded and transcribed.

2.3 Data Analysis

Thematic qualitative content analysis was guided by Creswell and Poth (2017). In the first stage, the author coded each interview. The author assigned codes to units of several sentences. Each interview yielded several coded categories, which were then analyzed to identify systematic content themes. Further analysis enabled to narrow down the categories into major themes. The author analyzed the interactions between the different themes and their possible meanings. This systematic process continued until all the saturation.

3. Findings

3.1 Emergent ableism against unvaccinated workers

3.2

The participants in this study report that emergent social ableism against unvaccinated individuals has quickly percolated from social spheres into working organizations. As early as the start of March 2021, as higher inoculation rates have gradually allowed the safe reopening of organizations providing services and goods, some employers have notified their employees of their expectation, which has become a demand, that workers be vaccinated. One example is a large retail chain which announced such a policy regarding all its workers (e.g., cashiers, back-office staff) as well as its suppliers (Calcalist, 2021). As the reality of reopening businesses far outpaced labor legislation and public policy (Israeli Government Ministries Portal, 2021), a growing number of employers took the liberty of setting new employability rules. This was a devastating development for numerous unvaccinated people who have found themselves helpless in the conflict with their employers (TheMarker.com, 2021), as is evident from the following post to a Facebook group in which people seek free advice from labor lawyers. This illustrative example from spring 2021 is but one of many similar posts:

I'm totally shocked by the audacity of employers!!! I work in a big firm that like many others has recently stated that only vaccinated workers or those testing negative for coronavirus every 72 hours will be permitted entrance to its offices. They also announced that tele-working is no longer accepted. Yesterday, my manager called to say that considering my refusal to be vaccinated or get tested for coronavirus every 72 hours, they are reporting me as missing from work on my own account. I asked her for a dismissal letter, which would at least grant me unemployment benefits from the State, but she refused. She claimed that the company does not wish to dismiss me but rather expects me to come back to work immediately under the terms of the new policy. Is this even legal???

On March 21, 2021, in a precedent-setting ruling, a labor court in Tel Aviv struck down a petition filed by a teaching assistant at a school for children with special needs to overturn a local council decision to bar her from working without getting a vaccine or taking a coronavirus test. The judge wrote in the verdict that the court did not believe that her right not to receive the vaccine or get tested outweighs the right and duty to take care of the wellbeing of her students, the teaching staff and the parents of the students (Haaretz.com, 2021, A). The media coverage of this ruling has led to a vehement and heated controversy in social networking sites. On the one hand, many have expressed their agreement with as well as relief following the ruling, which has been perceived as protecting the majority's right to a healthy environment. On the other hand, some fear that this ruling might serve employers as a means of coercing their employees into getting vaccinated (Ynet, 2021). Israeli law scholars argued that employers have a greater obligation to use proportionate measures before preventing an employee from coming to work, referring to PWD who cannot get vaccinated (Haaretz.com, 2021, B).

The reviving Israeli labor market has not waited for lengthy legislation processes to commence or policy committees to convene. The participants in this study addressed two interrelated phenomena which are distinct manifestations of ableism against unvaccinated individuals: ableism in recruitment and selection processes, and ableism in employee dismissal. Both phenomena are practiced by employers either implicitly or explicitly.

3.3 Ableism against unvaccinated jobseekers in recruitment and selection

Ableism against unvaccinated individuals in recruitment and selection processes has emerged as reopened organizations needed to quickly recruit workers. Some jobseekers, especially workers attempting to return to their employer prior to the crisis, were openly asked in an interview whether they were vaccinated. In addition, social media is rife with posts written by unvaccinated jobseekers who have been rejected from job openings across a variety of jobs and organization types.

3.4 Ableism against unvaccinated workers in employee dismissal

Ableism against unvaccinated individuals in recruitment and selection processes was reported by the participants as going hand in hand with ableism in employee dismissal. The abovementioned precedent-setting ruling by the Tel Aviv labor court was utilized by employers to persuade, not to say intimidate, unvaccinated employees to change their minds. Although the ruling referred to a specific job that entailed caring for (unvaccinated) children, and although it does not constitute a primary law, employers utilize it for their own convenience, also counting on their employees' lack of law expertise or access to such knowledge. Since the precedent-setting ruling on March 21, 2021, which has received ample mass media attention,

numerous unvaccinated people have shared their dismissals on Facebook and Twitter, typically in the context of seeking legal aid. Considering that some workers are reluctant to disclose being victims of discrimination against them due to their dependence on their current or prospective employers, the participants in this study assume that ableism against unvaccinated jobseekers and workers is underreported.

4. Discussion

The exceedingly conflictual Israeli society (Kuna & Nadiv, 2019; Nadiv & Kuna, 2020) provides a fascinating setting for exploring (in)equality. In spring 2021, months into Israel's mass coronavirus vaccination campaign, as its adult population has been inoculated at high rates, the public debate has been expressing bias, stereotypes and prejudice against unvaccinated people. Being unvaccinated has been portrayed as both a *physical* and *intellectual* disability: not only are unvaccinated people viewed as physically (soon to be) infected with the coronavirus, but they are also characterized as suffering from poor judgement, weakness of character and questionable morals.

This study aims to make two contributions to the literature. The first contribution concerns the unequal power dynamics between PWD and citizens who decide not to get vaccinated, a phenomenon that reflects the unequal power dynamics between PWD and the majority. The media has portrayed two unvaccinated groups that differ significantly in terms of the power and agency they exercise in the decision-making process of accepting vaccines: PWD and citizens who are critical of the newly approved vaccine. PWD, who face medical threats associated with inoculation, have no agency as regards a vaccine that may exacerbate their condition. While PWD cannot get the vaccine, critical citizens choose not to do so based on their own beliefs. Critical citizens exert agency in their independent decision. Their position, which challenges a global community of scientists and public health officials, is therefore a position of power.

Remarkably, the public debate has shown no regard or sensitivity towards individuals' *agency* as regards getting vaccinated. The absence of any distinction between critical citizens and PWD in the public debate therefore testifies to the unequal power dynamics between PWD and the public at large. Unvaccinated PWD remarkably remain unacknowledged in the public criticism of unvaccinated people. Despite some degree of public awareness that public health officials have instructed people with specific disabilities not to get vaccinated, the latter are nonetheless subjected to the same criticism aimed at unvaccinated critical citizens. The vaccinated majority calls unvaccinated people "reckless provocateurs," "corona deniers," "disseminators of COVID-19 conspiracy theories and fake news," all claims aimed at people who decide not to get vaccinated based on their own beliefs, not on medical constraints. While unvaccinated PWD were initially an exclusive group in terms of avoiding inoculation, they find themselves caught up in a sweeping public bias that has emerged not against them but rather against

unvaccinated critical citizens. The majority is insensitive to the subjection of PWD to an unjust bias and consequent prejudice. This implies that the majority is mostly unaware of the multiple difficulties experienced daily by people with physical, sensory, or intellectual disabilities.

The second contribution this paper aims to make is to the critical theorizing of the post-COVID-19 workplace with regard to non-vaccination as a cause of ableism. Two interrelated phenomena that have been reported by the HRM professionals in this study are distinct manifestations of ableism against unvaccinated individuals: ableism in recruitment and selection processes, and ableism in employee dismissal. Both phenomena are practiced by employers either implicitly or explicitly. On the structural level, ableism against PWD has been manifested in the form of access barriers to physical spaces (Bogart & Dunn, 2019). Ableism in recruitment and selection processes and in employee dismissal position unvaccinated people, including PWD, at a significant disadvantage in the labor market, thus hindering their full participation in society (Bogart and Dunn, 2019). While the COVID-19 crisis has been theorized as a career shock (Akkermans et al., 2020), the post COVID-19 labor market may also pose significant barriers to the employment of unvaccinated PWD, resulting in another career shock for this group, stressing the issue of intersectionality (Maestriperi, 2021).

While legislation ensuring unvaccinated workers' rights is vital, it is not enough. HRM should actively advance opportunities for gainful employment of unvaccinated employees who might be discriminated against in the labour market. HRM professionals are thus advised to adopt preventive steps against implicit or explicit discrimination in practices such as employee recruitment and selection, work design, compensation and talent development.

5. Conclusion

In sum, HRM professionals have portrayed workplace ableism against two groups of unvaccinated workers: People with disabilities and people who are critical of the vaccine. The findings suggest that unvaccinated people are highly susceptible to both openly acknowledged and covert workplace discrimination against them.

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