

# POST-COVID-19: WORKPLACE 4.0

33<sup>RD</sup> ANNUAL TECHNOLOGY LAW CONFERENCE



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## ISSUES FOR NOW

LOCKDOWN TO RE-OPENING

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## COMPLIANCE WITH GOVERNMENT ORDERS

Much of what will happen over the next six months will be dictated by local, state, and federal government rules:

- Monitoring and compliance will be crucial – how and from whom are you staying informed?
- Government affairs function will be critical, especially if you're in multiple locations
- Strong regulatory/compliance counsel or dedicated in-house resources are a necessity
- States, counties, and municipalities may differ in their rules (see Tesla and Alameda County)

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**Compliance with local, state and federal government orders will be essential to a successful return to the workplace. Many of the rules are contradictory so understanding them is critical.**

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## WORKFORCE COMMUNICATION IS KEY

- Proactive, clear communications are essential
- Health and safety should always be the top priorities, as well as compliance with the laws
- Tone is critical
- Explain what to expect
  - » PPE and safety precautions
  - » Sick leave, any policy changes
  - » Options, if any, for those uncomfortable returning
  - » Talk about privacy, rather than avoiding the issue
- Address concerns – patience pays off
- Caveats, caveats, caveats – you cannot predict the future

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**The return to the workplace presents yet another defining moment for corporate leadership in the wake of COVID-19. Employees and external stakeholders are watching.**

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## MANAGING THE NEEDS OF YOUR WORKFORCE

Clearly, treating your employees with respect and concern for their well-being is foundational. Being cognizant of the differences in how to address their safety and health in the post-COVID-19 world based on their roles is a necessity.

- Office v. field workers, essential v. non-essential workers
- A quick checklist for returning to work:
  - ✓ Is everything open – state/county/city/town?
  - ✓ Is the site open if we do not control it? (Leased facilities, shared office buildings, etc.)
  - ✓ Are workers employed by others critical to the opening also back at work (security contractors, drivers, etc.) ?
  - ✓ Can we create effective worker screening and protection measures?
  - ✓ Can we pass regulatory agency inspections?
  - ✓ Is risk worth reward? (PR concerns, local sentiment, localized infection rates, etc.)

**Treat your workers equally well, but with different accommodations.**

## LAYOFFS AND FURLOUGHS

Tricky balance between reassuring employees, managing expectations and protecting flexibility for future actions

Benefits considerations

Update employee contact info

WARN Act compliance

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