

The Changing Landscape of the Workplace – Work from Home Considerations for Employers

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COVID-19 and Beyond

- The Society for Human Resources Management published results of a national survey completed in March which showed that “67% of employers surveyed were taking steps to allow employees to work from home who don’t normally do so”.¹
- Several large companies have decided since moving to remote work that workforces will remain, at least partially, remote permanently.²

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Characteristics of the Workplace

- In-person communication
- Physical oversight and supervision
- Provided tools, technology, devices
- Common controlled environment and consistency

New Concerns with Work from Home

- Eligibility & Benefits
- Operating Policies & Procedures
- Technology Usage
- Confidentiality
- Regulatory Concerns

Eligibility & Benefits

- Don't move an employee to independent contractor status just because they're working from home – follow the standard independent contractor analysis³
- Update work from home policies to clearly communicate which individuals are eligible for remote working and apply these consistently
- Have an individual declare their "remote work" location in order to determine compliance with operational/logistics policies discussed later on⁴
- Ensure all statutorily mandated notices, postings, etc. are provided to remote workers

Eligibility & Benefits

- Review employment contract, and amend if needed, to address who is responsible for any expenses that may arise from remote work
- Employers are still responsible for providing a safe working condition – consider providing a remote work checklist to determine if a location is suitable for remote work⁵
- Retain and communicate the expectation regarding work hours
- Document and distinguish voluntary work from home arrangements from disability or health accommodations⁶

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