

POST-COVID-19: WORKPLACE 4.0

33RD 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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