

POST-COVID-19: WORKPLACE 4.0

33RD ANNUAL TECHNOLOGY LAW CONFERENCE



1

ISSUES FOR NOW

LOCKDOWN TO RE-OPENING

2

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)

3 »

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.

3

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

4 »

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.

4

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.

5

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

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Post-COVID-19: Workplace 4.0

Also available as part of the eCourse

[2020 Technology Law eConference](#)

First appeared as part of the conference materials for the
33rd Annual Technology Law Conference session

"Post-COVID-19: Workplace 4.0"