



## Addressing the impact of COVID-19 Ensure workforce readiness and policy adherence

As public reaction to the spread of COVID-19 continues to accelerate, businesses are faced with the threat of significant and unprecedented workplace disruptions for an indefinite period. As companies continue to monitor public health developments from local, national, and international governments, they must review and reconcile their workplace policies and provide timely guidance to workers as the situation evolves.

Over the last few weeks, preparations to prevent the spread of COVID-19 have highlighted three important issues in the workplace: (1) in times of uncertainty, it is essential to manage employees<sup>1</sup> in a clear and consistent manner; (2) many companies are discovering that their workforce policies need to evolve to support remote working; and (3) employers are unclear on how mass absences should be managed, confusing and conflating both statutory and non-statutory programs.

It is imperative that companies thoughtfully review their existing policies, amend language, or draft new policies that support their corporate philosophies. In doing so, they must also communicate with employees in a timely manner to ensure safety and business continuity.

### These are reasons why companies are having issues:

Companies are feeling pressure to react swiftly to the rapidly unfolding public crisis. And though many companies are trying to maintain business as usual, they are faced with challenges due to the following examples:

- Poor managerial support and improper employee training causes increased stress and overlooked procedures.
- Inadequate technology infrastructure and support prohibits employees from working remotely (i.e., laptops, work cell phones, application resources, etc.).
- Unclear workplace policies during transition to remote workplace leaves employees confused (i.e., overtime policies, recording time daily, etc.).
- High volumes of absences confuse HR professionals trying to manage both statutory and non-statutory leave programs.
- Heightened work/life balance pressures stress employees as they try to navigate family care options in light of school and business closings.

### Suggested approach:

- **Review existing policies:** Examine current applicable workforce policies to ensure that they are up-to-date and identify any gaps.
- **Consider developing new policies:** Many companies are creating new policies in reaction to workplace disruptions caused by COVID-19.
- **Maintain compliance:** Ensure consistent policy compliance by all workers—employees, management, and leadership.
- **Deliver timely and clear communication:** Enhance employee experience by providing clarity and curbing unnecessary fear or stress.

(1) For purposes of this communication, “employee” means a direct worker of a company. The term employee does not include the contingent or alternative workforce.

## Some of the questions you should ask:<sup>1</sup>

### How should the company manage its workforce?

- **Training.** Companies should train leadership and management consistently and keep employees up-to-date on any changing protocols or procedures.
- **Privacy and documentation.** HR should reconcile their procedures with medical and workforce privacy laws. Companies must ensure that they are properly adhering to national and local requirements when storing medical records. HR and management must remain compliant with privacy laws regarding personal health information.
- **Non-discrimination and harassment.** Company leadership should communicate policies that prohibit workforce discrimination or harassment, promote an inclusive working environment, and reject bullying or stereotyping behaviors. Companies must develop clear guidelines and consequences, applicable to every employee.
- **Furlough.** Companies considering a furlough or layoff should have a written furlough policy that includes how each employee class will be treated (i.e., hourly, salary, exempt, non-exempt). Consult the company's collective bargaining agreement for any union populations.

### What are best practices for engaging workers remotely?

- **Clear expectations.** Companies shifting to remote work should have a clear, written policy. Policies should include specific expectations related to daily work schedules, overtime, instructions for reporting personal injury, responsibilities in managing company equipment, protection of proprietary information, etc. Where necessary, companies should follow applicable laws to obtain employee authorization to work from home (i.e., US non-exempt workers, Brazilian Labour Code, etc.)
- **Technology resources.** Companies should ensure that employees working remotely are equipped with secure laptops, virtual private network (VPN) access, and secure Wi-Fi. Companies need to consider whether to subsidize the cost of high speed internet for remote employees. Companies must remind employees of their technology equipment and data management policies to ensure that data is encrypted to prevent tampering and interception.
- **Communication infrastructure.** Companies should also ensure that employees are equipped with a company phone or a web-enabled phone service through their computer. Employees should be aware of the guidelines and expectations of all communication modes.

### How does the company ensure it remains compliant?

- **Statutory leaves.** Company HR departments should review all statutory leave of absence entitlements for their workforce (US leaves include FMLA, ADA, CFRA, and OSHA, to name a few, and international policies vary greatly). Companies should reconcile statutory leaves with sick pay or contagious disease policies, as these change rapidly and may vary by country, province/state, or local jurisdiction. Companies must also track all leaves effectively and follow communication guidelines. Due to school and business closures, companies should consider the need of employees who cannot arrange for family care. Discrimination or retaliation against an employee on a statutory leave is not permissible.
- **Ineligible employees.** Company policies should include guidance for employees who may not be eligible for statutory leaves (i.e., new hires, part-time employees, etc.).
- **Non-statutory leaves.** Companies must develop a plan regarding non-statutory PTO, vacation, or disability time that employees may wish to leverage in light of COVID-19. Companies should prepare to provide flexibility to employees that may choose to utilize personal time.

Even companies that have not yet been adversely affected by COVID-19 should pre-emptively consider the questions above to increase preparedness.

## Contact:

### For more information on how to respond, recover and thrive:

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(1) For purposes of this communication, guidance and considerations is provided for companies with 50 or more employees.