

4 Ways COVID-19 Will Change Workplaces Forever

By **Vin Gurrieri**

Law360 (April 17, 2020, 9:20 PM EDT) -- When the novel coronavirus pandemic begins to abate, employees may return to workplaces that look radically different from what they remember, with companies leaning more heavily on telework, safety gear like masks becoming more ubiquitous and offices getting redesigned to spread people out.

The rapid spread of COVID-19, the disease caused by the new coronavirus that originated in central China late last year, has brought chaos to the U.S. workplace, with scores of businesses being forced to close and others having to shift their workers to being remote employees.

When the time comes for businesses to start bringing workers back, the workplace they return to could be permanently altered by the virus, which taught employers numerous lessons that will be top of mind during future decisions.

"I think the workforce is going to look different when we get back. It's going to get a little bit back to normal, but I don't think it'll ever get fully back to where it was," said Scott Mirsky, a principal at Paley Rothman.

Telework On the Rise

Of all the adjustments that businesses have had to make in response to the pandemic, the one most likely to stick — and potentially explode — in a post-COVID-19 world is businesses' increased use of remote work.

"I think many employers are going to think differently about telecommuting operations and the feasibility of them going forward once we come out of the pandemic," said Kris Meade, chair of Crowell & Moring LLP's labor and employment practice. "I think it has great potential to be truly transformative of the workplace, particularly professional workplaces."

While many companies already had telework programs in place before COVID-19, others have shied away from it for a variety of reasons, such as the cost of technology, skepticism about whether workers would remain productive and concerns that many jobs weren't conducive to teleworking.

But with their hand forced by the virus, many businesses that harbored doubt found instead that work

could still be done efficiently by people working from home, potentially making the cost savings that can accompany a broad embrace of telework more attractive.

Besides office-based businesses, Tucker Ellis LLP partner Carl Muller said that even businesses in sectors like manufacturing that haven't seen themselves as the telework type might be more apt to let some employees work off-site.

"They're learning that a good deal of work can be done effectively by working remotely," he said. "I've seen some employers asking and discussing, 'Can we reduce our company's brick-and-mortar footprint once we return to normal and thereby reduce our operating expenses going forward?' ... I think we're going to see service firms as well as the admin components of manufacturing take a hard look at working remotely and they may make some permanent changes."

If there is more remote work, Alice Jump of Reavis Page Jump LLP noted that employers will also have to revise their handbook policies to include related items such as data security and details about what hours employees are expected to work and when they're expected to be available.

"There will be sections on remote work if that becomes more prevalent," Jump said.

Social Distancing Here to Stay

As public health officials have urged people to keep at least six feet away from others to protect against coronavirus infection, the concept of social distancing has become ingrained in the public consciousness.

Even after the risks associated with COVID-19 subside, many businesses may keep the contours of social distancing in place, attorneys say.

Jump said employers' approach to social distancing will depend heavily on the business' industry, as well as on guidance from agencies like the Centers for Disease Control and Prevention and the Occupational Safety and Health Administration.

"I assume that there's going to be both the legal aspect of social distancing — whatever OSHA or [other] regulators require — and there's also going to be the social aspect. Are people going to rush back psychologically and go sit in a crowded restaurant?" Jump said.

Mirsky of Paley Rothman said the concept may become standard practice as businesses become more cognizant of health risks that can cause large swaths of their workforce to get sick — even if such measures had never previously entered employers' minds.

"We may see every flu season where people are wearing masks, or we may see situations where we're doing social distancing during flu season," Mirsky said. "I think maybe things that were not common practice are going to become common practice."

Fresh Office Designs

One way in which the focus on social distancing may yield concrete changes is in the way employers structure their physical work sites, particularly if they have an open office design that is intended to promote interaction between people.

"I definitely think you'll see a focus of employers trying to, where they can, spread the workforce out physically," Mirsky said. "We'll see workstations that are designed differently, spaced out differently and the layout of the businesses will be different. I think that will probably be a long-term thing."

Meade also noted that if there is an increase in telework arrangements after the pandemic, it will mean there are fewer people that a company needs to fit into a physical location. That means businesses could hold less physical space and cut down on the costs associated with maintaining it.

"I think employers will be thinking about their space requirements differently because so much of the cost of their operations is tied into real estate," Meade said. "There may well be some significant changes after this."

More Health Precautions

One of the things that makes the COVID-19 pandemic so chaotic for many employers is the fact that many had never given much thought to an event that would cause such a widespread shutdown. This forced employers to make last-minute, knee-jerk decisions as public health officials started pulling down the curtains on business operations.

As soon as the experience is in employers' rear-view mirror, it is likely they will prepare to react faster should a second wave of COVID-19 emerge or should a new pathogen similarly sweep across the globe in the future. That means crafting and implementing policies.

"There has to be some preparedness in case this ever happens again. I think this caught a lot of people off guard, to say the least. And even if it's not the coronavirus, it could be something else, and how are employers going to be able to deal with it?" Mirsky said.

He added that many businesses aside from some large operations probably didn't have preparedness plans for emergencies or pandemics.

"I think that now ... most companies probably will have that heading into next flu season," he said.

Besides increased social distancing where possible, one measure employers will likely adopt is having a ready supply of masks and gloves that workers can use should COVID-19 reappear or another public health emergency emerge — particularly if lawmakers introduce new mandates regarding safety gear.

While businesses may be hindered by various existing laws from requiring workers to do things like don face masks or stay home if sick — absent any new governmental mandate that makes those things acceptable — Mirsky said such behaviors can still be encouraged and that workers may be receptive.

It's also likely that employees will voluntarily take such precautions if managers lead by example and wear masks or other protective equipment, he said. But he noted that the CDC and OSHA will have an outsized influence on what businesses ultimately do.

"Employers always feel comfortable basing their decisions on some guideline as opposed to them making that decision," Mirsky said. "Making [masks] available, definitely. That'll be a routine office supply when we get back to work and into next flu season. I think [they] will be available just as much as paper towels and hand sanitizer. Whether you could require anyone [to wear them], I think that's going to depend a lot on guidance from the CDC or OSHA."

--Editing by Kelly Duncan.

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