



Workplace Shift: Remote Workforces

Is your company stuck in reactive mode when it comes to remote and flexible work issues? From deciding the right approach to remote work for your organization, to bringing remote workers back, you need a proactive strategy that addresses the legal perspective alongside the potential impacts to your business model—now and in the future.

Top Challenges Facing Employers in the Shift to Remote Work

CULTURE

When traditional models of culture transmission are no longer viable, companies must proactively implement new methods of spreading, building, and maintaining culture for remote workers.

MANAGEMENT PRACTICES

Managers with primarily on-site supervisory experience often encounter pronounced skill gaps relative to managing remote employees.

WORK SCHEDULES

As employees continue to experience conflicts between caregiving and work, the traditional concept of work/life balance becomes even more precarious as the classic “9 to 5” is no longer the norm.

HOME OFFICES

When it comes to the physical workspace, employers will need to reassess their approaches to expense reimbursement for equipment, as well as OSHA and ADA accommodations related to ergonomic equipment.

DATA SECURITY AND PRIVACY

Transitioning to a remote workforce can lead to unintended consequences from the use of untested software and systems, and employees using whatever technology they think will help them do their jobs better.

TAX AND COMPENSATION

With workers living in different states and counties, the potential tax obligations of employers become exponentially more complex, as do changes in pay rate due to location.

JURISDICTIONAL COMPLIANCE

The option for your employees to live anywhere opens another world of complexity due to laws that can be different at state, county, and city level.

REAL ESTATE

As businesses explore longer-term and more formal working from home arrangements, it's reasonable to expect a reduced need for physical workspace.

MEASURING SUCCESS

As you contemplate your approach to remote work, it is important to consider the data you will collect and measure against, so you can continually improve and refine your approach.

Seyfarth has long been at the forefront of remote work trends, issues, and best practices, advising clients on the many opportunities and risks related to managing remote workers so they can implement the right remote working solutions for their organizations. Our attorneys can help you assess the pros and cons of remote work, advise you on the legal and business implications, and help you refine your approach as circumstances evolve, including bringing workers back to the workplace.

Our Services

Advisory Services. We advise clients on every aspect of how they manage, oversee, protect, and develop their remote workforce. Our attorneys will work with you to ensure that your policies are compliant and thorough, and help you address issues you may not have had to consider in the past—such as assessing which employees will work remotely, what equipment they will need, how they are paid and reimbursed, setting work hours and tracking them, and how your managers are equipped to manage performance, not “face time.” Our services in this area include:

- Remote and flexible worker policies and handbooks
- Wage hour and payroll considerations
- Tax considerations and implications due to remote worker locations
- Returning remote, furloughed, or quarantined workers
- Diversity and inclusion
- Hiring, onboarding, and offboarding
- Workplace safety, OSHA, and CALOSHA
- Training for managers through our subsidiary Seyfarth at Work

Risk Mitigation. Not only can we help you establish compliant procedures and protocols, we are also here to work with you to renegotiate, mediate, and litigate when needed. Unique risks related to remote workforces range from privacy and security risks to navigating discrimination, harassment, and workplace accommodations claims. We can help you revise processes for handling everything from remote investigations and performance management to renegotiating contracts or walk-away from existing office-space leases. Our services in this area include:

- Privacy and security
- International employment laws
- NLRA considerations
- Harassment and discrimination claims
- Reasonable accommodations and ADA Title III
- Intellectual property
- Remote digital forensics, ediscovery and investigations with Seyfarth Scout
- Business equipment and expenses
- Real estate leases and office space
- Remote HR investigations and performance management

Our Process



We start by analyzing your business needs, and identifying any obstacles facing you. We help you articulate a strategy based on factors such as workforce size, location of operations, cross-border regulations, and overall scope of remote workforce. We tailor our advice to fit, and continually analyze the results to help you refine your strategy.

Contact Us

If you would like to learn more about our services, please contact a Seyfarth attorney, or visit www.seyfarth.com/remotework