



# Employer and Workplace Trends Survey Results

Six Months Into COVID-19



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# Executive Summary

In September 2020, Seyfarth issued a survey to our clients to gauge how companies are currently managing their remote workforces, and identify key trends as we move into 2021. The questions covered a broad range of employer issues raised by the pandemic, including morale and productivity, workforce reorganization and reductions, and managing legal issues remotely.

We received more than 426 responses representing a cross-section of industries, regions, and company sizes throughout the United States. Respondents hailed from the legal and HR departments of their organizations, with many coming from the executive ranks. More than half of the responses came from organizations with 2,000 or more employees. Our top findings follow.

**A whole new world.** As we enter the end of 2020 and the pandemic shows no signs of abating, our respondents report that nearly 60% of their workforces are working remotely, up from 13% prior to the pandemic. Employers are bringing people back to the work site, but in smaller numbers (39%). To accommodate the shift, many companies had to make significant adjustments to how they manage remote workforces. These investments cover a range of areas from IT hardware, software, and security, to training and benefits for remote workers.

**Get ready for your close-up.** Video is the “new normal” for remote work and investigations. While 72% of respondents seldom used video before the pandemic, 66% of respondents reported new investments in networking and conferencing software as a result of remote work. And nearly half of respondents are now handling internal complaints and disputes via video. Of those who have engaged in remote proceedings, nearly 80% found the quality in need of improvement or worse. This indicates that employers and employees need greater fluency and comfort with these technologies, especially when it comes to legal proceedings where in-person depositions and investigations are not possible.

**Remote workers are thriving.** Our respondents overwhelmingly rated the productivity (83%) and morale (77%) of their remote teams as good, demonstrating that remote workers are faring well and generating results. With survey responses showing an increased focus on engagement, communication, and wellness, employers are taking proactive steps to ensure remote workers feel connected, informed, and healthy. Many have added new benefits such as employee assistance programs, wellness benefits, and flexible scheduling to help with the dual challenges of work and caregiving.

**Recovery and reorganization.** Furloughs, pay cuts, and RIFs were common for survey respondents, with approximately 40% reporting that these steps were necessary. When implemented, relatively small percentages of employees were affected, with 24% furloughed and 13% included in a RIF. The average pay cut was 16%. According to respondents, furloughs and pay cut decisions are slowly being reversed. While 87% of companies report bringing furloughed employees back, only 40% report bringing all of them back, indicating that more than half of employers are still in wait-and-see mode.

**The coming wave.** With 80% of respondents indicating no change, the employment discrimination wave that many predicted has not hit yet. Lex Machina results show federal case filings are down, with only 200 COVID cases filed. Our research shows 700 COVID cases filed in federal and state court, but most of them are preempted by workers’ comp or OSHA.

Continue reading for full questions and survey response charts. Please note that due to rounding, percentages may not add up to 100%. For questions that allowed multiple choices, the total response percentages exceed 100%.

*This survey is not legal advice and the questions and answers should not be interpreted as recommendations or imply a particular course of action or legal strategy.*

# Morale, Productivity, and Working Methods

**Q1:** What percent of your workforce in the United States on a full-time equivalent basis is currently working remotely all or most of the time?

421 Responses



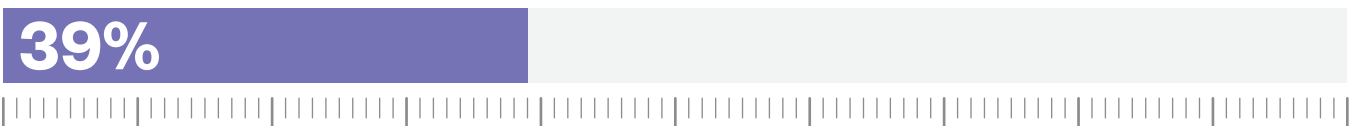
**Q2:** What percent of your workforce in the United States was working remotely all or most of the time prior to the 2020 COVID-19 pandemic?

398 Responses



**Q3:** At this time, how much of your workforce in the United States on a full-time equivalent basis are you requiring to return to the office all or most of the time (absent an extraordinary circumstance or situation)?

401 Responses



# Q4: How have you shifted the ways in which you manage your US-based employees/workforce remotely? Select all that apply.

405 Responses

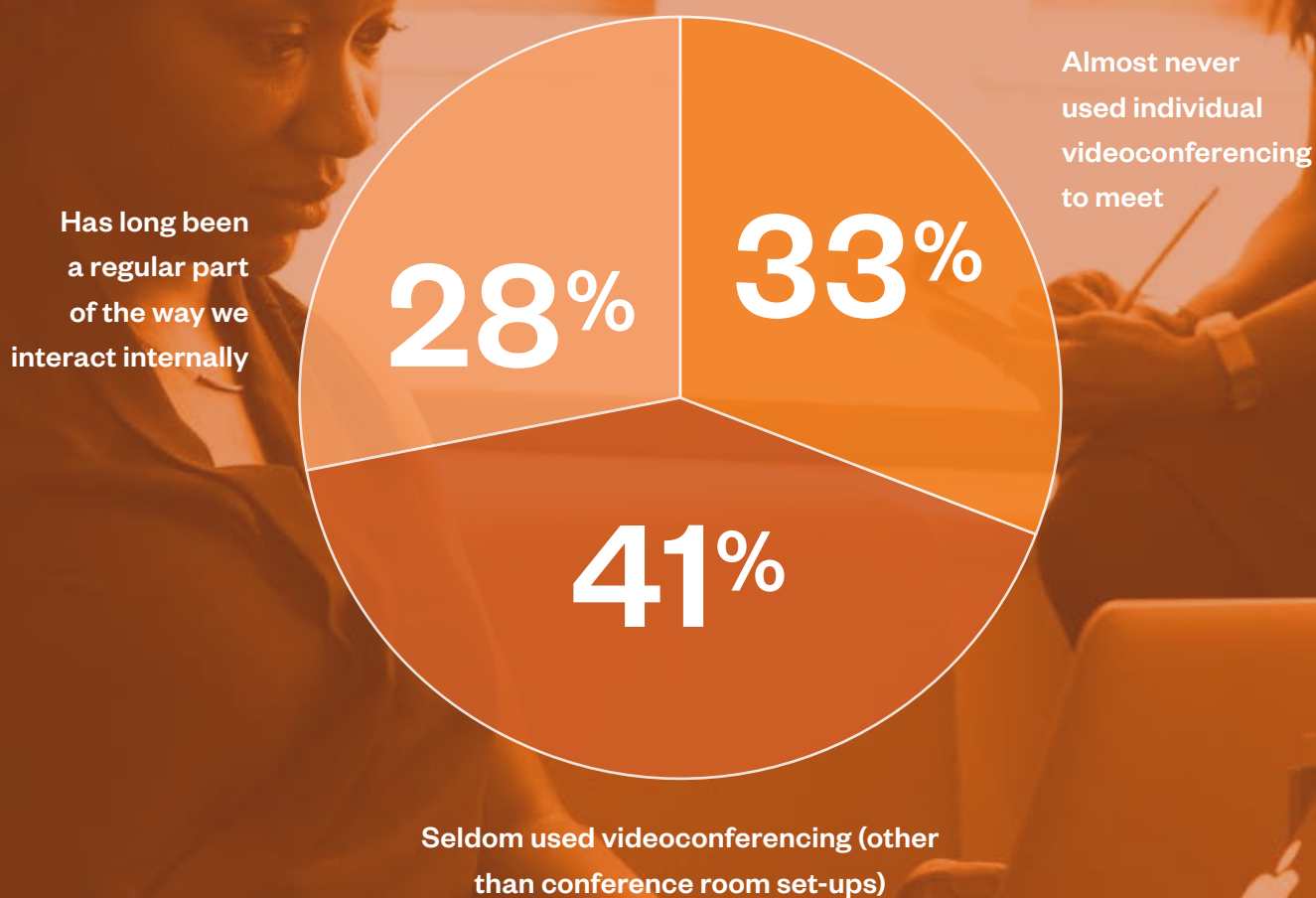
New networking/conference software (including video)	69%
Increased internal communication	64%
Updated remote work policies	56%
Changed the frequency of engagement with remote employees	56%
Increased IT security measures	51%
Invested in hardware	39%
Reallocated budgets for travel and meals	34%
Additional training for managers	31%
Increased benefits	21%
Other	9%

Other answers included stipends for home office, wellness allowance and additional wellness support, changed expectations, assistive tech for employees with disabilities, new tech investment for collaboration and communication, accelerated technology investment.



# Q5: Prior to the 2020 COVID-19 pandemic, how commonly did your US workforce individually rely on videoconferencing technology to conduct internal meetings or business?

423 Responses



## Q6: In terms of morale, how do your employees newly working remotely all or most of the time feel about working remotely?

403 Responses

Very negatively (want to return to the office as soon as possible)	1%
Negatively	1%
Moderately	22%
Positively	57%
Very positively (extremely happy working from home)	20%

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## Q7: Overall, how has the productivity level of your remote employees changed?

408 Responses

Significant decrease in productivity	1%
Decrease in productivity	16%
Productivity level has remained the same	58%
Increase in productivity	23%
Significant increase in productivity	3%

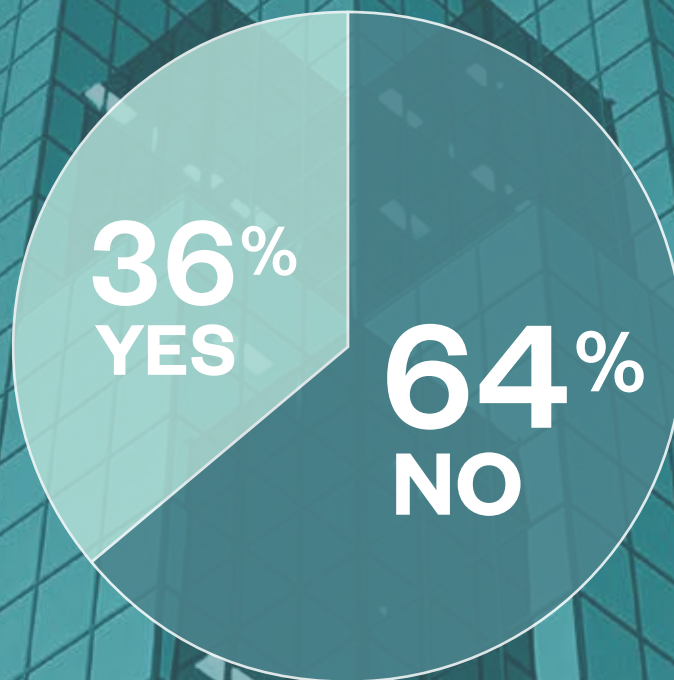
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## Furloughs, Pay Cuts, and RIFs

**Q8:** Did you conduct any zero-pay or partial-pay furloughs during the COVID-19 pandemic?

424 Responses





**Q9:** If you conducted furloughs, what percentage of your workforce was furloughed with partial pay at the height of the pandemic?

134 Responses



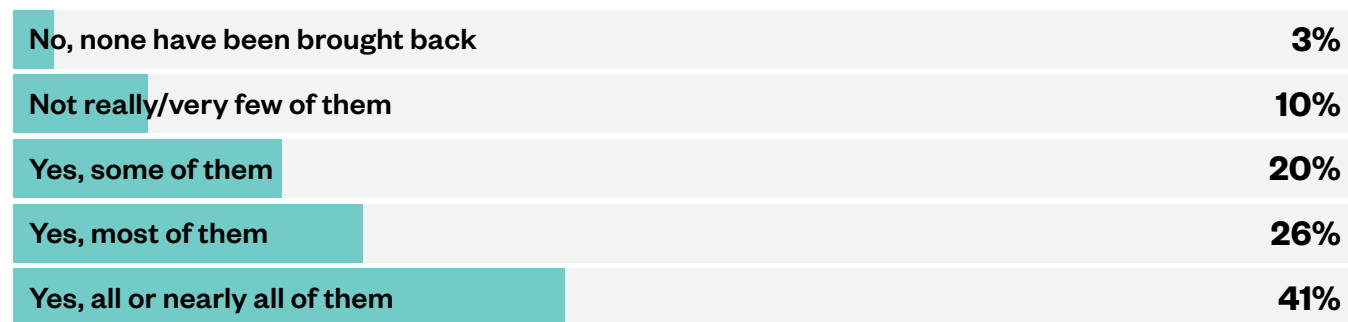
**Q10:** If you conducted furloughs, what percentage of your workforce was furloughed with zero pay at the height of the pandemic?

132 Responses



**Q11:** Of the employees that were furloughed, have you brought any of them back?

148 Responses



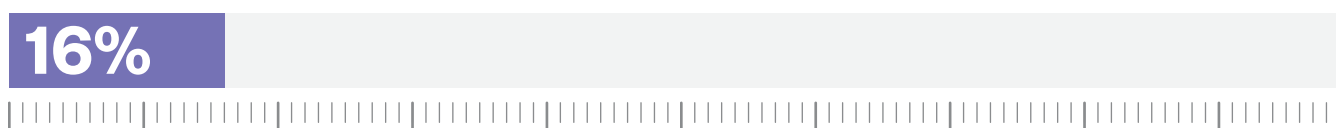
## Q12: Did you implement a temporary pay cut during the COVID-19 pandemic?

423 Responses

No	71%
Yes, across the board	9%
Yes, for all or some management and salaried employees only	14%
Yes, for some specific business units	6%

## Q13: For those employees who experienced a pay cut, what was the average or typical percentage cut?

103 Responses



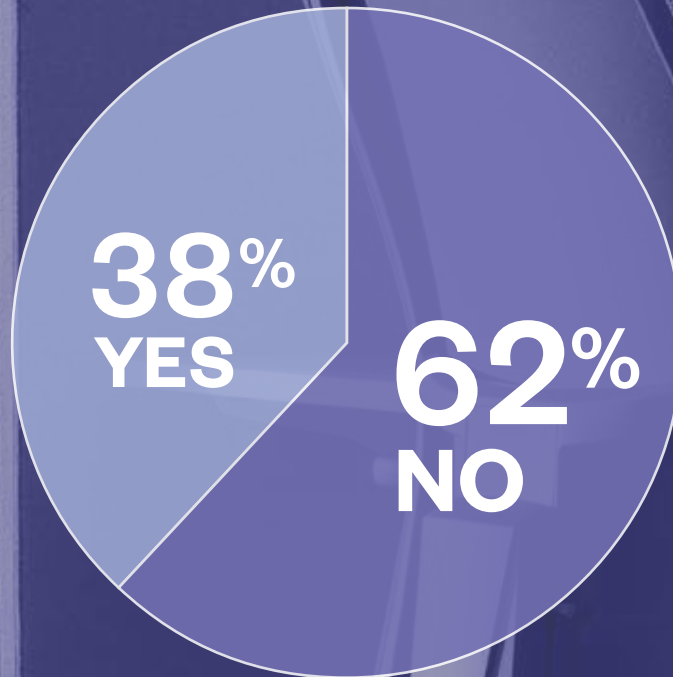
## Q14: For how long was or is the pay cut in place?

121 Responses

Do not know	4%
Less than 3 months	26%
Between 3 and 5 months	29%
Permanent until next raise or evaluation cycle	3%
Remainder of 2020	19%
Indefinite	20%

# Q15: Have you completed any reductions in force (RIFs)?

423 Responses



# Q16: What percentage of your workforce have you reduced through a RIF?

159 Responses



# Managing Legal Issues During a Pandemic

**Q17:** Of legal claims raised by your US employees since March, which issues are most common? Select all that apply.

The majority of respondents indicated that they have had no legal claims in this timeframe. Of those who indicated issues, a breakdown of responses is below.

163 Responses

Discrimination	37%
Workplace safety	35%
Accommodations	34%
Wrongful terminations	26%
Leave benefits	19%
Wage hour claims	18%
Harassment	17%
Expense reimbursements	8%
Negligence	1%

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**Q18:** In regards to legal claims or complaints by US employees, have you seen an increase, decrease, or no change?

402 Responses

Decrease	8%
No Change	80%
Increase	12%



## Q19: How are you handling internal complaints and disputes in the workplace in the US? Select all that apply.

297 Responses

Conducting remote investigations over phone	69%
Conducting remote investigations over video	61%
Conducting socially distanced live meetings and discussions	39%
Sending more internal matters to outside counsel to investigate or resolve than usual	9%
Postponing whatever can possibly be postponed until things are more normalized	9%

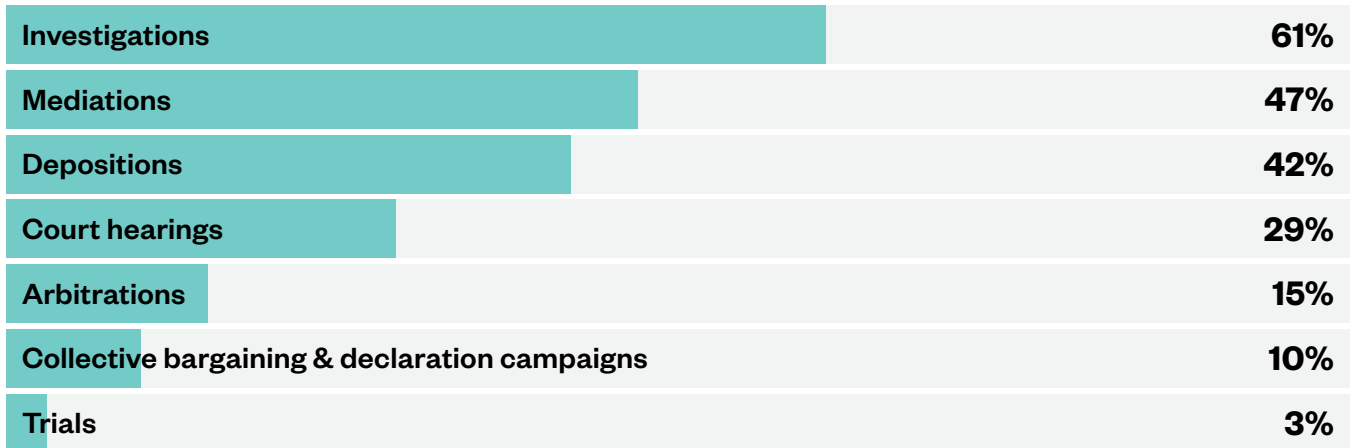
## Q20: How are you approaching the bulk of your existing and new employment litigation or arbitrations in the US? Select all that apply.

132 Responses

Now driving litigation proactively but mostly through remote proceedings	54%
Postponing whatever can possibly be postponed and being reactive	39%
Settling more frequently than usual	10%
Settling less frequently than usual	7%
Now driving litigation proactively and mostly through live proceedings	1%

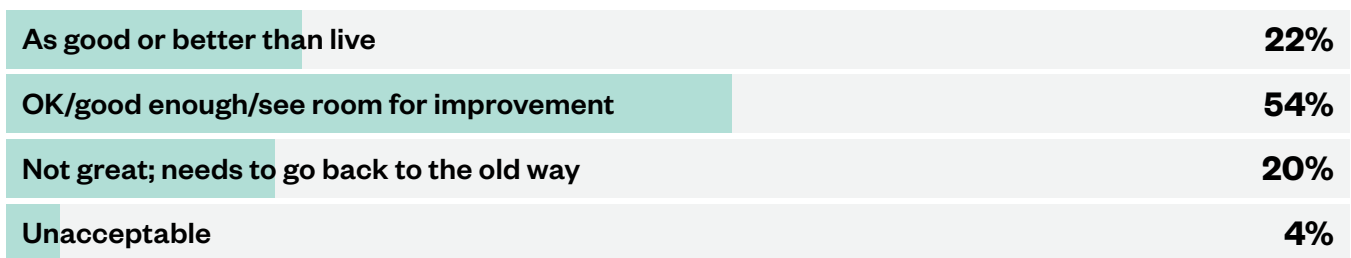
## Q21: Please indicate the types of remote US legal proceedings in which you have participated since February 2020. Select all that apply.

165 Responses



## Q22: Considering the specific proceedings above in which you participated, how was your experience with them?

165 Responses



Regarding issues with virtual proceedings, respondents cited concerns about sound quality, the ability to judge veracity over video, loss of efficiency, inability to assess body language, video fatigue, and increased aggression.

# Demographics

See below for a breakdown of respondents by function, industry, and company size.

## Business function

Human Resources	55%
Legal	29%
Other	16%

## Industry

Business Services, Consulting & Staffing	13%
Communications, Media, and Technology	14%
Construction and Real Estate	8%
Consumer Goods and Services	4%
Financial Services	12%
Government, Education & Nonprofit	16%
Health Care	8%
Hospitality & Retail	8%
Manufacturing	12%
Transportation & Logistics	4%

## Company size

10,000 or more	12%
2,000-9,999	20%
500-1,999	18%
100-499	24%
Less than 99	27%

# About Seyfarth

With more than 900 lawyers across 17 offices, Seyfarth Shaw LLP provides advisory, litigation, and transactional legal services to clients worldwide.



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