

THE WORKPLACE IS EVOLVING IN 2023...ARE YOU STAYING UP TO SPEED?

Insights

Apr 13, 2023

Employers need to rethink the way they've been operating – because the workplace has been evolving at a rapid pace. In order to stay competitive in the marketplace and offer your employees the kind of environment where they can thrive, you need to spend some time looking at things in a different way. This Insight will provide you some ideas to consider as you look to stay in compliance – and on the cutting edge.

The Evolution of Workplace Policies

When's the last time you updated your employee appearance policies? The expectations and standards you might have created as recently as a few years ago may be outdated – not just because of cultural shifts but because of new legal obligations. [Here's a checklist of considerations you should spend some time on.](#)

Your bereavement policies might be out of date, too. Not just because of expansive new state and local laws – and there have been plenty of them – but also because the modern trend of focusing on employee mental health and well-being has led to an evolution of thinking about bereavement leave. [Here's an overview of recent workplace trends regarding bereavement leave laws, policies, and best practices – and a good recap of your legal obligations.](#)

Is it time to change up the way you manage PTO to match your employees' preferences? Many employers are switching to an “unlimited PTO” model to provide much-appreciated flexibility and administrative relief — but there are also a few pitfalls to avoid. [Read some practical tips here.](#)

Related People



Richard R. Meneghello

Chief Content Officer

503.205.8044



Lisa Nagele-Piazza

Legal Content Counsel

404.760.7943

What are workcations, bleisure travel, and hush trips – and why does your company need a new policy to cover them? If you have employees who work remotely or travel for business, they've likely considered taking their laptop to the beach or maybe even abroad. Perhaps they've already done so without telling you. [Here's a checklist of items to consider](#) when creating a policy on whether – and in what ways – your employees can combine business and leisure travel.

Do you need a TikTok and BeReal policy? Changing dynamics in the world of social media mean that you may want to set new guidelines for its use at the workplace – while still ensuring your policies don't run afoul of employment and labor laws. [Here are four tips for updating your social media policies](#) to reflect this modern era and stay on top of the latest developments.

Positions at Your Workplace are Evolving

Have you considered whether your company needs a Chief Remote Officer? If you have employees working from home, it might be time to give some thought to retaining a CRO. [Check out our checklist of considerations here – along with ideas about how to develop a job description.](#)

Speaking of job descriptions, they might need a refresh for 2023. [We developed a checklist of items to consider when updating your job descriptions](#) – which can be the cornerstone of an effective compliance program and help you minimize litigation risks.

Evolutions in the Ways Employees Work and Get Paid

What about a four-day workweek? Is your company ready for a modern shake-up that might very well boost morale and productivity? It might not be right for everybody, but [here are four things for you to consider before implementing this trendiest of workplace policies.](#)

Have you considered providing your employees with on-demand access to their pay? To combat a tight job market, employers are looking for creative ways to retain and attract talent. An Earned Wage Access (EWA) policy – a revolutionary employee benefit program that offers employees almost instant access to their pay – might just be what gives companies the edge. However, developing and implementing an on-demand pay benefit program raises numerous legal compliance issues that you should be



Raymond W. Perez
Of Counsel

Service Focus

[AI, Data, and Analytics](#)

[Counseling and Advice](#)

[Employee Defection and Trade Secrets](#)

[Employee Leaves and Accommodations](#)

[Employment Discrimination and Harassment](#)

[Privacy and Cyber](#)

[Wage and Hour](#)

Resource Hubs

[AI Governance Hub](#)

mindful of before rolling out your policy. [We've created a checklist to help you figure out how to get it done.](#)

Not All Evolutions Are Good: Combatting Negative Attitudes at Work

You are probably sick of hearing about “quiet quitting” – but your employees aren’t. The movement that encourages employees to set strong boundaries with employers, rebuke “hustle culture,” and reject those who tout “living to work” as a badge of honor is alive and well. While it might leave you grappling to adequately staff your teams, [there are three key steps you can take to prevent and combat quiet quitting.](#)

Quiet quitting’s ugly cousin is called “resenteeism.” What happens if employees take it one step further and start to actively *resent* their employer? Signs include negative attitudes, procrastination, poor performance, and a host of other toxic behaviors that can have dire consequences for your business if left unchecked. Fortunately, with a few checks and balances in place, you can keep a finger on the pulse of your organization and address potential problems before they escalate. [Here are seven proactive steps you can take](#) to address resenteism and promote a positive workplace culture.

Can you also take action to prevent career cushioning? Workers are updating their resumes, contacting recruiters, and sharpening their skills now more than ever so they’re ready for the next move. Your workforce may be engaging in these so-called “career cushioning” activities either to advance their careers – or cushion the landing if they find themselves on a layoff list. [Here is a checklist of questions to ask during stay interviews](#) to help you be proactive and retain high-performing employees you don’t want to lose.

Technology in the Workplace is Always Evolving

Artificial intelligence in the workplace has taken a massive leap in just the last few months. First get a lay of the land and understand why the White House has taken a keen interest by [reading about the administration’s proposed AI Bill of Rights](#). Then check out our [three warnings to employers](#) when it comes to employee use of ChatGPT. Read about how [your trade secret protocols may need a refresh](#) thanks to algorithm-based evolutions. Finally, [check out these survey results](#) to find out what employers around the country are doing when it comes to AI.

Don't forget about blockchain! While AI seems to be the shiny new object that everyone is curious about, blockchain technology remains a powerful tool that could help your workplace achieve efficiencies you could barely dream about. [Read about three real-life use cases that blockchain can help you implement today](#) – along with some considerations to take under advisement before you take the leap.

The era of disappearing messages may spell trouble for your company. When employees go “off-grid” and use unauthorized third-party messaging applications that fall beyond typical email and texting – like the self-destructing WhatsApp messages – they put you at increasing risk of scrutiny by federal criminal prosecutors, among other dangers. The inability to preserve such communications can cause regulatory record-retention headaches, interfere with your ability to respond to litigation discovery requests, put you at risk of violating consumer and employee privacy laws, and expose your sensitive or competitive business information. [Here are six steps you should consider implementing to minimize troubles.](#)

Scammers are active – especially in remote work environments. [Take a look at this checklist of items to consider](#) when it comes to avoiding the new breed of workplace scams that have blossomed given the rise of remote and hybrid work over the last few years.

Common Workplace Practices May Need to Be Adjusted

Do you still use severance agreements with confidentiality provisions and non-disparagement clauses? You may want to [read about the new NLRB decision](#) that could render such agreements unlawful, even if you are in a non-unionized setting – and even if you entered into such agreements in the past.

Will your non-compete agreements be next? Although you don't need to scrap your non-competes yet, you need to be aware of an evolution that could be on the horizon. The federal government announced a proposed rule a few months ago that would ban non-compete agreements between nearly *all* employers and *all* workers — employees, independent contractors, externs, interns, volunteers, apprentices, and even sole proprietors who provide a service to a client or customer. [Read a summary here](#) and [read our detailed FAQs here.](#)

Conclusion

We will continue to monitor workplace law developments and provide updates when necessary, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. For further information, contact the authors of the various Insights compiled here or your Fisher Phillips attorney.