

ARE YOU THINKING ABOUT BRINGING YOUR EMPLOYEES BACK TO THE OFFICE? READ THIS FIRST

Insights
Aug 18, 2023

You may have read recent headlines about companies making moves to bring more workers back onsite. Even Zoom — the online meeting platform that got many people through the pandemic — is calling for a bigger in-person presence in the workplace. Why? Teambuilding, collaboration, coaching, and data security are frequently cited as reasons to require employees to regularly show up at a physical worksite. As the world gradually recovers from the COVID-19 pandemic, you also may be thinking about the benefits of in-person collaboration and bringing your people back onsite. But employees are sometimes reluctant to give up the added benefits of remote work, such as increased flexibility, no commute time, and the absence of geographic barriers to many jobs. So, can you make a case for why employees should return to the office? Can you require them to do so? And even if you can, should you? Before you roll out any mandatory return-to-office policies, you should understand the benefits, as well as the potential issues and legal concerns. Here are four key steps you should consider taking now before making significant changes.

1. Outline the Goals Driving a Return-to-Office Decision

Many employers and employees alike have grown tired of online meetings, digitally blurred backgrounds, and telling colleagues they're accidentally on mute. Moreover, you may own or lease expensive office space that's been virtually empty for the last few years. But prior to making the decision to mandate in-person work, you should ask: What are the business goals driving our decision to implement a

Related People



Raeann Burgo

Partner

[412.822.6630](tel:412.822.6630)



Hannah Sweiss

Partner

[818.230.4255](tel:818.230.4255)

mandatory return-to-office policy? Identify the pros and cons of moving from the current remote-work policy to a mandatory onsite policy and compare those to your business needs. While every business and company culture is different, here are some of the benefits you might see when employees return to a physical worksite:

- **Employee Well-Being:** A physical office space can help alleviate loneliness and promote social connections among employees, contributing to their overall well-being.
- **Enhanced Collaboration and Teamwork:** In-person interactions can promote stronger collaboration and teamwork among employees. Face-to-face communication allows for immediate feedback and real-time problem-solving, which can lead to increased productivity and innovation while avoiding misunderstandings.
- **More Defined Work-Life Boundaries:** Returning to the office may allow your employees to reestablish traditional work boundaries, reducing the likelihood of burnout and improving work-life blend.
- **Stronger Company Culture:** Being physically present in the office helps employees connect with the organization's values, mission, and goals. In-person interactions promote a sense of belonging and shared identity, strengthening company culture and employee engagement.
- **Increased Oversight and Performance Management:** When employees work from the office, your managers may have more direct oversight to monitor work progress. This can help you facilitate performance evaluations, provide timely feedback, and identify areas for improvement more effectively.

2. Recognize the Risks of Requiring In-Person Work

You'll want to carefully consider the impact of an in-office work policy on your employees and potential new hires, including the following aspects:

- **Employee Retention and Recruitment Risks:** Many employees have grown accustomed to the flexibility of remote work, which includes reduced commuting costs and childcare expenses and the ability to live in more

affordable areas. Forcing employees to return to the office full-time may lead to dissatisfaction and increase the likelihood that some employees and job candidates will seek opportunities with other businesses.

- **Employee Morale:** Some well-known companies have experienced pushback from their employees when attempting to enforce in-person work. It is important to consider employee sentiment and take their concerns into account before implementing mandatory return-to-work policies.

3. Address the Legal Hurdles

You should also consider reviewing your policy for potential biases and other legal issues, such as the following:

- **Unintentional Bias:** Discrimination can occur if the return-to-work policy treats employees differently based on protected characteristics such as age, race, gender, religion, disability, or any other characteristic protected by applicable law. Even if the policy isn't meant to be — or doesn't initially appear to be — discriminatory, employers could face challenges if the policy disproportionately impacts employees in a particular protected group. For example, return-to-office policies might unintentionally discriminate against women who have caregiving responsibilities. Additionally, workers with disabilities may seek remote work as a reasonable accommodation. Therefore, it is vital to consider and address any potential discriminatory effect when implementing your policies.
- **Additional Accommodation Requests:** Employers may receive accommodation requests from employees who prefer to continue working remotely due to health conditions, caregiving responsibilities, or other legitimate reasons. Employers should be prepared to address these requests on a case-by-case basis, considering both legal obligations and the needs of their workforce.
- **Workplace Safety and Health:** Returning to the office may require adjustments to office layouts, sanitation practices, and other safety measures to ensure a healthy work environment. While the COVID-19 public health emergency has ended, health in the workplace will be top of mind for many employees returning to the office. Employers should continue to consult with health experts

and follow local guidelines to create a safe and comfortable workspace for their employees.

4. Consider Offering Alternative Benefits as Incentives

To mitigate the challenges associated with mandatory return-to-work policies, employers may also consider offering the following benefits:

- **Commuting Stipend:** Providing financial assistance or subsidies for commuting costs can help alleviate the burden of travel expenses, making the return to the office more appealing to employees.
- **Relocation Benefits:** You should decide whether to offer relocation benefits to ease the burden on employees and new hires who do not live near your physical workplace. This may include covering moving fees, the cost of rent for a few months, and other direct expenses — or you could consider providing a lump sum payment.
- **Flexible Work Hours:** Offering flexible working hours or alternative work arrangements can accommodate employees' personal commitments and help strike a balance between in-person work and other responsibilities.
- **Childcare Support:** Assisting employees with childcare costs or providing on-site childcare services can address the concerns of parents who might hesitate to return to the office due to these responsibilities.
- **Hybrid Work:** After reviewing the risks and rewards of bringing employees back to the office, you might decide that a hybrid approach works better than requiring employees to show up at the office every workday. Many employers have reached a balance by allowing employees to work remotely a few days a week – but every employer must weigh the pros and cons of such arrangements for their particular business.

Conclusion

Implementing mandatory return-to-work policies requires careful consideration of business needs and legal concerns. By understanding the preferences of remote workers, acknowledging the pros and cons of returning to the office, and addressing employee concerns through appropriate strategies, employers can facilitate a smooth transition back

to in-person work. Maintaining open lines of communication and actively involving employees in decision-making processes can foster a positive work environment and increase the likelihood of successful implementation of mandatory return-to-work policies.

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