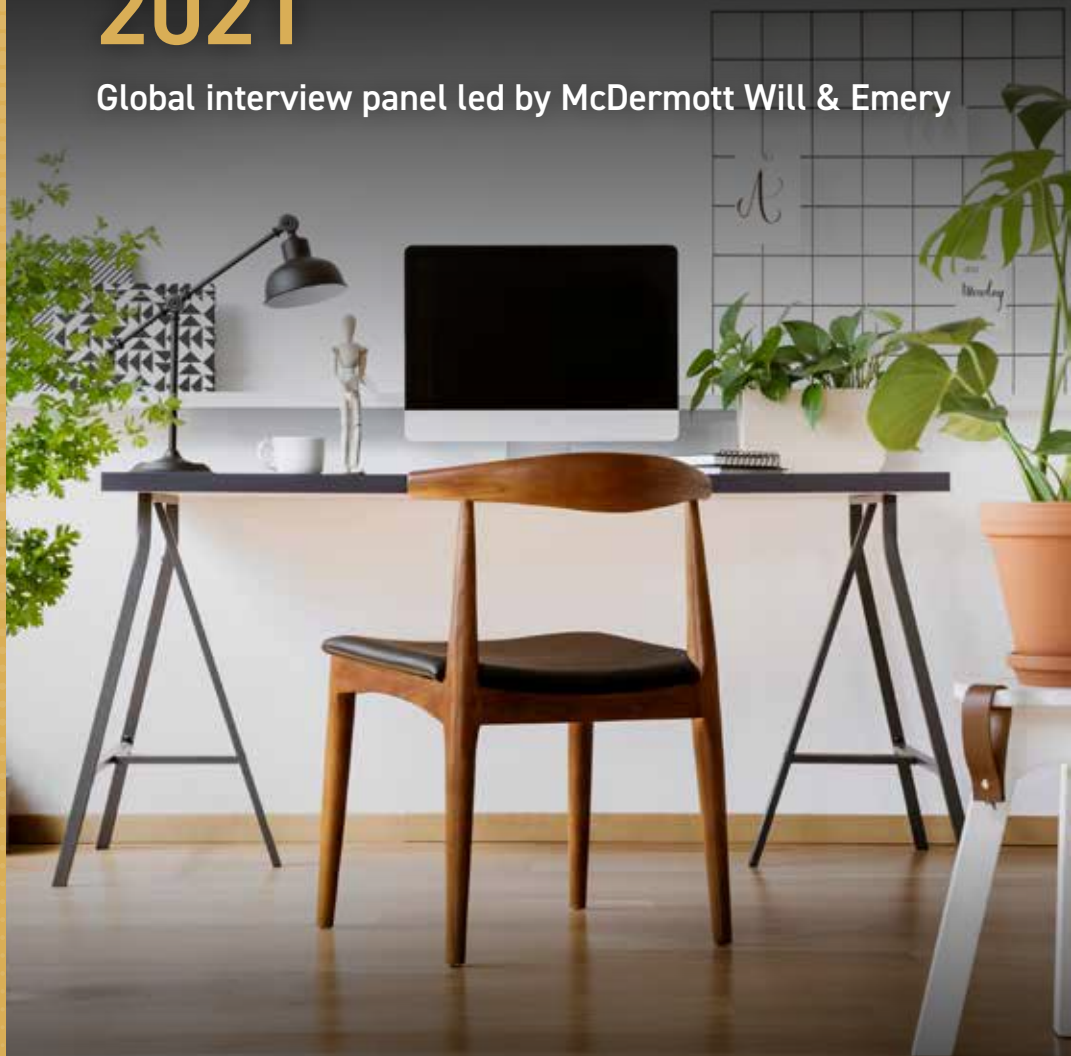


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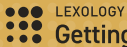
REMOTE WORKING 2021

Global interview panel led by McDermott Will & Emery



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Global Trends

Carole Spink is an employment adviser on global and domestic employment law matters. She is one of the leaders of McDermott Will & Emery's COVID-19 Employment Task Force and advises employers on a wide range of covid-19 measures, including federal, state and local leave obligations, furloughs and layoffs, cost-cutting measures, accommodations, health and safety obligations, return-to-work procedures, and policy review and implementation.

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Remote work is on the rise. While having the ability to work from outside a corporate office has been feasible for a few decades – and available to a few – working remotely is only now becoming mainstream.

There are a variety of ways in which employees can work remotely. That is the beauty of remote work – people can choose to work in a way that makes the most sense for their lives. For example, some people can work remotely for the majority of the working week, but have to commute to in-person meetings once a week. Others may take full advantage and never step foot in a commercial building again. It is unsurprising that remote work is on the rise given its benefits to both employers and employees. For employees, it may be a more flexible lifestyle, such as the ability to rid themselves of an hour commute and spend that time with children or partners, pursue continuing education at night because they can start their day earlier, or even more easily run errands such as a grocery trip or a doctor's appointment. Additionally, employees may find a renewed passion for their job and can become more inspired by their surroundings or avail themselves of a new perspective given they can curate their workspace how they see fit instead of staying in the classic commercial grade office.

For employers, remote work can lead to (and has shown) higher employee productivity. In fact, it is shown that remote employees are often more likely to put

Photo: shutterstock/Alex Brylov





Carole Spink



Katie Clark



Paul McGrath

“For employers
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shown) higher
employee
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in extra effort in their jobs than in-office employees. According to Forbes, two-thirds of surveyed managers reported an increase in overall productivity from their remote employees. Additionally, remote employees may be great for a company's bottom line. If a team is fully remote (or partially) employers may see decreased overhead from money saved on costs such as rent and office furniture.

Given the benefits of remote work, it may appear a no-brainer. However, it is critical that employers fully understand the legal implications of allowing employees to work remotely. Remote employees are generally subject to the laws of the city and state where they are physically located and perform work. Depending on state law and conflict of law principles, there may be exceptions for employees who are temporarily located in a state or not considered 'based' within a state. With employees working remotely outside their usual office locations, employers may need to familiarise themselves with the state and local employment laws of other jurisdictions. Failure to comply with state and local posting requirements, leave entitlements, wage and hour laws, can result in employee disputes that may lead to employer liability for lost wages, penalties, non-economic damages and attorneys' fees.

For best practices, employers should audit the location of their remote employees, assess how long the current telecommuting arrangements may remain in place and what steps may need to be taken. This questionnaire is intended to help guide what legal considerations an employer should evaluate when preparing for a more permanent or expansive remote workforce. Companies that envision a long-term remote workforce may consider modifying their practices and policies to comply with state and local requirements. This can be achieved by creating state-specific employee handbook addenda or stand-alone state policies. Internal human resources staff should be trained to identify that the company's obligations (eg, leave or pay) to remote workers may be different and coordinate closely with employment counsel to ensure compliance.

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Lexology GTDT Market Intelligence provides a unique perspective on evolving legal and regulatory landscapes.

Led by McDermott Will & Emery, this Remote Working volume features discussion and analysis of emerging trends and hot topics within key jurisdictions worldwide.

Market Intelligence offers readers a highly accessible take on the crucial issues of the day and an opportunity to discover more about the people behind the most significant cases and deals.

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