MassTLC Head of Talent Meeting: Return to Work
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This report conducted by Littler summarizes and analyzes data gathered from more than 1,000 in-house lawyers, HR professionals and C-suite executives in May, 2020.

The survey gauged employers’ key concerns and strategies in reintroducing employees to the workplace in the wake of COVID-19.

**Methodology and Demographics**

From May 5-14, 2020, 1,010 professionals completed the Littler COVID-19 Return to Work Survey via an online survey tool.

98 percent of those surveyed said their organizations have **operations throughout the United States**.

**Respondents included:**
- Human resources professionals (59 percent)
- General counsel/in-house attorneys (31 percent)
- C-suite executives or other professionals (10 percent)

**Companies represented were of a variety of sizes:**
- More than 10,000 employees (14 percent)
- 5,001 to 10,000 employees (8 percent)
- 1,001 to 5,000 employees (22 percent)
- 501 to 1,000 employees (12 percent)
- 101 to 500 employees (28 percent)
- 1 to 100 employees (15 percent)
Which of the following describes the best estimate of when your organization currently plans to start bringing employees back into the workplace?

- **Within 1 month**: 34%
- **Between 1-3 months**: 43%
- **Between 3-6 months**: 9%
- **Between 6-9 months**: 1%
- **2021**: 1%
- **We will not identify likely timing until the crisis subsides and/or testing is broadly available**: 10%
We will bring employees back immediately after each stay-at-home order is lifted

We will bring employees back a few weeks after each stay-at-home order is lifted

We will monitor the outcome of other businesses reopening before making decisions

We plan to wait to open all our locations at the same time

We do not plan to bring employees working remotely back into the workplace

Which of the following best describes your organization’s plan to start bringing back employees who are working remotely after stay-at-home orders are lifted in the states in which you operate?
Which of the following actions, if any, is your organization taking or planning to take to keep employees safe in the workplace?

- Increase frequency and depth of cleaning and/or disinfecting worksites: 90%
- Limit or restrict employee contact in common areas, including break rooms, kitchens and conference rooms: 87%
- Provide and/or encourage wearing face coverings, gloves or other protective gear: 86%
- Modify physical workplaces to maintain distance between workers: 78%
- Continue remote work for those whose jobs do not require them to be in the workplace: 78%
- Rotate employee schedules or split shifts to facilitate distancing: 68%
- Conduct employee temperature or health screenings: 58%
- Implement high-efficiency air filters or other controls to increase circulation, filtration or ventilation: 18%

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We plan to be flexible in accommodating valid requests to work remotely until the pandemic subsides

We plan to change our remote work policies and increasingly allow employees to work remotely if they have proven they can be effective in doing so

We will make reasonable accommodations only for those in high-risk groups, including elderly employees or those with underlying health conditions or disabilities

We cannot accommodate work-from-home requests, as all our employees must work on-site

Which of the following best describes how your organization plans to manage work-from-home requests after reopening?
To what extent is your organization concerned about reopening due to liability over coronavirus related claims and the potential for lawsuits if workers contract the virus?

- Not at all: 6%
- To a great extent: 11%
- Very little: 23%
- Somewhat: 60%

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In which of the following areas do you expect an uptick in workplace claims or lawsuits as the COVID-19 pandemic continues and employees start coming back into the workplace?

<table>
<thead>
<tr>
<th>Area</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Leaves of absence entitlements (e.g., Family and Medical Leave Act, Families First Coronavirus Response Act, other paid sick leave laws)</td>
<td>68%</td>
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<tr>
<td>Unsafe working conditions (e.g., violations of Occupational Safety and Health Administration requirements)</td>
<td>59%</td>
</tr>
<tr>
<td>Workers’ compensation</td>
<td>43%</td>
</tr>
<tr>
<td>Employee privacy (e.g., employee medical information)</td>
<td>34%</td>
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<tr>
<td>Retaliation (e.g., against employees reporting concerns or requesting accommodation)</td>
<td>31%</td>
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<tr>
<td>Wage and hour (e.g., payment of wages during quarantine or furlough periods, unpaid overtime of remote employees)</td>
<td>24%</td>
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<tr>
<td>Discrimination (e.g., age, national origin, disability)</td>
<td>22%</td>
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<tr>
<td>Violations of the Worker Adjustment and Retraining Notification Act or WARN Act (which requires companies to provide advance notice of large layoffs)</td>
<td>8%</td>
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<tr>
<td>ERISA claims (e.g., recovery for 401(k) /investment losses)</td>
<td>3%</td>
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