

Risk management for remote workers in the new COVID-19 environment



By Arlene Petersen, CPCU

By the time you read this, many businesses will be open again. That's good for the economy, but precautions may need to be taken for quite some time. The workplace may look very different now and in the future; and while no one has a crystal ball, some of the points in this article may be relevant and helpful.

While some organizations have found it a hardship to have staff working from home, others have found that it is actually working rather well. This means that some employees who have been working remotely may be asked to continue to do so even after the COVID-19 restrictions are completely lifted. This will have an effect not only on the employee and his/her family but potentially on the real estate business as well due to a possible reduction in leased office space needs. If employers decide to institute working remotely, whether short term due to COVID-19 or as a permanent policy, there are several things that should be considered.

Legalities

Beware of discrimination or disability-related issues. If you have employees who are working from home due to a disability, and they require accommodations based on the Americans with Disabilities Act, you

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need to be sure they are offered the same opportunities for advancement as your in-office workers. Otherwise, you could be faced with disability or discrimination lawsuits.

Just because an employee is working off-site does not mean you are not responsible for the safety of their work environment. Is it suitable for getting their job done? Are there hazards that create risks? You may want to have someone from your organization inspect the work environment for safety and appropriateness. If an employee is hurt on the job, even in their home,



you could be held responsible for the injury and/or a workers' compensation insurance claim.

Another law that should be considered is the Family and Medical Leave Act (FMLA). This is not as important for salaried employees, as they get paid the same salary no matter how many hours they may work during the week. However, that is not the case with hourly employees. Even if you instruct your hourly employees not to exceed their normal number of weekly hours, it is difficult to monitor this while they

are not in the office. Having them complete time sheets helps to document hours worked and wages paid. You should have a set schedule for remote workers to check in and discuss the day's hours and activities with their supervisor. You may also want to set the hours the employees should be checking emails and performing other work-related activities. Note the FMLA requirements vary by state, and it is prudent to consult a knowledgeable employment practices attorney for assistance with best practices in this area.



Procedures

While data security is an ongoing concern, it becomes even more important as people are working away from the controlled office environment. You will want to consider providing them with company-owned equipment to use and to restrict downloading of any unauthorized software to that equipment. If access is provided to the company server or to company email, login should be available only through a secure virtual private network (VPN). Passwords should be changed frequently, at least every 90 days. If problems arise with company-owned equipment, how and by whom will technical support be provided? This should be clearly spelled out. If outside tech support is provided, email and phone contact information for that organization needs to be provided. If there is a cost for this, the employee should obtain prior approval from their supervisor.

Do you use paper files? Many organizations still do. What protocols are in place for paper? If you permit files to be taken off-site, a formal check-in, check-out procedure should be in place so that others who may need to access the files will know where they are. If printing is done at a remote location, the documents must be placed in their appropriate files. If, for some reason, documents need to be destroyed, what is the procedure for doing so? If paper files are checked out, what is the procedure for their return? Will this involve pick-up and delivery by another employee, or will the remote employee be required to return the files to the office in person? These procedures should be spelled out so there is no confusion.



Policies

If you have not done so recently, now would be a good time to go over the company's internet security policy with your employees and provide retraining as necessary. Scams are becoming more prevalent now that people are working from home with less monitoring. Make sure your system is set up so that documents, if downloaded, cannot be opened accidentally. Links should not be clicked on if at all questionable. All requested financial transactions should be verified with a separate phone call to the individual who purportedly requested the transaction.

You will also want to have a written policy that is communicated to your employees in the event of a weather-related office closure or closure for some other reason. If the office is closed and a remote hourly employee works, they will most likely be owed wages.

And speaking of communication, it should be clear how the remote employee is to respond to fellow

employees and customers. Should they use phone or email? Is texting permitted? Phone calls and texts may not provide adequate file documentation without a follow-up email. If they use their personal cell phone, will the employee be reimbursed? Laws vary on how that reimbursement may take place.

What do you do if other employees also want to work from home or do so without your authorization? This can be tricky, as you don't want to place the company in a situation where a discrimination accusation could arise. You should have a written policy stating that prior authorization from their supervisor is required in order to work from home.

Some of these concerns may be obvious, while others may not. Now is a good time for even those concerns that are obvious to be reviewed as the status of remote workers evolves.

Arlene Petersen, CPCU, is owner and president of T.E. Brennan Company and the author of Are You Protected? Risk Management For Your Business. Contact her at 262-754-1160 or petersen@tebrennan.com.



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