

The Human Connection: How to Engage Your Remote Workforce

By Tasos C. Paindiris & Margaret J. Strange

November 24, 2020

Meet the Authors



Tasos C. Paindiris

Principal
407-246-8440
Tasos.Paindiris@jacksonlewis.com



Margaret J. Strange

(She/Her)
Principal
(860) 331-1554
Margaret.Strange@jacksonlewis.com

Related Services

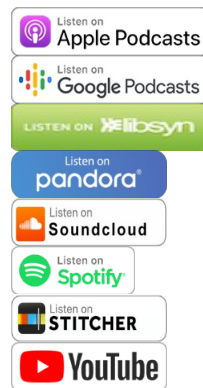
ADA Title III
COVID-19
Disability Access Litigation and Compliance
Disability, Leave and Health Management
Employment Litigation
Workplace Training

Details

November 24, 2020

Employers thought work from home would be a short term fix to a temporary challenge. As a new wave of COVID-19 cases continue to mount nationally and globally, it is time for employers to reconnect with remote employees, reengage and reset the expectations.

Jackson Lewis P.C. · The Human Connection: How to Engage Your Remote Workforce



Takeaways

Employers thought working from home would be a short-term fix to a temporary challenge. Now as a new wave of COVID-19 cases continue to mount nationally and globally, it is time for employers to reconnect with remote employees, re-engage and reset the expectations.

What Employers Need to Know

- Some employers and managers want employees to return to the workplace. Before laying the groundwork to bring non-essential employees back, employers should identify areas of concern (productivity, blurring of personal and professional space, lack of personal interaction) and be asking “have we made the best efforts to keep our remote workforce engaged?”
- To best engage a remote workforce, drill down into what is not getting done remotely and then think about how to engage that employee with a focus on those specific issues.
- Reinforce and communicate expectations while creating a dialogue between you and your employees.
 - Ask employees what is and isn't working.
 - Share examples of how you are working, or how you addressed your own challenges with remote working.

- Consider your tone when asking these questions in order to foster an environment of care and cooperation.
- Put a plan in place to engage remote workers that takes into account the unique circumstances and workspaces of individual remote workers.
 - Stay positive.
 - Suggest more casual meetings when possible, like inviting an employee to a virtual coffee break.
 - Create contests and host virtual games.
- Consider sending written rules for video etiquette, dress code and virtual backgrounds.
- Reminder: compliance with ADA and reasonable accommodations requires a higher level of engagement because employers and managers aren't in an office setting and able to observe employees firsthand. Managers need to understand the actual requirements of the job when determining what is essential and what a reasonable accommodation might be.
- Start thinking about getting back to the workplace – will you allow more flexible arrangements in the future and what will those look like?

Transcript

Alitia ([00:06](#)):

Welcome to Jackson Lewis' podcast, We get work™. Focused solely on workplace issues everywhere and under any circumstances. It is our job to help employers develop proactive strategies, strong policies, and business oriented solutions to cultivate a workforce that is engaged, stable, and diverse. Our podcast identifies the issues dominating the workplace and its continuing evolution and helps answer the question on every employer's mind. How will my business be impacted?

Employers thought work from home would be a short-term fix to a temporary challenge. Now as a new wave of COVID-19 cases continue to mount nationally and globally. It is time for employers to reconnect with remote employees, re-engage and reset the expectations. This episode of We get work™, discusses lessons learned from employers on best practices in managing a remote workforce to optimize productivity and foster employee engagement.

Our hosts today are Peggy Strange and Tasos Paindiris, principals respectively in the Orlando and Hartford offices of Jackson Lewis. Peggy believes that in a dynamic and ever changing workplace, proactive innovation and support are the keys to a successful client relationship. And looks for ways employers can achieve the same goals with their employees.

Tasos is a member of the firm's COVID-19 task force has spent the better part of this year helping his clients deal with the immediate challenges brought on by the emerging pandemic and now looks to help them find ways to bridge the workplace of today with the re-imagined workplace of tomorrow. Peggy and Tasos, the question on everyone's mind today is, how can employers facing a long-term remote workforce create a sustainable solution and how can that impact my business?

Tasos Paindiris ([02:09](#)):

Alright. Hi, I'm Tasos Paindiris.

Peggy Strange ([02:12](#)):

And I am Peggy Strange. So Tasos, here we are. Many of us are eight months into working from home. And what we thought was going to be something temporary is looking like it's going to last a little bit longer. Although, I'm hopeful for spring and warm weather and the vaccine, but before we get into engagement issues and the tips for managing folks from home. Let's start with talking about some positives about the situation we're in, because I think if we're always looking for positives, we can dig and find some. So what are some of the positives that we're dealing with right now?

Tasos Paindiris ([02:46](#)):

Like the amount of money I'm saving on gas and tolls?

Peggy Strange ([02:48](#)):

Exactly the amount of money I'm saving on dry cleaning and buying new clothes.

Tasos Paindiris ([02:54](#)):

And being able to see the inside of people's houses that you work with, when they're on video calls with you.

Peggy Strange ([02:59](#)):

Exactly. And seeing people's new puppies and kittens. Although I can't hold up my puppy on a podcast, but he's been a little joy to us.

Tasos Paindiris ([03:08](#)):

Well, I think a lot of companies would be glad to hear that the number of harassment claims is actually down because people aren't working with each other and harassing each other at work.

Peggy Strange ([03:17](#)):

That's right. That's right. And my favorite part, which is I don't stress anymore about whether I have enough friends or go out enough, because nobody really going out that much. So that's a relief.

Tasos Paindiris ([03:28](#)):

Well, my favorite part is that I didn't have to hear my coworkers talking about politics leading up to the election.

Peggy Strange ([03:34](#)):

Awesome. So employees are still dealing though, and we are with remote work. So some companies are finding that this whole remote workplace is working pretty well and others are a little bit frustrated. So what we did is we asked some of our

clients to share with us some of their thoughts on what is working, what is not. And what we do hear over and over again, from a lot of our clients is we need people to get back to work. Some folks have the sense of everyone staying at home. They're playing with their kids. In my case, they're playing with their puppy, which does happen. They're taking long hikes or napping and this needs to end. Some of our clients are even asking, "Hey, can we just have everybody come back to work? Can we mandate them to come back to work?"

So what is our suggestion? At this point, let's slow down and be a little bit thoughtful. Why do we need everybody back to work? So is it an essential worker, which obviously we do need to see essential workers in the workplace. We also suggest now, if you do have essential workers, it's a great time to remind anybody the rules around distancing. We are seeing an uptick in the COVID cases. Remind everybody that they should stay home, if they're sick, if they have a temperature, make sure to follow their social distancing. With the holiday travel, a lot of our clients are reminding folks that they have expectations regarding employee travel, maybe avoid unnecessary personal travel. Limit your personal travel. If you do travel, what do you do if you're coming back into the state?

So for all those folks who are essential in coming into the workplace, follow some good practices, but if not essential, if you're not essential, is it true Tasos, does everybody just have to come back to work? Or maybe it's just a manager who has to manage better remotely? What are you seeing?

Tasos Paindiris ([05:27](#)):

Yeah. Look, I think it's something in between, remember that one of the reasons why remote work is oftentimes an accommodation under the ADA is because of the flexibility of working remotely. So before we get all fired up about whether or not remote work has to end. I think we need to look a little bit closer at what's working and what's not working. I mean, there's been some good news on the vaccine front. And we're all pleased about that. But at the same time, it's going to take a little time before we get there. So we're here in this remote work environment for a little bit longer. And maybe the problem isn't so much the remote worker as it is the manager, who's obsessed with complaining about people who work from home without evaluating really what the issues are and what needs to be addressed and taking action to engage with those employees before having people come back to work.

Peggy Strange ([06:18](#)):

Sure. So what we hear from a lot of clients, they've got that manager, that senior executive who says, "You know what? FaceTime is everything, I need people back in the workplace. You have to be seen working hard to get recognized." How do we respond? What with those types of demands from managers?

Tasos Paindiris ([06:37](#)):

Yeah. I've been dealing with that issue a lot. And a lot of times what I find is that it has to do more with the personality of the manager than the actual requirements of the job. I mean, I had a situation I was dealing with, with a client out west,

where they had somebody who wanted to work remotely after they brought everyone back to the office and the employee had a doctor's note and their reasons for staying remote. And the employer called me and said, "I really want this person to come back. It's essential for the job. And what I'll do is I'll set them up in their own office, down the hall. They won't have to interact with anybody. They can come in, they can stay in their office all day and that ought to satisfy them." And I said, "Well then, why do you need them to come back to work? If all you're going to do is stick them in an office and not have them interact with anyone." How has that saying that the essential function is to be in the office.

So I think one of the obligations that we have and that managers have is to figure out more precisely what's not getting done remotely. And how do we engage with people to get that done.

Peggy Strange ([07:35](#)):

Exactly. And I think a lot of our clients are trying to work with their managers to peel back the onion, if you will, a little bit and say, "What is your complaint?" When you kind of march into HR and say, "I need everybody back here. Tasos, is staying at home, sitting by his pool. I just know it." And the answer is, really try to figure out what they think, what the managers think is not being done. Are managers managing? And this is a great time right now, in the fall going into winter, it's not temporary anymore. We've been at this for a while. Let's recheck in with everybody and set the expectation. So if you've got certain expectations for your employees, let them know what they are. It's a great time to connect and outline performance expectations. What do you think is working? What's not working. What are the specific examples that you can share with the employee so they know what you're doing? What you're concerned about.

So for example, I hear a lot. Every time I call the employer, I invite them to a Zoom call. They're not home, or they're not answering their phone. It's perfectly reasonable to say, "If it's working hours, you need to be available." But you need to set those expectations now. So Tasos some managers have said to us, "Okay, I hear you. But I still know that Tasos is at his pool all day long and he doesn't have his laptop in the pool. So I'm telling you what I'm going to do. I'm going to pull his emails." Everybody wants to pull the emails. So rather than have the conversation, let's just do a little back look. And I've had managers and HR professionals call me and say, "Hah, we caught him. We looked at his email and he wasn't doing much." So is it just easier to check everybody's email traffic and see what they're doing?

Tasos Pandidiris ([09:21](#)):

Well, there's what you can do. And there's what you should do. I think, most employers have policies these days, that say, "We have the right to access your emails. You have no right to privacy in your emails." So technically can you? Sure. But is that the right move in this environment? Is it necessary? The point is that what we want to be doing is encouraging employee engagement and ways to make people feel like they're part of a collaborative work environment that they're contributing to. And we don't want to be setting the tone of, "Hey, I'm watching you. I know the last email you sent was at 4:43 and not at five o'clock." And that's

not the right message to send.

Peggy Strange ([10:02](#)):

So maybe we really need to take a step back and rather than seeing what they're doing at 4:45, reset our relationship with remote workers.

Tasos Pindiris ([10:14](#)):

Yeah. I think that's right. I mean, what employers should be doing with managers is saying, "What is your plan to prioritize employee relations and engagement efforts? What specific actions are you going to take? What goals do you have for doing that?" Some employees have a more difficult time than others with the remote work environment. Not everybody has private space at home. Not everybody has a quiet space at home. Studies have found that most employees are happy working from home right now, but a lot of them are not. And what we don't want in our workforce is a bunch of unhappy, disengaged people who are struggling with their work.

Peggy Strange ([10:55](#)):

Yeah. It reminds me of my son last spring, in his senior year of high school. And he started his remote working in March, as we all did. And we got a little call from his advisor saying, "We think he might need a little schedule." So I don't think the first couple of weeks worked out as well as we had thought while he was sitting in his room. So maybe just set up a schedule with your employees, not in a punitive way, but hey, let's get you a schedule and see what you're doing. So we have our schedules, we've set our expectations. Now, how do we engage our good employees? The employees that are happy, motivated, productive, and sitting at home, living in their heads right now, which is sometimes a horrible place to be. Getting up, one of our colleagues talks about he text his wife, when he gets to work in the morning. He gets up, he goes, "I'll text you when I get to work." And he sends her text 32 seconds later when he gets to the kitchen table. So how do we keep people who are home engaged, happy, and motivated?

Tasos Pindiris ([11:58](#)):

Well, I wish I had the magic wand for that one. Look, there's no doubt that effective leadership is being put to the test right now. And for all of us, for you and me too. I know Peggy that you are an effective leader in this firm. So let me flip it back to you. What are you doing to keep people engaged?

Peggy Strange ([12:18](#)):

Yeah. So I'm trying to keep it positive at every single level and do as much as I can to reach out to our very talented attorneys and let them know that we're there for them. It's the small things that make a difference. Calling out to somebody, sending them an email saying, "Hey, that was a great job on that project that you just did." Calling them up and asking them how they're doing. Virtual coffee, where we sit and we look at each other. Positive message from leadership saying, "Great job on that." And we've also had some fun. We did a scavenger hunt in our office. You had to find things around your house, like a picture of your puppy, for

example, I won that one. Trivia contest, some of our clients are doing about their company, where they get on and do a trivia. We've had two truths and a lie, which was super fun. And Jackson Lewis actually did a virtual 5K, to support No Kid Hungry.

So always fun to try to find ways to engage. We [inaudible 00:13:23], we use Webex and videos are always a fun way to engage too. Make videos of yourself, send them to your team, have your team share videos. All appropriately, of course.

Tasos Paindiris ([13:33](#)):

Well, I was going to say, we do have to be careful with that, with videos. And that reminds me of something, which is are we going to have or are we recommending to clients that they set standards for etiquette in remote video meetings? I think we should. Right?

Peggy Strange ([13:49](#)):

Yeah. And I do think that they have to, in some instances, consider sending written remote meeting etiquette. I have started to see, and we have clients who are experiencing employee complaints that their managers don't pay attention in meetings, if you can imagine. We've all been in that meeting where you can tell somebody's actually checking their emails and what the employees can do is take pictures that. They've got a video of a supervisor's neck, as they're looking at their emails above their head. We had actually a situation where an employee got into a fight at work with another employee on Facebook and the fight became very racially charged. So it came to the employer's attention and it turned out that the employee was actually in a meeting during this whole one and a half hour back and forth fight on Facebook, was in a meeting with her manager.

So the etiquette is everybody be at the meeting. And when you are at that meeting, when you're at work-related meetings, make sure you're there and you're not Facebooking with your friends. So just make sure that everybody knows the etiquette to listen to each other, to raise your hand, if you want to speak whatever you want your etiquette to be, to keep your meetings professional and productive.

Tasos Paindiris ([15:03](#)):

Yep. And to that end too, I mean, we think that there should be a dress code for remote meetings. At least maybe not the same dress code that you have for the office, but a dress code. Everybody should be on camera, if you're having a meeting that's by video conference. If you had a meeting in your conference room, you wouldn't let somebody dial in from their office down the hall. So everyone should be on camera, if that's what you're doing. Customized backgrounds for Zoom and Webex, you have to be careful with those. I've actually seen some inappropriate backgrounds that people put up with pictures and things like that. So the same rules apply working from home that apply in the workplace. So we want to make sure that we're being careful with that.

Peggy Strange ([15:44](#)):

Yep. And finally, I think we need to be a little bit realistic about people working at

home. They are facing many, many challenges. They're trying to homeschool children, they're dealing with perhaps people who are sick themselves or dealing with just day after, day in their heads and that's hard for all of us. So randomly check in and say, "Hey, can we have a quick chat?" And ask your employees, how are you doing? Maybe have honest conversations, knowing that it's hard to have kids at home and everyone's trying to work the hours. Is anything going on, that's making it hard for you to work? Would it be more helpful if we worked a little later at night or earlier in the morning? What are the challenges that employees have that we can help them fix, so that we can retain our really our top talent through this tough time?

Tasos Paindiris ([16:33](#)):

Yeah. And it's not just about retention. My head as an attorney always goes to compliance too. And that makes me think about our ADA obligations. When employees are at work, we have an obligation under the ADA to accommodate people, if we're aware of the medical condition that's interfering with their work. Well, that rule still applies to people working remotely. So being engaged with your employees, you'll know more about well, what's going on with them? What challenges are they having? So you can avoid a claim down the road where an employee says, "Hey yeah, I was struggling. I needed an accommodation and my boss knew what the problem was, but they did nothing about it."

Peggy Strange ([17:12](#)):

Alright. So what else can we do for employees who are still at home working at their kitchen tables?

Tasos Paindiris ([17:20](#)):

I mean, I think, kind of along the lines of the structure you were talking about before, there's goal setting. Helping employees set goals and not just job related goals that you would have if you were working in the office, but goals relating to the structure of their environment at home. And making it easier for employees to get information. A lot of the information that we got when we were in the office sometimes came from talking and collaborating with coworkers. Oh, where can I find this? Or how do you do that? And we don't have that as much when working remotely. So we want to make sure we have tools out there for people to have access to information, and maybe even meetings, where that's what you're discussing as an agenda item in the meeting is, where are you getting information?

Peggy Strange ([18:03](#)):

All right. So we started everybody working from home and we thought our computers were going to crash. And it was kind of like, Y2K. What's going to happen? Is this going to work? And now our computers are working and there's some glitches, the technology is in place, but we're also tracking COVID litigation. We're seeing now cases coming out of this and what can we learn from there? What are the legal issues that employers should get on now, as we continue this remote work?

Tasos Paimdiris ([18:32](#)):

Yeah. So employee engagement, it's not just good for your workforce and for employee relations, but I think it's helpful for compliance. I mean, one of my biggest concerns for employers right now is, is wage hour. You have employees right now working remotely, meaning they have 24/7 access to the workplace. And people are going to be tempted to do something work-related to catch up because they got distracted at some point during the day or just try to do a good job. So that off the clock work that people might be doing really concerns me and being more engaged with your workforce might shed some light on that and help you nip it in the bud. You also have states with meal and rest break requirements. So how are you tracking that? You can't see somebody when they get up from their desk and take a break. Maybe you want to have automated reminders popping up for people for meal and rest breaks.

And then even your salary exempt people. Like an exempt manager has to have their primary duty as management. So if you're working remotely, is your manager's job different now, are they still managing as their primary duty? Therefore, are they still meeting the exemption? We need to look at that. And of course, confidentiality is always a concern. So a lot of companies have taken steps to secure their networks, but what about people just getting on conference calls at home and other people overhearing what's going on?

Peggy Strange ([19:56](#)):

Oh my goodness. Early on in my career, I had a case like that. It was a second grader whose mom worked for the state's tax division. And she announced to her little friend at school that his dad owed a lot of money to the government. So she heard that at the dinner table, apparently decided that she'd share it with her little, second grade friends. So yeah, that confidentiality is definitely a concern, especially with little ones around.

Tasos Paimdiris ([20:20](#)):

Yeah. Well, that's the thing. I mean, I think we're going to see more of that. People sharing the same printers at home, people speaking loudly on the phone. Sometimes you can hear your neighbor from your patio, when they're on a conference call. There's also the state law issues with expense reports and what do employers have to pay for internet cell phone service. And then there's also an issue with workers' comp, does workers' comp apply to the home office setting? And what policies do you have in place to protect the company from workers' comp claims when people are working remotely? So definitely a whole bunch of legal issues. We could have an entire different discussion on that, a lengthy one at that, but we just wanted to spot some of those for you here.

Peggy Strange ([21:05](#)):

Yeah. And most of all, just keep focused on making sure you're maintaining a connection with your remote workforce and the managers are staying engaged. And in the end you want your employees to say, "You know what? My company was really good to me through all of this." It's good for business, it can help reduce

your legal exposure. And it's really important to your employees right now to feel like a part of a bigger organization.

Tasos Paindiris ([21:30](#)):

Yeah, maintaining that connection. I know we've kind of mentioned that quite a few times and also, consider having a temporary COVID remote work policy. A policy that's just for the circumstances that we're living in right now and not a permanent change and not relying on your old remote work policies because things are different now. So you need to update that.

Peggy Strange ([21:50](#)):

Perfect. And start thinking about getting back into the workplace. Are you going to allow more flexible arrangements in the future? Like, remote work a few days a week, a lot of people are talking about that. Are we going to go back to full time? Are we going to reduce office space? And if you, are going to consider that, now's the time to start putting your policies and practices in place around who's going to come back, who's going to be allowed to work at home and how are you going to handle all that? And don't forget, if you're planning on bringing employees back, think about a mask policy. Masks were not an issue before COVID, they're a big issue now. And we have seen a lot of developments around dress code. Does the dress code really cover masks in most cases? It might not. What are we going to limit? What can we limit and what exactly constitutes a mask? You really want to have it all outlined for your employees.

Recently in Connecticut, we had some storms, and a lot of people lost power and they ran right into the office to charge up their computers and it was amazing how much they forgot. People didn't have masks, they were pulling T-shirts up over their faces. They weren't social distancing. They just wanted to charged their computer. So really time to make sure that you've got some clear practices in place as employees go back.

Tasos Paindiris ([23:06](#)):

So now is definitely the time to prepare for all that. It was great chatting with you, Peggy. I hope we are able to provide some insight for people, for employers to help with these challenges that they're facing. And they're definitely a lot of challenges out there.

Peggy Strange ([23:18](#)):

Well that there is Tasos, and you mentioned before how we could spend a whole day with all the legal challenges. We actually have a webinar coming up December 2nd, where we're going to try to tackle those legal challenges in one hour. So hopefully people can tune into our December 2nd webinar with some of our colleagues. In the meantime, be well, be safe, take care, and you know what? Take a moment to reach out to your employees today who may be sitting home, living in their heads and say, "Hey, nice job. We appreciate you, thanks."

Alitia ([23:50](#)):

Thank you for joining us on We get work™. Please tune into our next program, where we will continue to tell you not only what's legal, but what is effective. For more information on today's topic, our presenters and other Jackson Lewis resources, or to subscribe to our podcast, visit [jacksonlewis.com](https://www.jacksonlewis.com). As a reminder, this material is provided for informational purposes only. It is not intended to constitute legal advice, nor does it create a client lawyer relationship between Jackson Lewis and any recipient.

Transcript provided by Rev.com

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.