

Navigating “Back to Work” and the Legal Implications



Transitioning from teleworking back into the office is filled with challenges. Beyond getting back into the ‘old’ ways and keeping the space sanitized, there are more serious and intense ramifications that can come about from the decision to open back up.

There are some key employment law issues that need to be addressed as the option to return to the office is introduced.

It’s not as simple as just sending out an email announcing the move and expecting your team members to follow the order. In reality, this is a precarious situation that can incur major legal issues.

The only way to navigate through this unprecedented situation is to be aware and ready to handle any potential issues following the ‘back to work’ announcement. Here are some key points that businesses should keep in mind as they move forward with re-openings:

Understanding Your Team

While the ultimate decision to re-open may lie in the hands of a single boss or higher-up in the business, it’s undoubtedly a choice that impacts many people. Re-opening during the coronavirus period is not a decision to make lightly.

A portion of the team will inevitably refuse the call back into the office. This is because many people are fearful to re-enter a shared space, they don’t want to stop abiding by the ‘safer at home’ recommendations, and they don’t want to put themselves or their families at risk from interacting with others.

In the wake of a pandemic, these are all more than valid points that must be taken into consideration before making the decision to go back to work.

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What Team Leaders Can Do

If you are planning to open back up, play it smart. These 3 tips will help your company ease back into the traditional workflows and mitigate reopening-induced legal incidents.

- Give advanced warning: Reopening cannot be a last-minute decision. Regardless of where your company stands on the matter, start communicating the long term plans to all team members and employees as soon as possible. The more notice they receive, the better you'll be able to gauge the circumstances.
- Start special training: The safety of your team needs to come first. In advance of the 'back to work' announcement, business owners need to start training the entire staff on appropriate COVID-conscious safety protocols.
- Take protective measures first: When you do open up business again, you'll need to provide your employees with personal protective equipment. Certified masks, gloves, cleaners, and sanitizers are a must around the workplace.

Legal Considerations for Calling Teams Back to Work

Even if a company is seamlessly prepared to reopen, there will almost certainly be some turbulence along the way.

Team members who aren't ready to stop teleworking, whether it's due to fears of the virus or standing responsibilities, will likely be something you need to deal with. Here's what you need to know about these incidents to mitigate the legal risks:

Mainly, a refusal to return to work cannot legally be considered as quitting or a valid reason to let someone go. In reality, many circumstances make this claim completely valid.

For example, team members that live in an area still enforcing stay home orders or ones who don't have a safe transportation method to go to and from the office will have legitimate issues. Team members who have been exposed to COVID or have tested positive certainly cannot return to work, but they cannot be fired because of this, either.

Company owners who go against this will be the ones in the wrong and can be charged for these actions. Be careful, communicate, and respond with care.

In the end, erring on the side of caution is a must as re-opening becomes a close reality for businesses all around the US.

