

WORK-FROM-HOME: PREVENTING LIABILITY AND ENSURING COMPLIANCE

AT-RISK International, a leading provider of global security protection, and Larson O'Brien, a national litigation firm for complex and high-stakes cases, including employment litigation, have identified the following key areas for employers to focus on when implementing a work-from-home policy.



EMPLOYMENT LAW

Wage & Hour Laws:

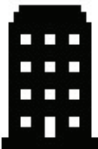
- > Implement systems to monitor and control time worked to help ensure compliance with overtime and meal/rest period requirements.
- > Identify any differences between city or county ordinances applicable to the company's office location and those that apply to the employee's place of residence.

Employee Handbook & Policies:

- > Update employee handbook and workplace policies, including for harassment and discrimination, to ensure they address unique work-from-home issues.
- > Train employees to effectively comply with all policies governing workplace conduct while working from home.
- > Develop guidelines for reimbursing employees for costs incurred for performing work at home, such as work supplies.

Avoiding Liability:

- > Evaluate implementation of work-from-home policies to help employees ensure they are not applied or enforced in a discriminatory way.
- > Conduct a home office safety survey to evaluate employees' home working environment and identify reasonable steps to take for employees to have a safe and healthy home work environment.



WORKPLACE SECURITY

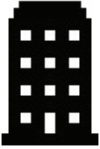
Home Workspace:

- > Define the space where each employee will be working remotely. Confirm understanding of and compliance with the fact that each employee should be considered "at work" in this space, even though they are at home.
- > Define appropriate security and safety measures for an at-home work environment and help ensure that the employees' workspaces comply.

Virtual Meetings:

- > Train employees to understand that dress codes, language, and all behavioral expectations apply the same way in virtual environments as they do in traditional workplaces.
- > Consider guidelines for the use of backgrounds during virtual meetings when video is being used.

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WORKPLACE SECURITY (CONTINUED)

Reports:

- > Communicate clear guidelines for employees on all the means by which they may report problems or concerns, whether about themselves or others.
- > If not already formed, consider a multidisciplinary team to respond to reports. Team members may include employees in human resources, risk management, security, and legal, as well as third-party consultants and subject matter experts.
- > Be cognizant of and prepared to address that multiple stressors hitting in a short period of time can weigh on an employee's coping mechanisms. The current unprecedented situation may compound and magnify emotional reactions with fear, frustration, and even anger.
- > When employees who have been working from home visit corporate office locations, utilize security staff and security equipment (cameras, card readers, etc.) to document entry and exit, temperature checks, wearing of protective gear, social distancing, and sanitization of common areas.



CYBERSECURITY

New Policies:

- > Develop and conduct a home office data security survey to evaluate potential cybersecurity threats involving employees' home networks, and provide guidance and resources to employees to shore up any cybersecurity weak points.
- > Develop policies governing use of personal devices versus employer-provided devices, as well as working at public spaces (coffee shops, etc.) versus home office.
- > Implement additional security requirements (e.g., two-step authentication) for transmitting particularly sensitive data.

Training:

- > Train employees on recognizing and avoiding phishing and other cyberattacks, and implement policy for reporting suspicious cyberactivity to the employer's IT support.
- > Train employees to protect data and sensitive information at the same standard as they would in an office environment.

Organizations and individuals worldwide are in uncharted waters and it has never been more critical to address work-from-home concerns. Understanding employer obligations and implementing policies are two key steps to mitigate potential liability during this uncertain time. AT-RISK International and Larson O'Brien are available to provide additional consultation and support upon request.



CONTACT

GLENN SANDFORD | AT-RISK INTERNATIONAL
14100 Parke Long Court, Suite P, Chantilly, VA 20151
703.982.3193 | gsandford@at-riskinternational.com

JONATHAN PHILLIPS | LARSON O'BRIEN LLP
555 South Flower Street, Suite 4400, Los Angeles, CA 90071
213.436.4867 | jphillips@larsonllp.com