

**Baker
McKenzie.**

Building a New Workforce Reality

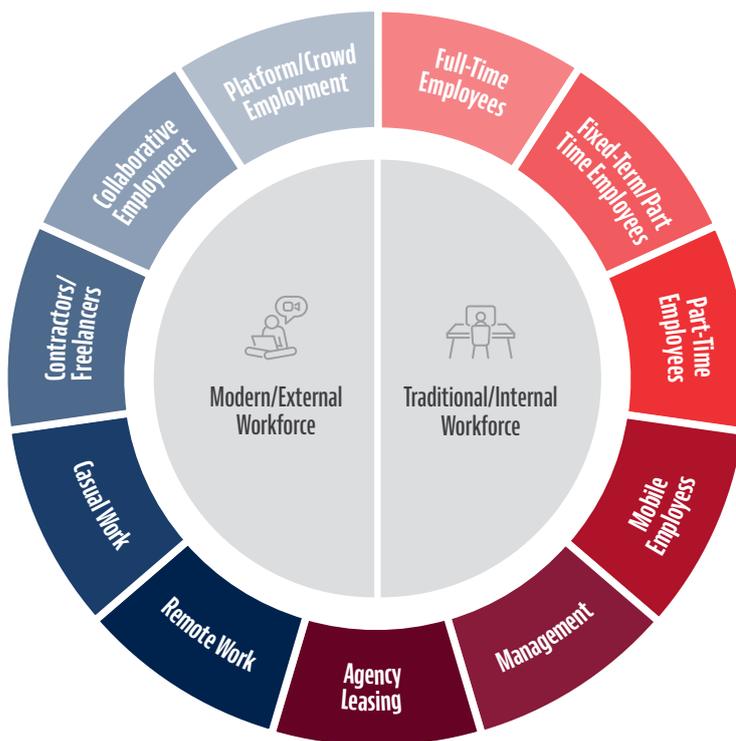
Modern workforce guidance for
multinational employers



Technological advancement and persistent business volatility have led to a significant increase in appetite for agility and flexibility in workforces.

The COVID-19 pandemic has accelerated the critical need to modernize employment models. And as businesses continue to adapt to the disruptive implications of COVID-19, digital transformation of companies is accelerating, as a way of remaining competitive and meeting changing demand. There has never been a more critical time for organizations to commit to innovation and revolutionize their working practices in order to thrive in a post-pandemic setting.

Modern Workforce Planning



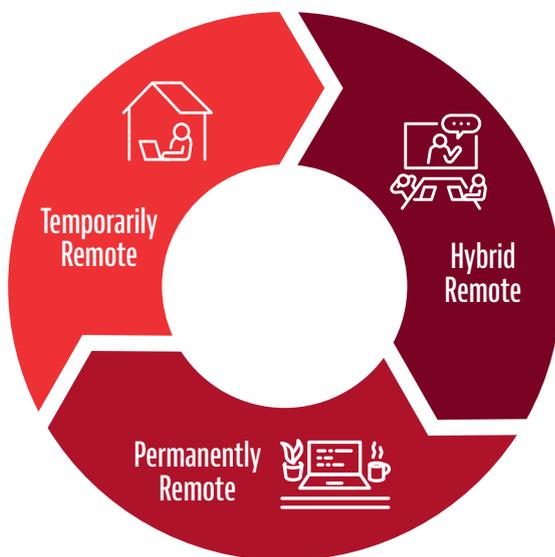
The modern workforce incorporates alternative types of workforce engagement, which bring increased flexibility and resilience to help future-proof businesses. As organisations continue to innovate and reshape their working practices, legal frameworks are continuing to evolve in order to define and recognise the rights of alternative workforces, which brings risk in places where the law remains unclear about the extent of those rights. We help clients in navigating those legal frameworks and key risk areas, in order to design future-proof and future-ready workforce models.

The Rise of Remote Working

We support companies as they redefine their extended remote work policies to provide flexibility for the benefit of both their talent and the organization. CEOs of the 2020 Fortune 500 list¹ reported one of the most important concepts the crisis has taught them is working from home works.

74% of CFOs expect to transition previously on-site employees to a remote work employment structure permanently in the aftermath of COVID-19.²

For those considering implementing remote work solutions, there is no one-size-fits all plan. Instead, companies must navigate numerous legal considerations, which are often complicated by employees who have moved between jurisdictions, creating new tax obligations/risks, employment exposure, business registration requirements, and more. While some companies will maintain their physical office space (potentially with a reduced footprint) and keep employees tied to their current employer and office location, others are looking at more radical change, minimizing or even eliminating physical office space and allowing employees to work remotely on a permanent basis, whether in locations the company already has operations or anywhere in the world.



Companies must address the legal issues posed by a remote workforce, from reimbursement requirements of home office expenses to implementing effective and discrimination-free telecommuting policies and practices, and more. Additionally, companies must account for longer-term implications of remote work impacting benefits, share-based awards, immigration, corporate tax, general corporate matters, data privacy and trade (import & export control laws) issues.

1. "Fortune Surveyed the CEOs of the 2020 Fortune 500 List... And Here Are The Results." Fortune, May 14 2020, https://f.datasrv.com/fr1/720/77406/Fortune_500_CEOs_Survey_results.pdf

2. Gartner CFO Survey Reveals 74% Intend to Shift Some Employees to Remote Work Permanently." Gartner, April 3 2020, <https://www.gartner.com/en/newsroom/press-releases/2020-04-03-gartner-cfo-surey-reveals-74-percent-of-organizations-to-shift-some-employees-to-remote-work-permanently2>

How We Can Help

Creating a fit-for-purpose workforce while protecting business interests requires knowledge across many areas of regulation, including employment, remuneration and benefits, mobility, data privacy/protection, tax and protection of confidential information/trade secrets. At Baker McKenzie, we work with companies to rethink their workforce model while remaining compliant in an ever-changing regulatory landscape.



Remote Working Support

We work with clients to design the right program for remote working, whether temporary, permanent, in full or in part, as they continue to adjust to the impact of the pandemic. We advise on the numerous legal considerations including employment, benefits, immigration, corporate tax, data privacy and trade secrets. We work with clients to develop policies and practices to support working arrangements, and advise on how best to manage risks and remain compliant.



Audits and Risk Management

We conduct global compliance audits to assess modern workforce risks in a client's business. We advise and provide support to address the risks arising across multiple areas, such as employment, remuneration and benefits, mobility, data privacy, tax and protection of confidential information/trade secrets. Our audit service also enables us to provide practical advice to mitigate risk before a joint/related employer claim is brought.



Compliance Support

We advise clients on the regulatory frameworks governing non-traditional workforce engagement by jurisdiction and on the likely developments globally. We help identify countries with the highest reputational, regulatory, financial and employee relations risks of non-compliance, to assist with designing the right workforce models.



Mobility

We help clients navigate the myriad of immigration and mobility travel restrictions worldwide, including: work permit/visa issuance; postponement or cancellation of international assignments/travel of key employees; delays at embassies, consulates, and ports of entry; managing employee concerns about maintaining valid immigration status and/or traveling to another country given quarantine measures; communicating COVID-19 related changes in government immigration policy and/or practices to the workforce; and the impact of corporate changes including layoffs, furloughs, and compensation reductions on immigration status.



Litigation and Crisis Support

Our experienced employment litigators provide rapid counsel, support and resource planning for misclassification claims, class actions, taxation authority challenges, joint/related employer threats, criminal allegations, dawn raids and information security breaches.

For More Information

To find out how we can help futureproof your organization and create safe and agile workforce models, visit Baker McKenzie's [FutureWorks](#) and [Building a New Workforce Reality](#) online hubs on bakermckenzie.com, or reach out to your Baker McKenzie Global Employment & Compensation relationship partner.

Baker McKenzie helps clients overcome the challenges of competing in the global economy.

At Baker McKenzie, we understand that business success requires legally sound, strategically savvy labor and employment policies and practices. With 77 offices in 46 countries, Baker McKenzie has an unparalleled global reach to serve the needs of employers. Our Global Employment & Compensation Practice Group is the global leader among law firms, with over 700 lawyers strategically positioned around the globe. We help employers navigate and understand the ever-changing requirements necessary to comply with local and international laws and customs, prevent unwanted employee issues from arising, and continuously adapt to the realities of worker issues in an intensely competitive global economy

© 2021 Baker McKenzie. All rights reserved.

Private & confidential. Not for distribution.

bakermckenzie.com/employment