Remote Working and Your Organization: An HR Perspective

An overview of legal and technology requirements that arise when organizations work remotely

Point of View

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Abstract

Remote working model (RWM) policies, if at all these existed prior to the pandemic, were designed only to enable occasional remote working. RWM, however, as industry now knows, was instituted within a few weeks of the pandemic-induced lockdowns mandated by world governments.

Given the urgency with which this needed to be set up, several key aspects of the remote working model could not be fully vetted from a legal standpoint. Were there any labor laws in place factoring in an employee's standpoint if they were working off physical office premises for an extended period of time? Is there any way to forecast the impact on employee efficiency and productivity for the long run? How will industry cope with this unexplored model on a large scale? These are just some questions businesses are seeking answers to in the post pandemic marketplace.

Remote Workplace Management and Labor Law

Governments provide rules and regulations for workplace management for different types of organizations. These regulations that cover a wide variety of subjects like health and safety, POSH, and working duration must be contextualized within an RWM framework. Furthermore, all deviations must be recorded, and exceptions sought from labor authorities concerned. For example, how would an accident that occurred at a remote location due to a hardware malfunction be investigated? How would it be addressed as per applicable laws? Many labor laws are tightly coupled with physical workplace inspection, hence if RWM is instituted on a large scale it requires new guidelines. Industry bodies need to work closely with labor authorities to put in place new rules and regulations.

Contract Review

Revisiting Risk Assessment

Many organizations have multi-tenant models where they service several customers from the same location, ensuring impregnable security through virtual and physical isolation of work environments. The current RWM presents a newer challenge where the same customer contractual obligations must be met, but with a completely different assessment of risk exposure. Organizations must ensure non-disclosure agreements are in place with associates reviewed by legal authority to address industry-specific requirements.

Risk assessment and mitigation for high-risk projects need to be done in consultation with the customer and stakeholders; any deviation in contractual obligations should be duly recorded factoring in the new working model.

Commercial Contracts

Contracts that have a location-specific commercial construct will now need to be reviewed with the customer to agree on an acceptable reporting of a physical location of the employee and the hardware being used to deliver services. Transparent and proactive communication with stakeholders on the tracking and reporting of these key aspects will serve to improve trust levels and confidence in the relationship. Needless to add, these business behaviors are of significant importance in a remote working scenario.

Rethinking Infrastructure

Recalibrating Hardware Needs

Workplace hardware that is designed in a traditional physical work environment -- where there is uninterrupted power supply, stable online connections, continuous air conditioning to maintain a constant external temperature -- may not work well within an RWM without accurate and adequate supporting infrastructure. Organizations will need to provide their workforce with next-generation hardware that is environment neutral and can meet customer delivery commitments regardless of whether talent is operating from a physical office workspace or remotely. Organizations that had designed stable security infrastructure at physical work locations, will now have to revisit their security processes and systems to achieve the same or higher levels of security for remote working, using next-generation hardware with built-in security controls aimed at preventing data loss.

Automatic Scanning of Work Devices

Organizations also now need to perform automatic scanning of the hardware allotted to an associate, not only to ensure it is secure, but also to monitor day-to-day employee tasks. Communicating with an associate about the legal / contractual need for such monitoring will allay fears or resistance towards remote management. Such monitoring is essential for any organization to be able to have some level of control on productivity and output.

Compensation: What to Consider

Location Allowances

Many organizations have city- or region-specific allowances factored into the pay package. Similarly, several countries have tax rates that vary across cities / states. Remote working environments pose new challenges to the HR and compliance function. Accurate knowledge of the work location of each associate is a must to recalibrate any such allowance. This can be achieved only through physical and digital interventions, and further evidenced with the intervention of government authorities.

Frequent review of the work package

Enterprises that have long running projects with a significant time lag between customer deliverables, could be at a higher risk of default due to project management challenges that come about on account of remote working. Organizations, therefore, need to create granular work packages with clearly assigned goals to measure performance against these set goals. While RWM does bring out individual brilliance, it also exposes weak links in the team that need to be managed through training, coaching, and mentoring.

Productivity and Remote Working

It is possible that associates have delivered more through additional working hours, thus exposing themselves to fatigue, poor motivation, and the risk of burnout. Without a scientific basis to prove productivity, organizations carry the risk of overcommitment and under delivery to its customers in the long run. At the same time, teams that have developed newer techniques of project management and individual performance improvement should be recognized and rewarded and be helped to become enablers of organization-wide adoption of such techniques.

Employee Wellness

Many organizations have improved their employee engagement programs through automated monitoring of work patterns and interventions at the right time to prevent overworking and burnouts. Frequent engagement with associates through social events also help beat cabin fever syndrome (restlessness experienced due to isolation for an extended period of time) and build trust and loyalty towards the organization. Helping associates realize their potential through cross-skilling in work-related skills as well as other personal skills creates a positive work environment (even if it is remote) and help achieve both business productivity and wellness goals.

Guidelines for the Remote Workspace

It is important that organizations publish a recommended work environment guideline to ensure the right level of productivity and carve out accurate and realistic employee wellness goals. These guidelines should cover, at the very minimum, issues like working hours, rules of interaction with project teams and managers, guidelines on how to demarcate home and working spaces with other members of the family, internet connectivity, backup power, and the availability for virtual customer meetings.

Conclusion

Organizations must move from a business continuity mindset to the mindset of a thriving in a new beginning with resilience and purpose and a clear plan of action to manage performance. Contractual and commercial review of performance management helps shape the right organizational construct and culture to deal with the prevalence of a long-term remote working model. Companies should definitely consider engaging labor authorities to help frame new rules and regulations in keeping with the issues and challenges that emerge from this new 'away but at work' environment.

About The Authors

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Rajiv Kumar specializes in building organizations with a culture of high performance and the workforce of the future. In his vast 20 + years of experience, he has played leadership roles spanning across Business Consulting, Talent Management, Succession Planning, Organizational Development & Effectiveness, Talent Acquisition, Compensation, Employee Relations, Employee Engagement, Culture, Learning and Development, Change Management, Risk & Compliance and Virtual Working. He brings a unique international HR experience gained through working in Europe, the Middle East & Africa, the Mediterranean and India, and managing a global employee base spread across several continents. He also brings the unique experience of managing a diverse workforce, managing the nuances of Product, IT Services and BPS employee base. He is an integral part of the business leadership team and plays a key role in strategic business decisions due to his knowledge and expertise of insourced employee integration and multi-country regulation.

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Vasu Uppili is the Head of Technology and Solutions, Delivery and Operations for TCS' MEA business. He has over 23 years of experience with deep expertise in delivering complex greenfield organizational transformations with an integrated and synergetic approach to IT, Business Process Service and Consulting to address the growth agenda of clients. His team includes a large pool of highly skilled Technology, Business, Outsourcing and Program management experts that help customers reimagine their business and ensure the promised benefit realization from concept to delivery.

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