

# Maximizing Workforce Agility

Designing your company's remote work program

**Baker  
McKenzie.**



## Your Remote Workforce

In light of the COVID-19 pandemic, companies are forced to examine work from home or remote work policies. There is no one-size-fits-all plan. Many companies have had to contend with having a mostly remote workforce during the pandemic, in some cases with employees who have relocated to (or been stranded in) locations other than their normal place of employment. For some, this remote work experiment has been so successful, they are contemplating going permanently remote.

In all cases, there are numerous legal considerations to navigate. We identify the issues and work with companies to design a compliant program, supported by policies tailor-made for the business needs.

## Different Remote Work Programs



### Temporarily Remote

COVID-19 has led to employees working from home in unprecedented numbers. Many companies have moved to a fully remote status nearly overnight in order to continue operations during the pandemic, but view this as a temporary solution.

However, with evidence that the Coronavirus is likely here to stay (at least in the near term), companies need to take action to address the issues posed by a temporarily remote workforce, such as reimbursement of home office set-up expenses and implementing an effective telecommuting policy.

These issues are complicated by employees who have moved between states in the United States, or even between countries, or employees who may have been stranded in a different location due to the outbreak of the pandemic. These employees can create new tax obligations/risks, employment exposure, impact business registration requirements, and more.



### Permanently Remote

The "work from home" experiment of the pandemic has been a surprising success for many companies. Some are considering a more flexible workplace with some or all employees permitted to telecommute for some or all of the time even after the pandemic ends. These companies will maintain their physical office space (potentially with a reduced footprint) and employees remain tied to their current employer and office location (but gain greater flexibility).

Others are looking at more radical change, minimizing or even eliminating physical office space and allowing employees to work permanently remote, whether in countries/states in which the company already has operations or anywhere in the world.

There is a wide variety of legal issues to navigate with a permanently remote workforce, including employment, benefits, share-based awards, immigration, corporate tax, general corporate matters, data privacy and trade (import & export control laws) issues.

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## Free Resources



[Essential Ingredients for Your US Telecommuting Policy](#)



[Reimbursement Refresher: Cell Phone and Internet Expenses Related to Telecommuting in the US](#)



[Protecting Company IP While Working from Home](#)



[Permanently Remote Workers](#)

## How We Support You



### Temporarily Remote

- We develop compliant policies and practices for temporary telecommuting arrangements to maintain operational efficiency and increase flexibility.
- We help you comply with tax obligations, local employment laws, immigration restrictions and requirements, local business registration requirements for temporarily relocated employees.
- We advise on how best to protect trade secrets and confidential information in the remote work environment.
- We help you satisfy your privacy obligations and develop best practices while employees work from home.
- We identify corporate tax risks posed by employees temporarily working in new locations.



### Permanently Remote

- We help you design the remote work program that works best for your company in light of your objectives and legal obligations.
- We prepare detailed checklists of all relevant considerations, tailored to your remote work program, covering employment, benefits, share-based awards, immigration, corporate tax, general corporate matters, data privacy and trade (import & export control laws) issues.
- We draft permanent remote work policies (e.g., policies to account for salary / cost of living adjustments).
- We advise on how best to protect trade secrets and confidential information in the remote work environment.
- We help you satisfy your privacy obligations and develop best practices while employees work from home.
- We identify corporate tax risks posed by employees temporarily working in new locations.