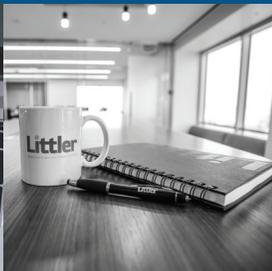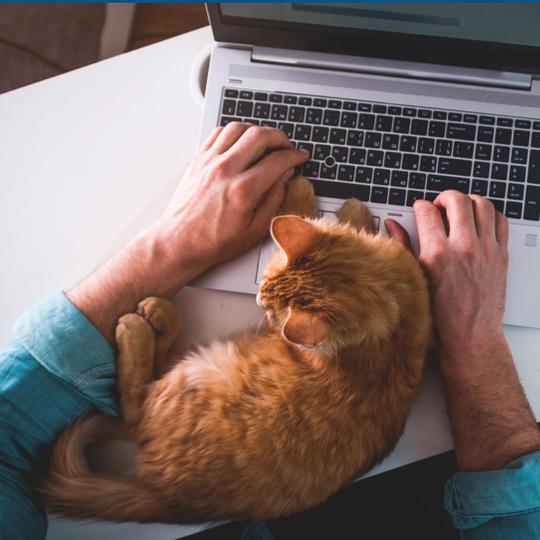# The Littler® Annual Employer Survey Report

May 2021

Littler®

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Inspired by you.®

This report summarizes and analyzes data gathered from 1,160 in-house lawyers, C-suite executives and HR professionals. The survey covers the wide-ranging issues facing employers as we look toward a post-pandemic future – from planning for a return to the physical workplace to strategies for supporting employee well-being and engagement.

Disclaimer: Survey questions and their resulting findings do not represent any specific political affiliation or preferences of Littler, nor do they constitute any legal, economic or political advice.

Executive Summary

Employers planning for a transition to a post-pandemic workplace are faced with a host of novel issues – and addressing a disconnect with employees about what the future of work and the return to physical workspaces looks like is at the top of the list.

That's according to The Littler® Annual Employer Survey 2021, which draws on insights gathered from 1,160 in-house lawyers, C-suite executives and HR professionals. The survey provides a window into where employers' concerns lie, how they are meeting them and what their plans are over the next year. On the pressing matter of how to reopen offices and worksites, there is a tension between employers' plans and employee preferences.

While 71 percent of employers surveyed believe that most of their employees who can work remotely prefer a hybrid model and that only 4 percent prefer full-time in-person work, 28 percent of those employers plan to have most employees return full time and in person, and 55 percent will offer a hybrid model (*i.e.,* a mix of remote and in-person work). Only 7 percent say their employees who are able to work remotely full time can continue to do so if they wish, despite 16 percent saying they believe most would prefer this option.

Return-to-work plans go hand in hand with COVID-19 vaccinations, which employers are still largely encouraging: 84 percent are providing information on the subject to employees, while nearly half (48 percent) are offering paid time off so employees can receive and/or recover from the vaccine. As for whether their organizations will ask individuals to voluntarily disclose whether they've gotten the vaccine, the picture is less clear: 41 percent say they will ask this of their employees, while 32 percent say they will not; 27 percent are unsure.

Questions about returning to the physical workplace and vaccinations are only part of the complex landscape facing employers. COVID-19 accelerated the trend of technology displacing employees, and more workers than ever are suffering from "crisis fatigue" and burnout. Couple these ongoing pandemic-related workforce management issues with regulatory changes that come with a new presidential administration, and the challenges ahead are particularly daunting.

On the regulatory front, most employers (81 percent) are concerned about how changes to paid sick and family leave requirements – a promised initiative of the Biden administration – will impact their business in the next year. Other top areas where respondents expect an impact from employment law-related changes include income equality measures (64 percent); inclusion, equity and diversity considerations (55 percent); and healthcare (51 percent). With expectations of more gridlock in Washington, evolving state and local agency regulations are high on executives' radars, with 83 percent expressing moderate or significant concern over associated enforcement and compliance expectations.
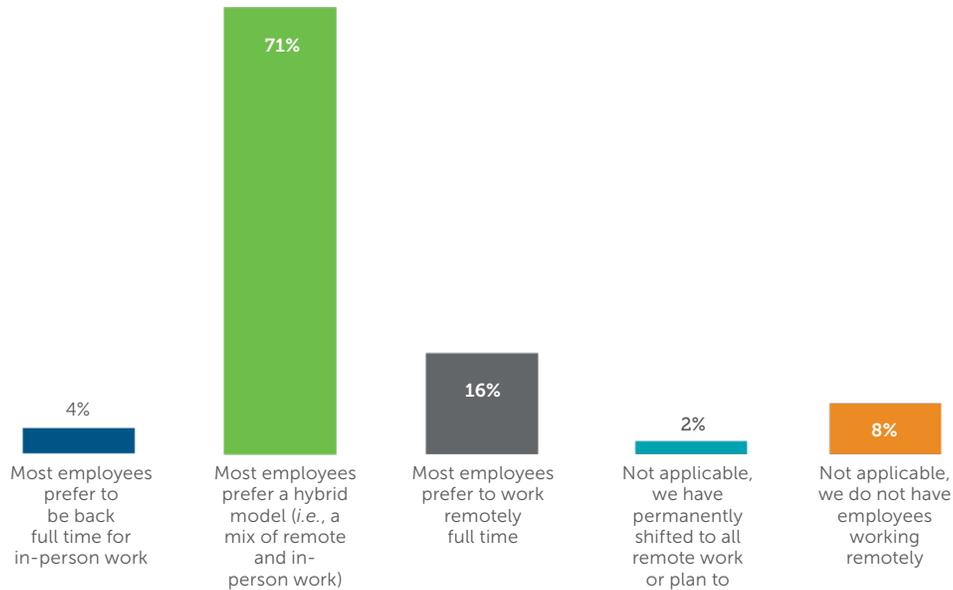
As far as employee well-being and feelings of "crisis fatigue," more than half of respondents are either moderately or extremely concerned about maintaining company culture, collaboration and employee loyalty in a remote work environment (57 percent) and about the impact of the pandemic on employee mental health and well-being (52 percent). Employers are making strides to address these issues – 84 percent, for instance, are offering mental health services and/or Employee Assistance Programs – but some may still have room for improvement, in areas such as implementing new ways to reward employees for their hard work and training managers to help respond to employees in need.

This is just a snapshot of what follows in this year's report, which paints a picture of the nation's employers at a pivotal moment in history.
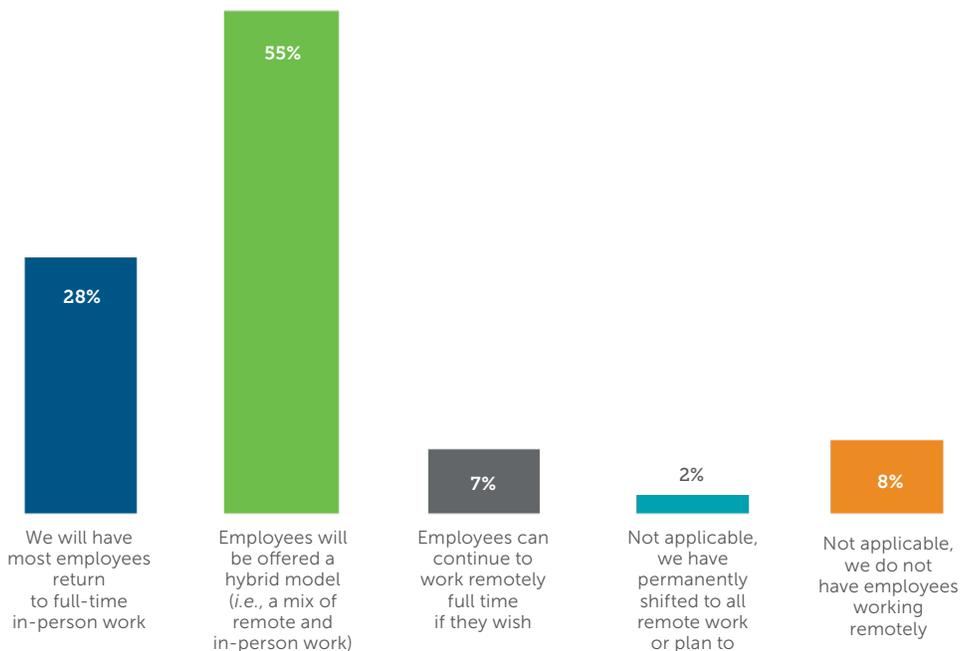
In the charts and analysis that follow, responses to some questions do not add up to 100 percent due to rounding, and some exceed 100 percent because respondents were invited to select more than one answer. For the full survey methodology and a breakdown of respondent demographics, see page 23.

Return to the Physical Workplace/Remote Work

For your employees who can work remotely, to the best of your knowledge, which of the following most accurately describes their preference for a return to in-person work as it becomes safer to do so?

71%

4%	71%	16%	2%	8%
Most employees prefer to be back full time for in-person work	Most employees prefer a hybrid model (*i.e.*, a mix of remote and in-person work)	Most employees prefer to work remotely full time	Not applicable, we have permanently shifted to all remote work or plan to	Not applicable, we do not have employees working remotely

For your employees who can work remotely, which of the following best describes how your organization plans to approach work schedules once it is safer to return to in-person work?

28%	55%	7%	2%	8%
We will have most employees return to full-time in-person work	Employees will be offered a hybrid model (*i.e.*, a mix of remote and in-person work)	Employees can continue to work remotely full time if they wish	Not applicable, we have permanently shifted to all remote work or plan to	Not applicable, we do not have employees working remotely

Is remote work here to stay? Our survey indicates that employees overwhelmingly hope it persists in some form, while employers are a bit less sure.

In reflecting on what they believe to be the preferences of employees who are able to do their jobs remotely, only 4 percent of respondents say most of their employees would like to return to in-person work full time once it is safe to do so. Another 71 percent believe that most prefer a hybrid model, while 16 percent say most prefer full-time remote work.

Some employers, however, have different plans in mind for employees who have been doing their jobs remotely. More than a quarter (28 percent) say they plan to have employees return to full-time in-person work, 55 percent will offer a hybrid model and only 7 percent will allow employees to work remotely full time. For companies with over 10,000 employees, a higher percentage believe that most of their employees prefer a hybrid model (77 percent) – and more (68 percent) plan to offer it.

"Long gone will be a 9-5 schedule," noted an HR professional whose company plans to offer a hybrid model. "Employees will be driving their schedules more and performance and accountability tools will be so much more important."

Discussions like these are playing out across organizations nationwide. For some employees, as a recent *New York Times* story puts it, "the prospect of returning to their desks is provoking dread, anxiety and even panic, rather than relief." These employees feel they are more productive at home and don't have to worry about lengthy commutes or the risk of getting sick at work.

Employers, at the moment, are split. Some worry about losing out on talent if they're not flexible. Others are embracing remote work options as a way to attract new talent and save on operational costs. Still others feel as though their teams need to be in the office together to do their best work. And some are waiting for more direction from the government on reopening.

"If the laws keep changing and everything is uncertain, we will remain remote until it looks more certain," said one HR professional in the staffing industry. "We have the ability to work remotely due to the nature of the business, but would like to have the option to go into the office for those that choose."

Once more of your employees return to the physical workplace, to what extent is your organization concerned about workforce management issues associated with a workforce split between in-person and remote work?

This question was not asked to organizations that have shifted to permanent remote work or to those that do not have employees working remotely.

Very concerned	Moderately concerned	Somewhat concerned	Not at all concerned
8%	32%	33%	28%
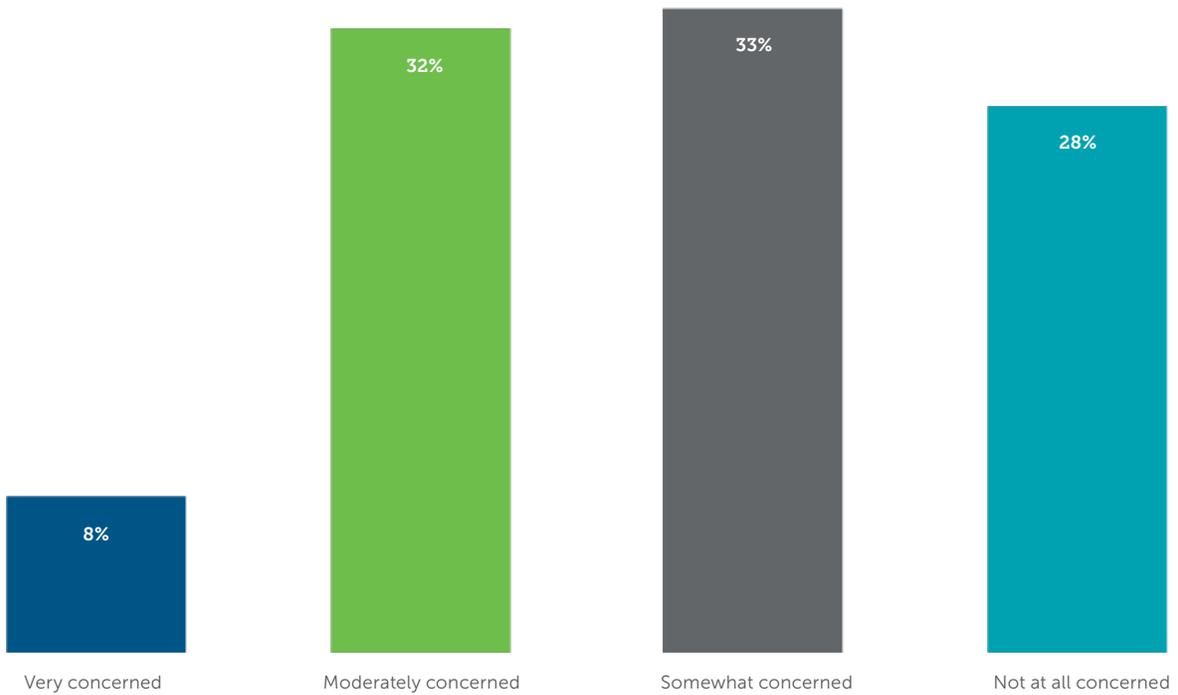
Which of the following changes has your organization made (or is considering making) due to COVID-19? (check all that apply)

67%	Having fewer employees work on-site at a time
55%	Redesigning the office layout (*e.g.,* creating barriers between desks, expanding conference rooms)
41%	Providing additional technology and/or reimbursement for home office-related expenses
35%	Building formal support for employees with remote and flexible work arrangements
31%	Utilizing "office hoteling" whereby employees reserve desks for a day to facilitate hybrid work schedules
27%	Reducing the size of our office space
2%	Relocating operations out of cities or densely populated areas
11%	None

Hybrid working models – where the workforce is split between in-person and remote work – pose a unique set of challenges. Of the organizations that have employees working remotely, 40 percent are moderately or very concerned about such a split, 33 percent are somewhat concerned and only 28 percent are not at all concerned.

In reflecting on the challenges of a hybrid model, respondents cited everything from scheduling obstacles and where employees should sit, to measuring remote work performance and tracking time worked, to ensuring employees working from home don't feel left out or passed over for opportunities. Some organizations, for instance, want to make sure employees don't just work from home on Mondays and Fridays, while others are allowing staffers to choose the two or three days they come in and reserve desks ahead of time (*i.e.,* office hoteling).

Anecdotally, numerous respondents worried about potential liability issues. One in-house lawyer said, "If the decision to work remotely full time or under a hybrid model is left to the manager's discretion, there is the potential for unequal application of standards and/or potential bias claims."

Others were uncertain about how to make decisions about allowing remote work equitably. Asks an HR professional in the professional services industry, "Can you base it on an employee's productivity at home or on a job description, say, for items that necessitate more in-person collaboration?"

Decisions on these matters have and will cause changes in physical offices. Most notably, 67 percent of respondents say they have (or plan to have) fewer employees work on-site at a time, while 55 percent say as much about redesigning the office layout. A fair number of employers are also focused on supporting remote workers, whether it's through additional technology and/or reimbursement for home office-related expenses (41 percent) or formal support for those with remote and flexible work arrangements (35 percent).

Office hoteling – which helps companies save space and facilitate flexible work schedules – is a focus for 31 percent of respondents (and 45 percent of organizations with over 10,000 employees). A slightly lower percentage (27 percent) are focused on reducing the size of their office space (and that figure rises to 42 percent for those with more than 10,000 employees). Finally, despite speculation that companies may relocate operations out of cities or densely populated areas, only 2 percent say they have taken this action or plan to.

Employers are eager to bring their teams back together in person but are hearing from employees and applicants who value the option to work remotely and feel they have shown they can be productive while doing so. Addressing this tension raises a host of legal and practical considerations, including how to accommodate those who are concerned about coming to the office, acknowledge that many do not have reliable access to childcare or transportation and account for the cost of continuing COVID-19-related safety measures.

Devjani Mishra, **a leader of Littler's COVID-19 Task Force and Return-to-Work Team**

COVID-19 Vaccination/Testing

Does your organization plan to ask individuals in the following categories to voluntarily disclose that they have received the COVID-19 vaccine to better understand the extent to which your workforce is vaccinated?

Employees	**Independent contractors**	**Job applicants**
41% (Yes)	14% (Yes)	9% (Yes)
32% (No)	50% (No)	53% (No)
27% (Unsure)	35% (Unsure)	38% (Unsure)

Yes   No   Unsure
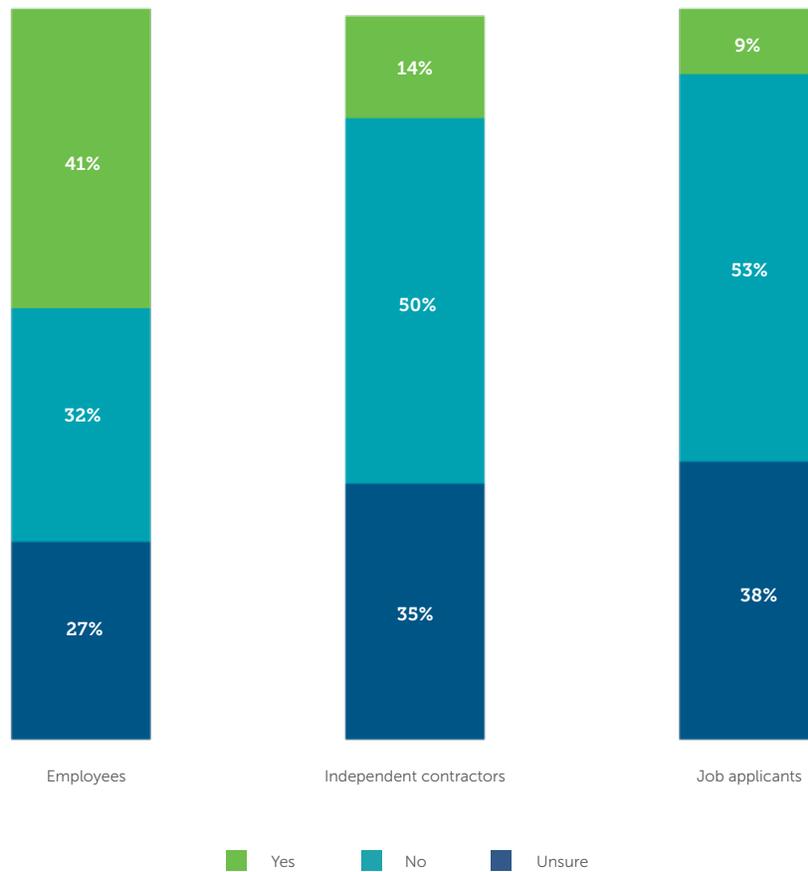
Which of the following actions, if any, is your organization planning to take to encourage employees to get a COVID-19 vaccine once they are readily available? (check all that apply)

- Jan 2021
- Mar 2021

	Jan 2021	Mar 2021
Provide information to employees (*e.g.*, on the benefits of vaccination, how to get vaccinated)	87%	84%
Offer paid time off (*e.g.*, to receive the vaccine, recover from side effects)	33%	48%
Offer vaccine administration at our facility to increase convenience (assuming you could become an authorized provider of the vaccine or work with a third-party provider)	37%	29%
Provide cash awards to employees to receive the vaccine (such as through a company wellness program or otherwise)	11%	8%
None – we do not plan to encourage employees to get vaccinated	6%	9%

Please indicate the extent to which you agree with the following statement: Testing will continue to play an important role in reducing COVID-19 infection in my organization's workplace, even as more employees are vaccinated.

Strongly agree	Agree	Neutral	Disagree	Strongly disagree
24%	37%	30%	7%	2%
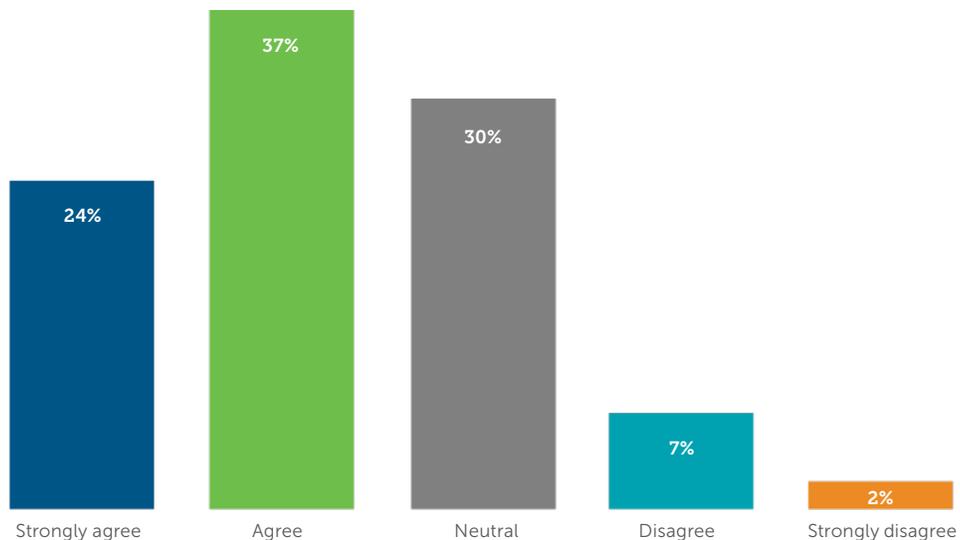
As more and more individuals receive COVID-19 vaccines, employers face a new – and potentially thorny – issue: whether to ask various members of their workforce to voluntarily disclose if they've been vaccinated.

Given the potential privacy and discrimination liabilities in play, employers are moving forward with caution. Forty-one percent say they will ask employees to voluntarily disclose, with 32 percent saying they will not and 27 percent still unsure. For independent contractors and job applicants, those planning to ask for voluntary disclosures are even lower: 14 percent for the former and 9 percent for the latter. Understandably, a higher percentage of respondents in the healthcare industry expressed plans to ask employees (66 percent), independent contractors (25 percent) and job applicants (21 percent) about their vaccination status.

While trepidation about such disclosure abounds, employers are continuing to encourage their employees to get the vaccine, with 84 percent focused on providing information to employees (*e.g.*, about the benefits of vaccination and how to get vaccinated). Nearly half (48 percent) are offering paid time off to employees to receive the vaccine and/or recover from its side effects – a 15 percentage point increase from two months earlier, when we asked the question in our COVID-19 Vaccine Survey.

The percentage of employers planning to offer vaccine administration on-site, however, declined since our last survey, from 37 percent to 29 percent. The change likely represents a realization that COVID-19 vaccine administration is easier said than done and that, with the current vaccine rollout, there are enough vaccination sites available that employers do not need to arrange for administration of shots at their facilities.

Even as the vaccine rollout continues, the majority of respondents (61 percent) believe that testing will still play an important role in organizations' COVID-19 strategies. Again, the level of agreement was even stronger among healthcare industry respondents (74 percent). In any workplace, there will continue to be a portion of the workforce that is not vaccinated – either because they cannot or will not do so – and testing will be an important tool to keep employees safe and reduce the risk of an outbreak.

Employers are rightly focused on encouraging vaccination through the most straightforward and effective approaches: providing information and offering paid time off. Consistent with the legal and employee relations concerns about vaccine mandates that we saw in our last survey, employers expressed hesitancy about asking for voluntary disclosure of vaccination status. While this might change as more people are fully vaccinated, employers are understandably being mindful of issues related to employee privacy and discrimination.

Barry Hartstein**, leader of Littler's COVID-19 Vaccination Working Group**

Workplace Regulation

How much impact do you expect enforcement by the following regulatory agencies, and compliance with their respective requirements, to have on your workplace over the next 12 months?

The below chart excludes data from the 12 percent of respondents who said the NLRB is not applicable to their organizations and the 26 percent who said the same of the OFCCP.

	Occupational Safety and Health Administration (OSHA)	State or local agencies (*e.g.*, EEO, Labor, Public Health	U.S. Department of Labor (DOL)	Equal Employment Opportunity Commission (EEOC)	National Labor Relations Board (NLRB)	Office of Federal Contract Compliance Programs (OFCCP)
Significant impact	26%	25%	20%	14%	14%	9%
Moderate impact	50%	58%	59%	56%	38%	41%
No impact	24%	17%	21%	30%	48%	50%

Legend: ■ Significant impact ■ Moderate impact ■ No impact

Outside of the Biden administration's COVID-19 response, in which of the following areas do you expect employment law-related changes that will impact your business over the next 12 months? (check all that apply)

Area	Percentage
Paid sick and family leave requirements	81%
Income equality measures (*e.g.*, minimum wage increases, pay equity, pay transparency)	64%
Inclusion, equity and diversity considerations	55%
Healthcare	51%
Workplace discrimination and harassment	45%
Data privacy regulations	38%
Classification of independent contractors, gig workers or other contingent workers	37%
Immigration	35%
Union protections and other changes to NLRB rules	30%
Joint employment rules (*i.e.*, standards for businesses to be held jointly liable for employment law violations)	29%
Scheduling regulation (*e.g.*, predictive scheduling rules)	16%
Whistleblower protection and/or corporate compliance requirements	16%

Given the Biden administration's priorities on workplace policy matters – along with new appointments to government agency positions – it's no surprise that employers foresee regulators having a substantial impact on their workplaces in the next 12 months.

Seventy-nine percent of respondents expect a moderate or significant impact stemming from enforcement by the U.S. Department of Labor (DOL) and compliance with its regulations. The DOL has prioritized a range of issues impacting the workplace, including increasing the federal minimum wage, implementing new paid sick and family leave requirements and making it more challenging to classify workers as independent contractors.

A similarly high percentage of employers (76 percent) expect a moderate or significant impact from the Occupational Safety and Health Administration (OSHA), which is taking myriad actions to protect worker safety and health as outlined in President Biden's January 2021 executive order. Respondents with larger companies (those with over 10,000 employees) expressed more concern about OSHA enforcement and compliance, with 34 percent expecting a significant impact on their businesses compared to 26 percent of all respondents.

Meanwhile, 70 percent of respondents expect the Equal Employment Opportunity Commission (EEOC) to have at least a moderate impact on their businesses, while 52 and 50 percent said the same of the National Labor Relations Board (NLRB) and the Office of Federal Contract Compliance Programs (OFCCP), respectively.

These concerns largely correlate with the perceived impact among respondents of potential employment law-related changes over the next year. For instance, paid sick and family leave – an issue supported by President Biden and gaining more steam among business leaders and state governments nationwide – emerged as the top legislative issue that employers expect to impact their businesses. The 81 percent who anticipate an impact is up from the already high percentage of employers (74 percent) who expressed concern in this area when we asked a similar question in a survey just prior to the election (see page 9 here).

Income inequality measures (*e.g.*, minimum wage, pay equity and transparency) and the classification of gig workers, independent contractors and contingent workers – both of which are largely in the DOL's domain – are expected to have an impact on 64 and 37 percent of businesses, respectively. Additionally, workplace discrimination and harassment (chosen by 45 percent of respondents) is a prevalent issue for employers, particularly with the changes in leadership at the EEOC – which impacts the Commission's investigatory and enforcement activities – and the expectation of policy changes upon the EEOC attaining a Democratic majority.

Changes related to inclusion, equity and diversity will have an impact on 55 percent of employers – not surprising following a year that rightly accelerated recognition of the importance of these issues in the workplace. Healthcare changes were chosen by 51 percent of respondents – another issue that is top of mind as employers navigate continuous changes to laws governing their health plans, such as the Consolidated Omnibus Budget Reconciliation Act (COBRA) subsidies in the American Rescue Plan Act, which was signed into law on March 11, 2021.

Though union protections and NLRB rule changes was only selected by 30 percent of respondents, such issues as the possibility of the Protecting the Right to Organize Act of 2021 (PRO Act) – or parts of it – becoming law should be on employers' radars, even if they're not currently unionized.

Despite all these potential shifts, the reality is that, amid persistent gridlock in Washington, the biggest challenges may stem from the complex web of state and local laws – be it around paid sick and family leave, wage and hour matters or a range of other employment law-related issues. It follows, then, that 83 percent say state or local agencies will have a moderate or significant impact on their businesses. For instance, California – for which respondents headquartered there perceived a greater impact from state or local agencies (37 percent expect a significant impact compared to 25 percent of all respondents) – already passed a state supplemental paid sick leave law this year.

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Whether a law expanding paid sick and family leave benefits passes at the federal level remains to be seen – but either way, it is clear that states, counties and cities will continue to focus on this issue. Thus, unless a federal law preempts state and local laws, employers will still be faced with the significant compliance challenges that come with navigating a patchwork of varying requirements in the jurisdictions in which they operate.

Michelle Barrett Falconer, **Co-Chair of Littler's Leaves of Absence and Disability Accommodation Practice Group**

Employee Well-Being

Please rate the following issues by the level of concern they pose for your organization over the next six months from a workforce management perspective.

	Maintaining company culture, collaboration and employee loyalty in a remote work environment	Impact of the pandemic on employee mental health and well-being	Supporting employees and addressing racism in the workplace amid continued racial tensions and unrest	Potential workforce reductions or restructuring as the pandemic continues	Lawsuits alleging labor and employment violations related to COVID-19
Extremely concerned	27%	20%	8%	6%	5%
Moderately concerned	30%	32%	18%	7%	13%
Somewhat concerned	22%	27%	26%	14%	17%
Slightly concerned	12%	18%	32%	30%	41%
Not at all concerned	10%	3%	16%	43%	24%

Which of the following resources or benefits are you offering to employees to address issues related to "crisis fatigue" (e.g., burnout, isolation, strain on mental health and well-being)?

Category	Already offering	Interested in offering (but not yet planning)	Planning to offer	Not offering/not currently interested in doing so
Mental health services and/or Employee Assistance Programs	84%	7%	3%	6%
Internal programming on well-being and/or wellness-related communications	52%	9%	19%	19%
Training and professional development to facilitate career advancement	51%	9%	19%	20%
Fitness benefits or reimbursement programs to encourage physical activity (e.g., for personal fitness equipment, in-person/virtual classes)	39%	4%	19%	39%
Guided well-being activities (e.g., meditation, yoga, health coaching)	36%	5%	22%	37%
Implementing new ways to recognize and reward employees for hard work (e.g., additional bonuses, paid time off, awards/gifts)	34%	15%	28%	23%
Training for managers to help them respond to employees in need of support	28%	14%	38%	19%

Legend:
- Already offering
- Planning to offer
- Interested in offering (but not yet planning
- Not offering/not currently interested in doing so

Even as the nation emerges from the worst of the pandemic, employees are still reeling from its effects — and the stakes for employers are high. For instance, TELUS International recently found that 80 percent of workers would consider leaving their current employer for one that focuses more on mental health.

Broadly speaking, the professionals we surveyed recognize this. More than half are moderately to extremely concerned about the impact of the pandemic on employee mental health and well-being, and only 3 percent aren't concerned at all. Meanwhile, nearly 60 percent are moderately to extremely concerned about maintaining company culture, collaboration and employee loyalty in a remote-work environment.

These percentages are relatively consistent with data from a similar survey question we asked six months earlier (see page 4 here). The most significant change over this time period was a drop in the level of concern about implementing

workforce reductions or restructurings. Nearly twice as many respondents now say they are not concerned at all (43 percent compared to 21 percent).

Though restructuring concerns may have subsided, employers are still working to address employee well-being amid ongoing "crisis fatigue." In large part, they seem to be making strides: 84 percent are already offering mental health services and/or Employee Assistance Programs, and over half said as much about internal well-being programming (52 percent) and training and professional development to facilitate career advancement (51 percent). Nearly 40 percent, meanwhile, are offering fitness benefits or reimbursement programs to encourage physical activity (39 percent) and guided well-being activities (36 percent).

A smaller percentage are implementing new ways to recognize and reward employees (34 percent) and training managers to help respond to employees in need (28 percent). However, these are two areas executives seem most interested in offering (or are already planning to offer) down the line: 43 percent are interested in offering or planning to offer new ways to reward employees, while 52 percent said as much about training managers. The former, in particular, is important for those with a large remote-working population: According to a 2020 report, 64 percent of employees say such recognition is more important while working from home – yet only one of five say their organization has implemented new ways of recognizing them since the pandemic started.

Anecdotally, survey respondents named a number of useful resources and benefits aimed at improving employee well-being, including providing gift cards and credits for food delivery services, instituting "No Meeting Mondays," sponsoring family dinner nights and offering schedule accommodations for parents with children on a virtual school schedule.
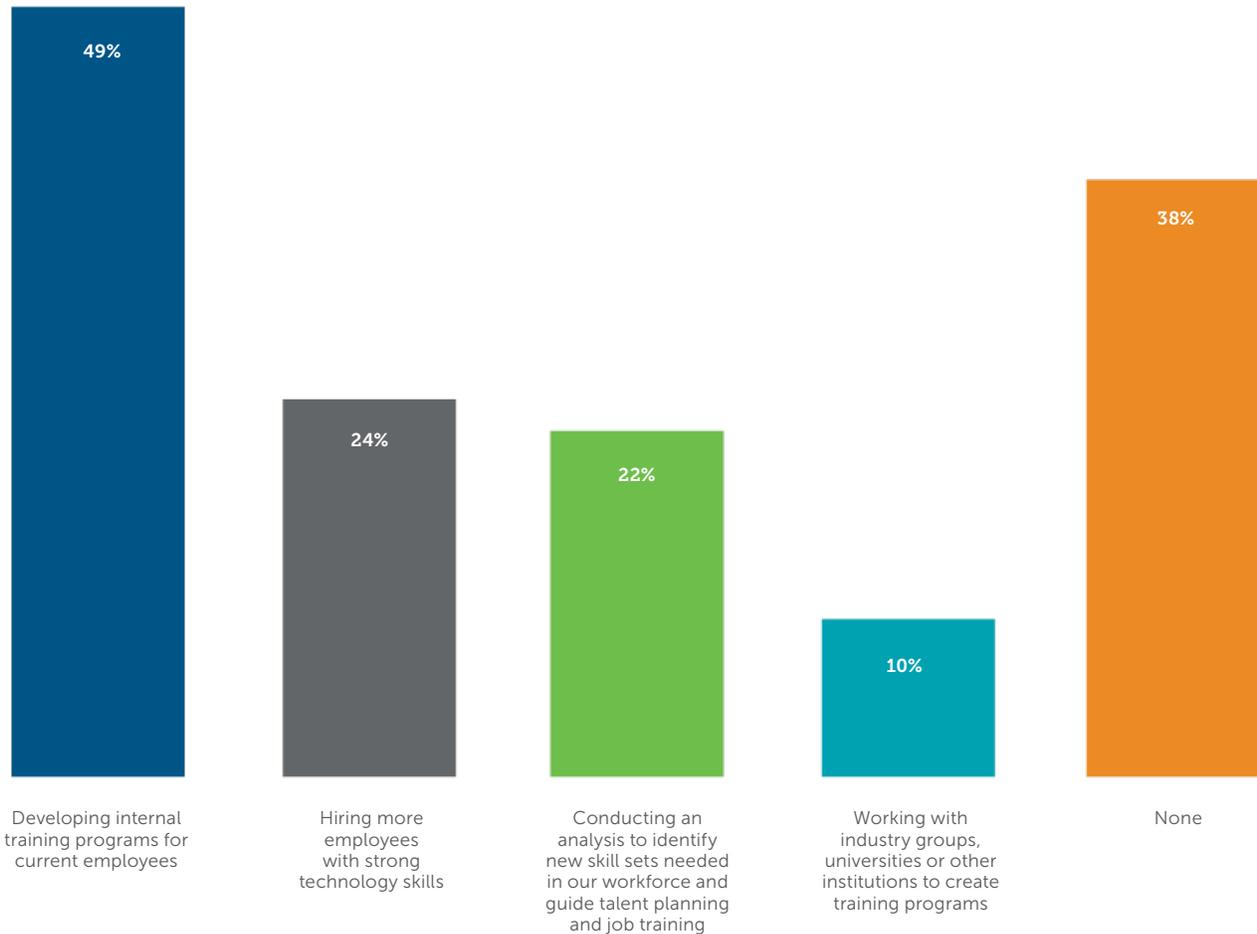
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The pandemic, along with the shift to widespread remote work, really amplified the impact of stress, isolation and anxiety on employees' overall job satisfaction, along with their ability to work effectively and productively. This is particularly true of women, the differently abled and members of Black and brown communities, all of whom have been disproportionately impacted by COVID-19. Many employers are making real progress on this front, but there are a number of useful and cost-effective resources they can consider to offer support as their workforces navigate the ongoing challenges of the pandemic and the associated impact on mental health and well-being.

Cindy-Ann Thomas, **Co-Chair of Littler's EEO & Diversity Practice Group**

Workplace Transformation

What steps is your organization taking to equip employees with technological skills as the pandemic, and the broader technological revolution, continues to change the skills workers need for the workplace of the future? (check all that apply)

49%	24%	22%	10%	38%
Developing internal training programs for current employees	Hiring more employees with strong technology skills	Conducting an analysis to identify new skill sets needed in our workforce and guide talent planning and job training	Working with industry groups, universities or other institutions to create training programs	None

As the workplace becomes more dependent on technological platforms and initiatives, we are seeing a rise in the technology-induced displacement of employees (TIDE™) and a corresponding need to provide workers with the skills, training and resources to adapt. The pandemic has only accelerated this transformation. In fact, in October 2020 the World Economic Forum reported that 43 percent of the businesses it surveyed planned to reduce their workforce because of technology and that, on average, companies believe around 40 percent of workers will require reskilling.

Many employers are responding in kind, taking steps to equip employees with the technological skills they need to succeed in the workplace of the future. Nearly half of respondents (49 percent) are developing internal training programs for current employees; 22 percent are conducting an analysis to identify needed skill sets in order to guide talent planning and job training (which ideally is a prerequisite to developing effective training programs); and 10 percent are working with industry groups, universities or other institutions to create training programs. Nearly a quarter (24 percent) are hiring more employees with strong technology skills.

Respondents in the manufacturing industry, where TIDE™ poses particular risks, are especially active in this area – including when it comes to developing internal training programs (56 percent) and working with outside groups to create training programs (19 percent).

For a detailed analysis of the myriad forces transforming the workplace, read the [Inaugural Report of Littler's Global Workplace Transformation Initiative](#).

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The pandemic was a wake-up call to employers that the future of work is not the future any longer – it has arrived. It is encouraging, then, to see employers taking steps to provide workers with the knowledge and skills needed to succeed in the new world of work. But for training programs to be most effective, it's important that they be preceded by an analysis to identify what those desired skill sets actually are, what learning them entails and how they meet the specific needs of the business.
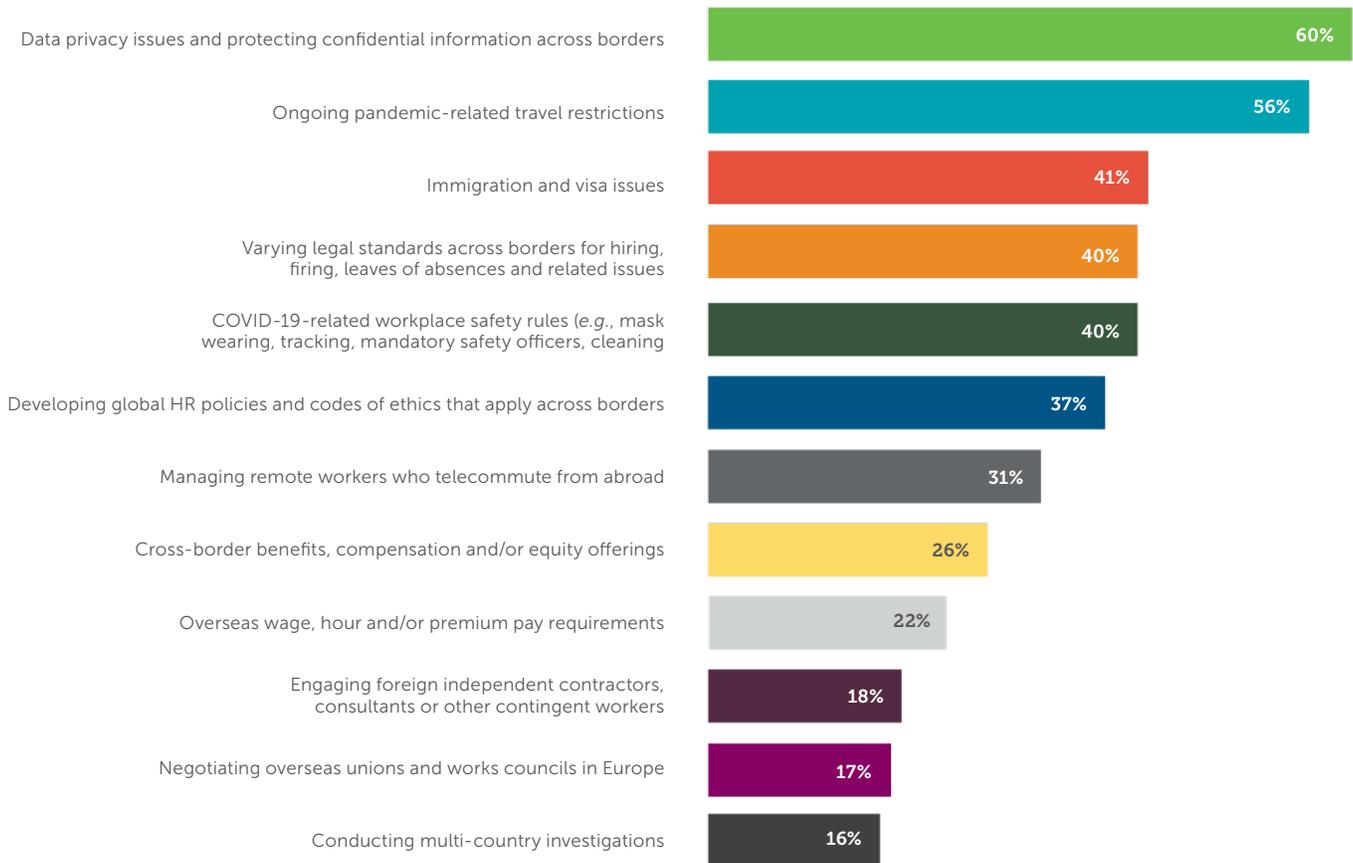
Michael Lotito, a founding member of Littler's **Global Workplace Transformation Initiative** and co-founder of the **Emma Coalition**

Global Workforce Management

Which of the following are of concern to your organization in operating or doing business outside of the U.S.? (check all that apply)

The below chart reflects data from respondents from large companies (more than 10,000 employees) that are based in the U.S. and have operations abroad.

Concern	%
Data privacy issues and protecting confidential information across borders	60%
Ongoing pandemic-related travel restrictions	56%
Immigration and visa issues	41%
Varying legal standards across borders for hiring, firing, leaves of absences and related issues	40%
COVID-19-related workplace safety rules (*e.g.*, mask wearing, tracking, mandatory safety officers, cleaning	40%
Developing global HR policies and codes of ethics that apply across borders	37%
Managing remote workers who telecommute from abroad	31%
Cross-border benefits, compensation and/or equity offerings	26%
Overseas wage, hour and/or premium pay requirements	22%
Engaging foreign independent contractors, consultants or other contingent workers	18%
Negotiating overseas unions and works councils in Europe	17%
Conducting multi-country investigations	16%

Corporations are increasingly global in nature, often with employees working from multiple jurisdictions.

Large employers managing an international workforce face a number of issues in operating or doing business outside of the U.S., particularly amid an ongoing global pandemic. In fact, several pandemic-related challenges rose to the top of respondents' list of concerns in operating globally, including pandemic-related travel restrictions (56 percent), COVID-19-related workplace safety rules (40 percent) and managing remote workers who telecommute from abroad (31 percent). The latter issue of international "wandering workers" – those who perform their job functions remotely from a different country or frequently move locations while employed – presents a host of unique employment law considerations.

However, even with the pandemic's unprecedented disruption to global workforce management, the long-standing challenge of complying with varying and increasingly stringent data protection standards, as well as managing lawful

transfers of applicants' and employees' personal data across borders in the face of complex restrictions, emerged as the primary concern for 60 percent of respondents.

Additional areas of concern include immigration and visa issues (41 percent); varying legal standards for hiring, firing and leaves of absence-related issues (40 percent); and developing global HR policies and codes of ethics (37 percent).

The high level of concern surrounding global data protection derives from the challenges of managing a global workforce. Multinational companies often rely on sophisticated platforms to centrally and efficiently manage critical HR activities – such as recruiting, performance evaluation and succession planning – on a global basis, thereby integrating far-flung subsidiaries into a cohesive organization. However, transferring applicants' and employees' personal data into centralized databases requires understanding, and compliance with, the unique data protection laws in each country where the organization operates.

Philip Gordon, **Co-Chair of Littler's Privacy and Background Checks Practice Group**

As the pandemic winds down, multinational corporations may expect to do more hiring in the coming months. Even as they encounter novel issues related to employees working remotely, at home or from abroad, companies will face challenges that have always been inherent in managing a global workforce. Navigating this complex terrain will require the execution of comprehensive HR and legal strategies.

Philip Berkowitz, **U.S. Practice Co-Chair of Littler's International Employment Law Practice Group**

Methodology and Demographics

From March 17-31, 2021, 1,160 professionals from a variety of industries completed The Littler® Annual Employer Survey via an online survey tool.

Respondents were based across the United States and included:

- Human resources professionals (58 percent)
- General counsel/in-house attorneys (34 percent)
- C-suite executives or other professionals (8 percent)

Companies represented were of a variety of sizes:

- More than 10,000 employees (15 percent)
- 5,001 to 10,000 employees (9 percent)
- 1,001 to 5,000 employees (20 percent)
- 501 to 1,000 employees (13 percent)
- 101 to 500 employees (28 percent)
- 1 to 100 employees (15 percent)