



BLANKROME
CELEBRATING 75^{YEARS}

COVID-19 Employer
Workplace Survey

“Looking to the
Post-Pandemic Landscape”

BLANK ROME COVID-19 TASK FORCE

SUMMER 2021

Looking to the Post-Pandemic Landscape



As we approach the 18-month anniversary of the global coronavirus pandemic, the rate of vaccinations in the United States has leveled off while business safety restrictions are being relaxed or removed. Still, the lower vaccination rates of many states combined with the appearance of highly transmissible variants of the virus remains as a significant challenge as we transition into an endemic phase of the crisis. With these developments in mind, Blank Rome's COVID-19 Task Force launched its fifth employer survey asking our clients about key workplace topics. We received responses from more than 150 employers and stakeholders who shared their collective knowledge and experiences from preparing to fully reopen worksites and return workers to the office. The responses came from C-Suite executives, in-house attorneys, and human resources professionals from a diverse array of businesses across various industries and geographies.

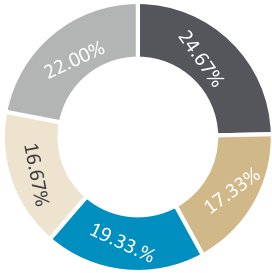
Looking to the Post-Pandemic Landscape



The survey data, collected between July 7 and July 16, 2021, demonstrates shifting trends from our March 2020, April 2020, July 2020, and February 2021 surveys, which were conducted while workplaces were initially shut down or reopening with new safety measures. It also shows the various strategies for addressing the challenges of the post-pandemic workplace, including vaccinations, in-office work requirements, workplace safety protocol changes, employee complaints, and other business operations.

Demographics of Respondents

LEADERSHIP POSITIONS



- Human Resources
- Chief Operating Officer
- General Counsel
- In-House Counsel
- Other Executive

NUMBER OF EMPLOYEES



34.44% More than 500 employees

Number of Employees	Percentage
500+	34.44%
101–500	23.84%
51–100	8.61%
Under 50	33.11%

TYPE OF WORKFORCE



60.13%
administrative



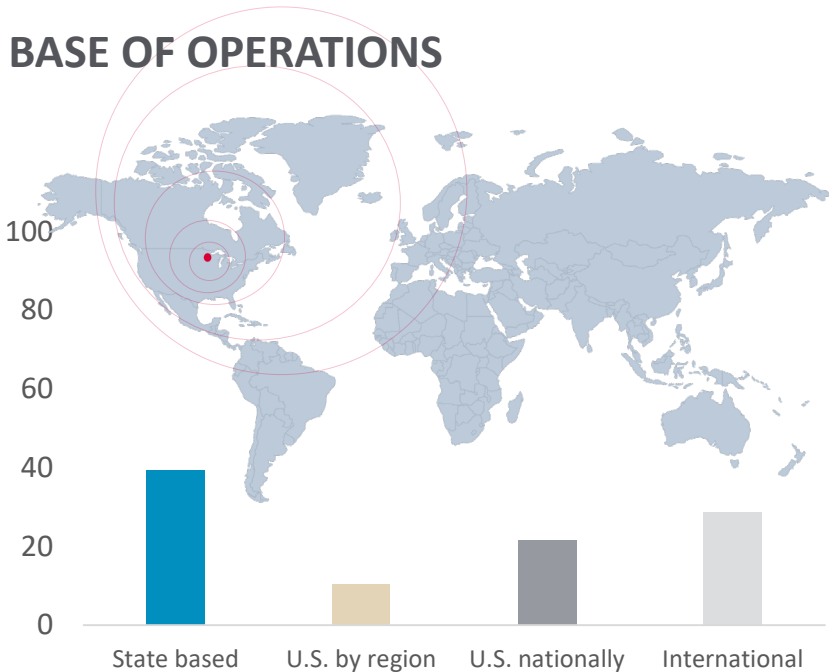
18.30%
operations



5.88%
in field

and 15.69% described as other

BASE OF OPERATIONS



INDUSTRIES

Industry	Percentage
AVIATION	0.65%
CHEMICAL	2.61%
CONSUMER FINANCIAL SERVICES	0.65%
CONSTRUCTION	2.61%
ENERGY	5.23%
FINANCIAL SERVICES	16.34%
GAMING & ENTERTAINMENT	1.31%
HEALTHCARE	7.84%
LIFE SCIENCES	1.96%
MARITIME	4.58%
PRIVATE EQUITY & INVESTMENT FUNDS	2.61%
REAL ESTATE	5.23%
TECHNOLOGY	3.92%
MANUFACTURING	9.80%
RESTAURANT/FOOD SERVICE	0.65%
PROFESSIONAL SERVICES	15.69%
OTHER	27.45%

GEOGRAPHY

Geography	Percentage
CALIFORNIA	6.62%
DISTRICT OF COLUMBIA	4.64%
FLORIDA	5.30%
NEW JERSEY	11.26%
NEW YORK	15.23%
PENNSYLVANIA	32.45%
TEXAS	6.62%
VIRGINIA	3.31%



KEY TAKEAWAYS

The coronavirus pandemic has forced many employers to rethink how they operate, from managing employee risk and flexible work arrangements to adopting new human resource policies and communications. With many employees returning to offices as the highly transmissible Delta variant emerges as a threat, employers are confronting an array of issues that continue to test their abilities to keep their employees, clients, and other stakeholders safe as the virus transitions into an endemic. With the help of our clients, Blank Rome’s labor & employment attorneys have spotlighted their key takeaways from our Summer 2021 survey. Many of the answers to this survey can be analyzed through a comparison to the responses from similar questions contained in our first four employer surveys. One thing is for certain—after the pandemic ends, its legacy will have a lasting impact on the way we live and conduct business for many years to come.



KEY TAKEAWAYS

- In our February 2021 survey undertaken as the emergency-use vaccinations were first being rolled out to the high-risk population, less than **15%** of employers said they planned to require employees to get an approved vaccine when available.
- In the current survey, **16%** of employers said they are making the COVID-19 vaccine mandatory for current employees while **14%** are making it mandatory for new hires only.
- While **56%** of employers said that they are surveying employees on whether they are vaccinated, **30%** of employers answered that they are requiring proof of vaccination from employees. Among those employers that said they seek proof of vaccination, **46%** said they obtain a copy of a vaccination card or other record and **23%** ask a screening question.
- Nearly **74%** of employers are not allowing employees to wear something indicating that they are vaccinated.
- In our February 2021 survey, nearly half of employers said they planned to offer an education campaign for their workers on receiving one of the approved vaccines, but in the current survey only **33%** of employers answered that they have offered employees an education campaign on taking a COVID-19 vaccine.



KEY TAKEAWAYS

- In the February 2021 survey, less than **10%** of employers said they would offer incentives to employees to receive one of the vaccines. In the current survey, **14%** of employers answered that they had offered their employees incentives to take one of the approved vaccines.
- **ANALYSIS:** While the Equal Employment Opportunity Commission (“EEOC”) has stated that employers can legally require employees to take an emergency-use COVID-19 vaccine to re-enter worksites, most employers remain reluctant to do so. They are also less likely to be offering incentives to get vaccinated now than when the vaccines were first being rolled out in the winter. Employers appear to be following the EEOC’s guidance that companies should work to find alternative arrangements for employees who are unable to get vaccinated for medical, disability, or other reasons.



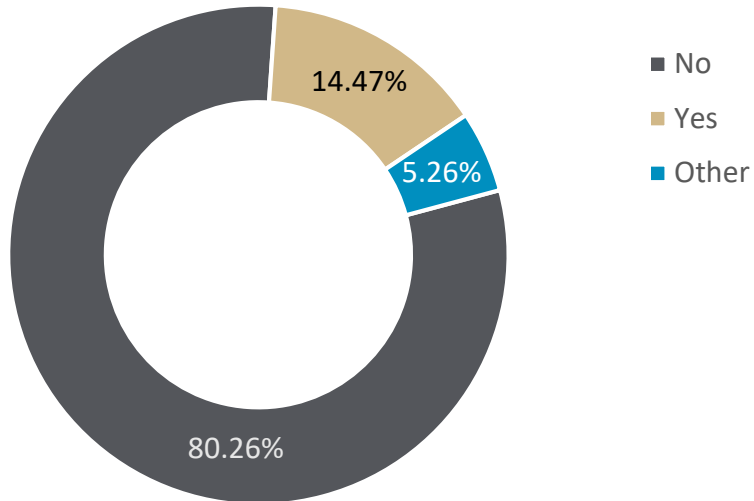
Do you ask or survey your employees about whether they are vaccinated for COVID-19?



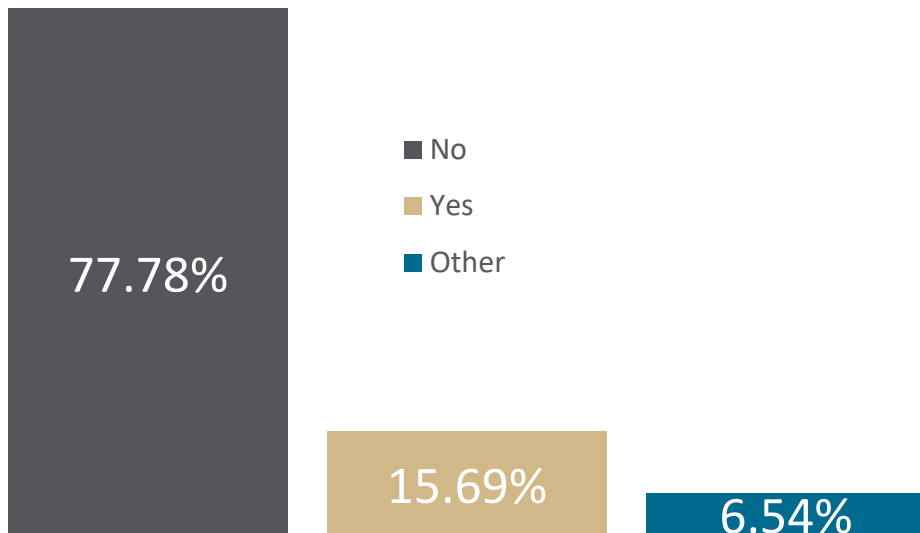
Vaccines



Are you making COVID-19 vaccination mandatory for new hires only?



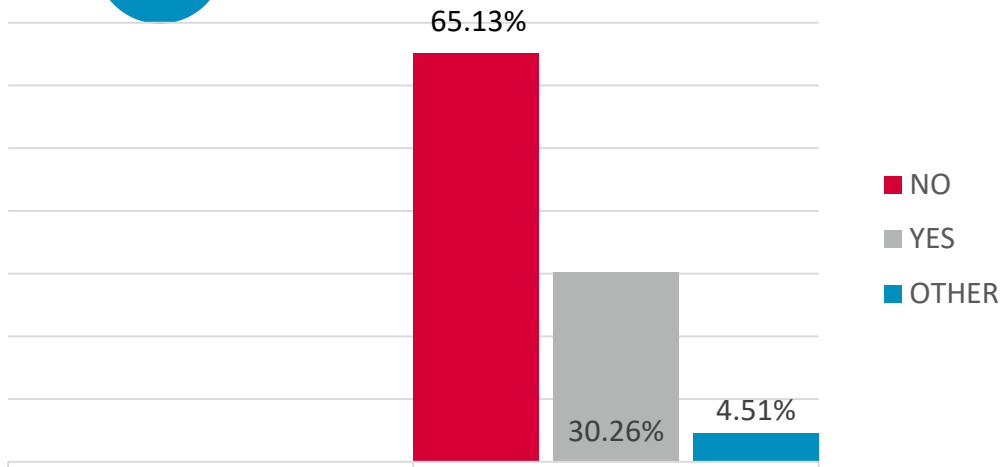
Are you making COVID-19 vaccination mandatory for current employees?



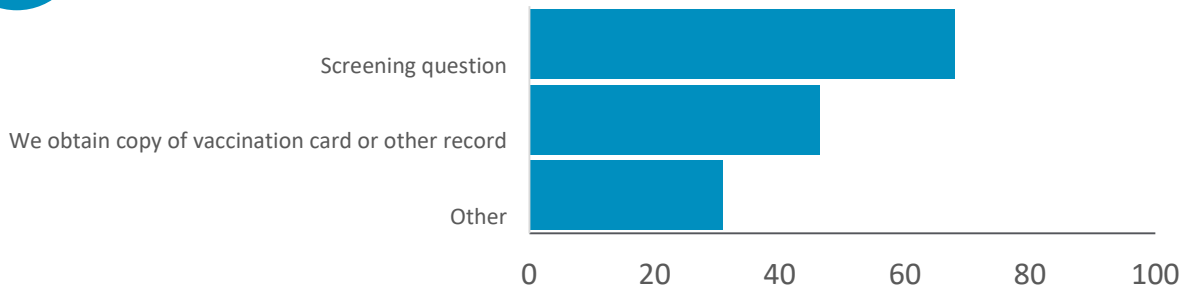
Vaccines



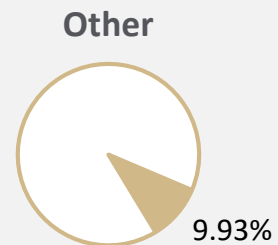
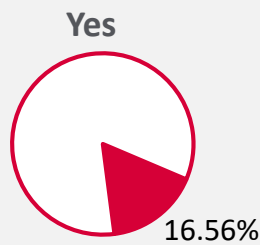
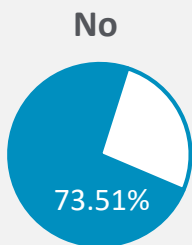
Are you requiring proof of vaccination from employees?



If yes, what proof?



Are you allowing employees to wear something indicating that they are vaccinated?



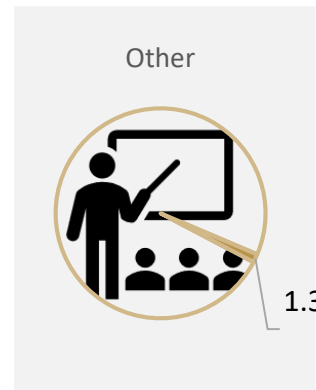
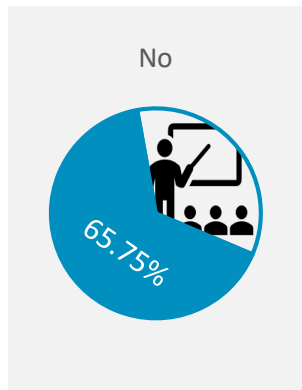
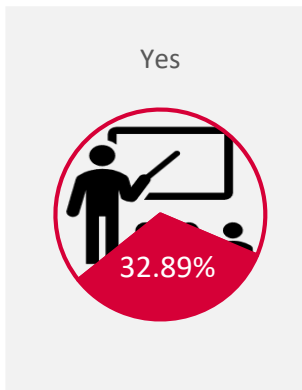
Vaccines



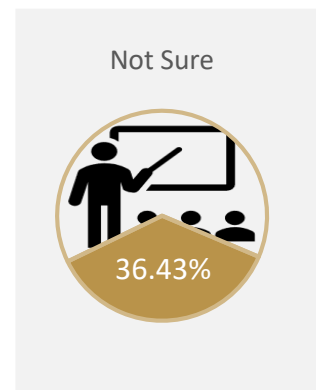
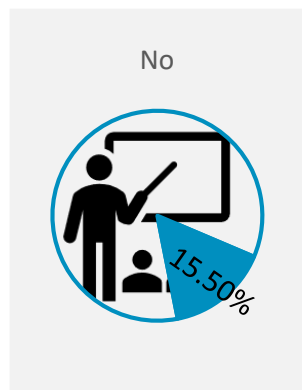
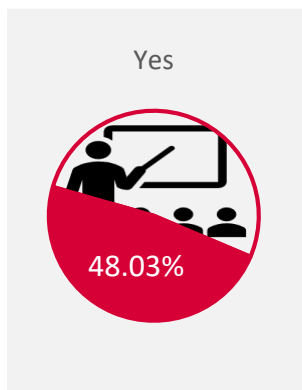
Do you plan to offer an education campaign for your workers on taking one of the approved vaccines?



July 2021



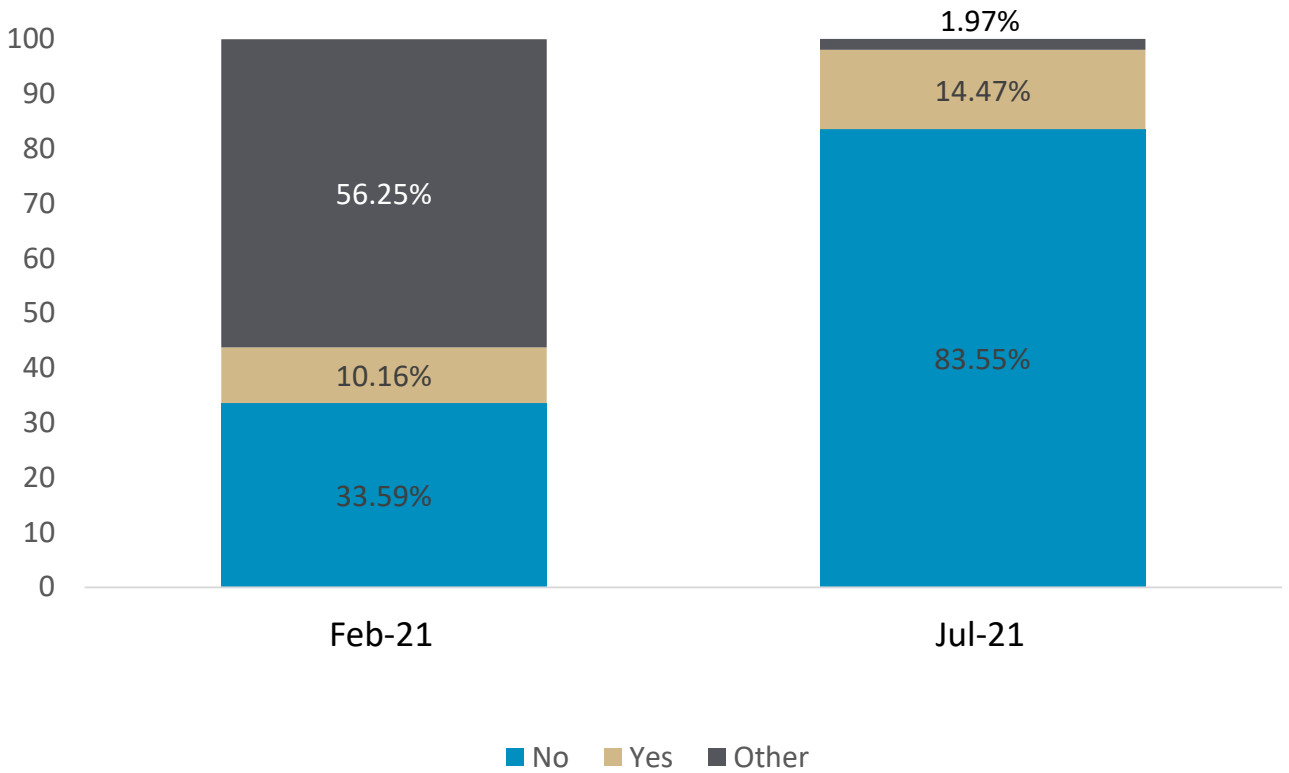
February 2021

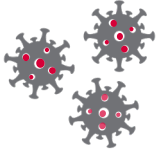


Vaccines



Will you offer incentives to your employees to take one of the approved vaccines?

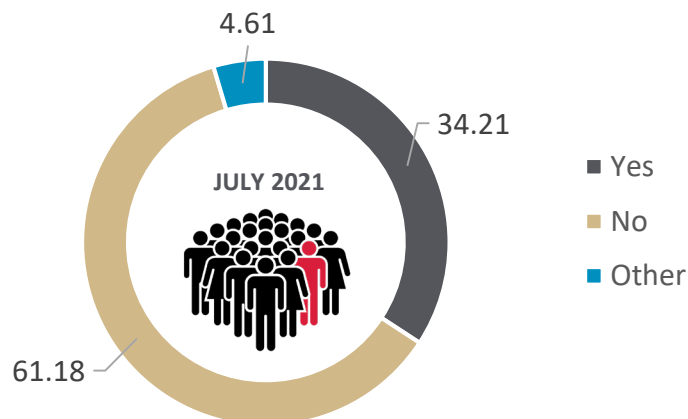




KEY TAKEAWAYS

- Our first four employer surveys demonstrated how the virus spread uncontained throughout the pandemic as the number of companies that reported having an employee test positive started at **7%** in March 2020 and rose to over **80%** in our February 2021 survey.
- In the most recent survey, **34%** of employers responded that they have had an employee miss work or request leave to quarantine from mid-June to mid-July 2021.
- **ANALYSIS:** Despite more than 180 million Americans receiving at least a first dose and 160 million Americans being fully vaccinated, the virus continues to keep some workers on the sidelines as highly transmissible variants spread across the country.

Have you had an employee miss work or request leave because of the employee testing positive for COVID-19 or due to quarantining in the past month?





KEY TAKEAWAYS

- Our previous surveys displayed the workplace safety protocols that employers had adopted to protect on-site employees. By the time of our February 2021 survey, **97%** of companies required on-site workers to wear masks in common areas and **93%** required social distancing by on-site employees.
- According to our survey, more than **75%** of employers are relaxing or lifting COVID-19-related safety protocols. Of those that are doing so, **68%** of employers are relaxing mask usage requirements, **56%** are lifting social distancing requirements in conference and meeting areas as **41%** say they have raised the capacity of meetings, rooms, and common areas.
- In our latest survey, only **5%** of employers require everyone to wear masks everywhere at the office and less than **20%** still require them in common areas. **58%** of employers answered that vaccinated employees don't have to wear a mask anywhere while **18%** answered that vaccinated employees don't have to wear a mask when meeting with other vaccinated employees.

Workplace Safety Protocols

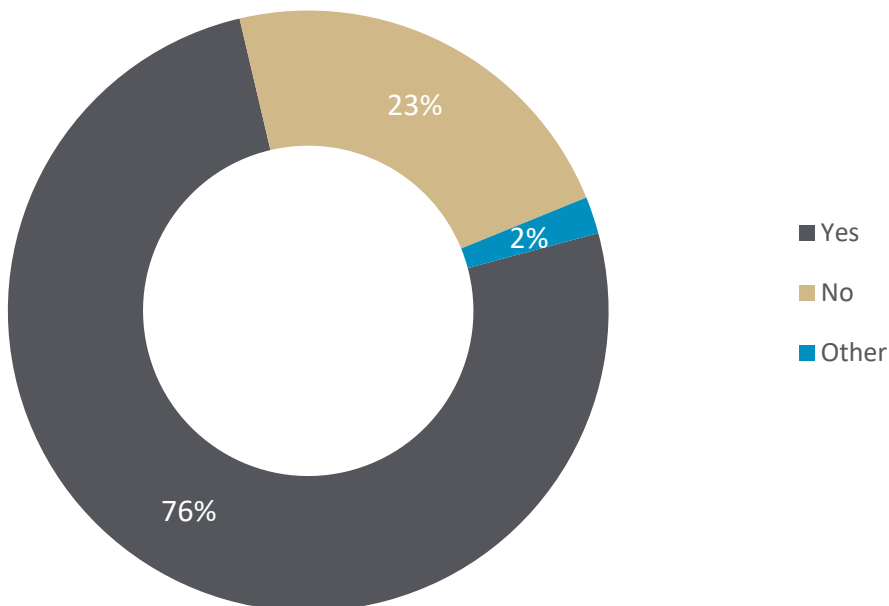


KEY TAKEAWAYS

- **ANALYSIS:** One of the most significant shifts in public health behavior since the beginning of the pandemic was the mostly widespread adoption of masks and face coverings since the Centers for Disease Control’s (“CDC”) April 2020 recommendation that Americans wear them in public spaces. Now that the CDC lifted those recommendations for vaccinated individuals in most public settings, the majority of employers are lifting or relaxing masking and social distancing protocols

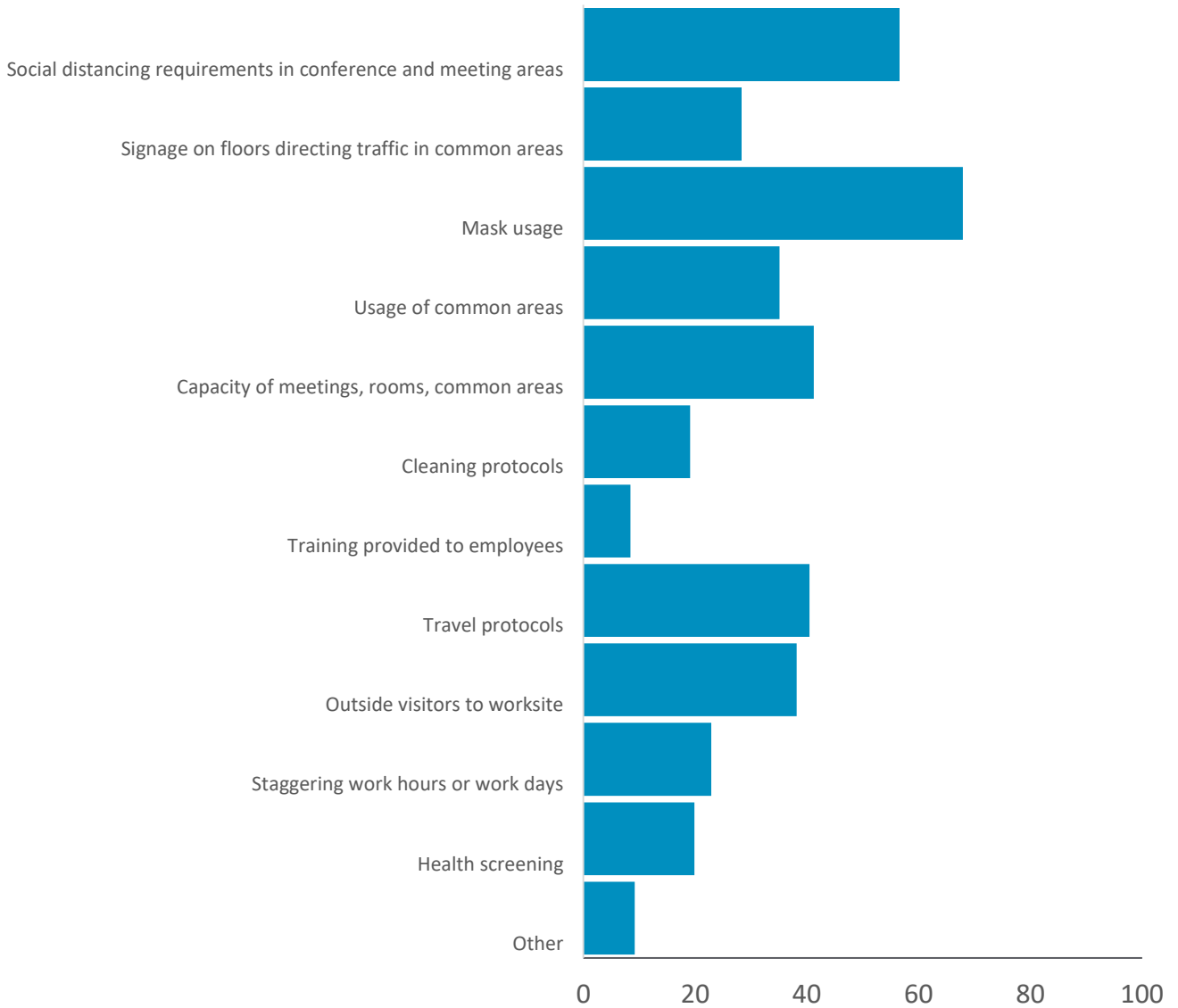


Are you relaxing or lifting any COVID-19 related workplace safety protocols?



Workplace Safety Protocols

If yes, which ones?





KEY TAKEAWAYS

- Among respondents, nearly **30%** said their offices are fully back to work with minor exceptions and **25%** answered their offices are open with optional on-site presence. Combined answers describing various hybrid work models account for nearly **31%** of responses.
- At **38%**, most employers answered that their employees are already back and **28%** said September 2021 is when they will ask employees to return to the office with an additional **9%** saying their employees will return to the office this summer. A combined **19%** of employers answered that they expect employees back by the end of the year or in 2022. Less than **8%** say they expect employees to never return in-person to the office.
- According to our survey, **45%** of employers said they allow employees to work from home with a time limit if the worker does not want to return to the workplace under circumstances that do not otherwise require a medical or religious accommodation. **25%** said they would terminate an employee in that scenario.



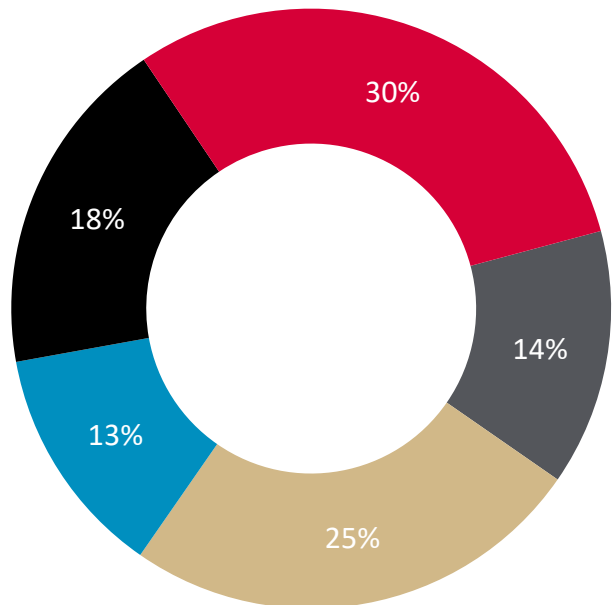
KEY TAKEAWAYS

- **ANALYSIS:** The vast majority of employers have reopened worksites with various levels of remote work flexibilities built in. The steep declines in COVID-19 cases, hospitalizations, and deaths from the pandemic's winter peak due to the rollout of vaccinations is allowing employers to ask more employees to return to the office at least part time.



The current status of your office is:

- Fully remote
- Offices open but on-site presence is optional
- Hybrid model, meaning use of formal rotation days in office
- Hybrid model, meaning generally increasing flexibility to work from home
- Fully back to work in office with minor exceptions





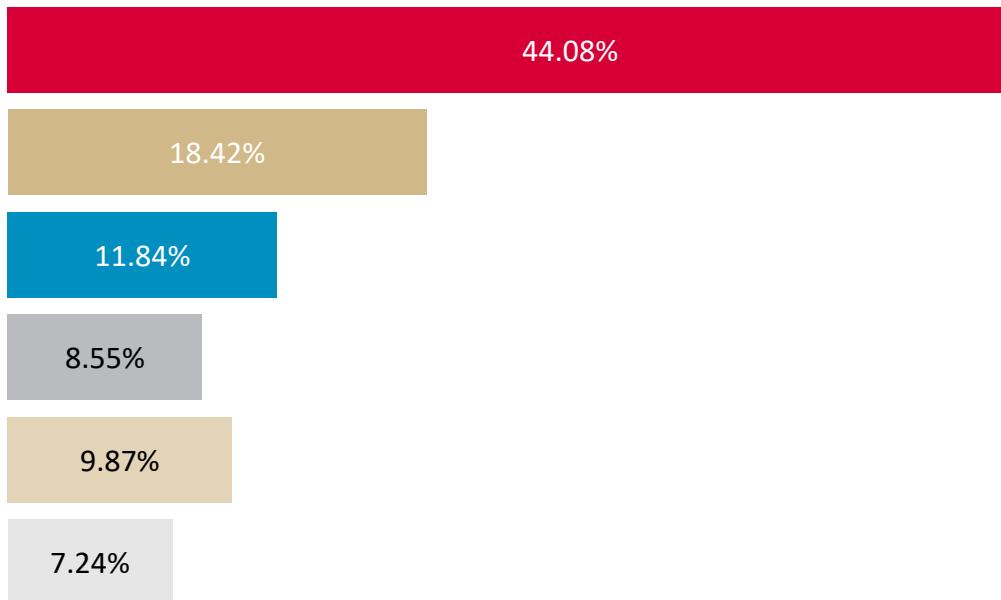
KEY TAKEAWAYS

- Hiring is identified by **44%** of respondents to our survey as their top current employment-related business challenge followed by retentions at **18%**.
- Combined answers related to developing and obtaining workplace safety protocols as circumstances change account for more than **20%** of responses.
- Educating employees is indicated as the top challenge by **10%** of employers while other answers include training, collaboration, teamwork, career development, marketing, educating senior administration, union issues, management issues, obtaining maximum performance given the fluid nature of in-office vs. remote working, employee-to-employee communication, and getting employees back to on-site work.
- **ANALYSIS:** With many businesses shifting to telework during the pandemic, it is not surprising that hiring and retention are the top responses as recruiters have expanded their hiring pools leading to increased competition for top talent. On the one hand, candidates can network, job search, and be recruited without leaving their homes. On the other hand, employers often have not been able to interview or meet their recruits in person and the landscape in a tight labor market continues to shift as employers and candidates assess what is important to them.

Business Challenges



What is your greatest employment-related business challenge?



- Other
- Educating employees
- Obtaining compliance with workplace safety protocols as circumstances have changed
- Developing appropriate workplace safety guidance as circumstances have changed
- Retentions
- Hiring



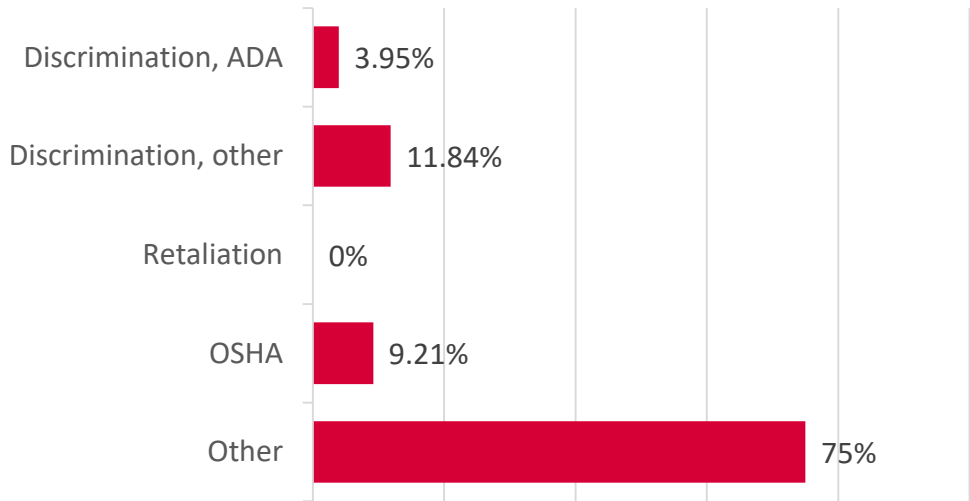
KEY TAKEAWAYS

- Our first four employer surveys showed COVID-19-related complaints from employees rise from **12%** of companies answering in March 2020 that they had received one to **34%** in February 2021.
- According to our latest survey, **18%** of employers reported having received employee complaints related in some way to COVID-19. Among those who said they had received a complaint, the top type of complaint was OSHA related at **25%**. Other types of complains received include ADA discrimination, other types of discrimination, and class actions seeking recovery of cell phone, Internet, and other costs, while working from home.
- **ANALYSIS**: The pandemic has been an unprecedented challenge to workplaces, but the stabilization and drop in reports of employee complaints is a possible indication that the vaccines have improved the overall spectrum of risk for employers.

Employee Complaints



Have you received any employee complaints related in any way to COVID-19?



ANSWER CHOICES	RESPONSES				
	MARCH 2020	APRIL 2020	JULY 2020	FEBRUARY 2021	July 2021
Discrimination, ADA	0%	5.88%	3.22%	7.5%	3.95%
Discrimination, other	6.25%	1.96%	3.22%	2.5%	11.84%
Retaliation	3.13%	1.96%	3.22%	7.5	0%
OSHA	3.13%	11.76%	16.13%	17.5%	9.21%
Other	93.75%	92.16%	74.19%	75%	75%



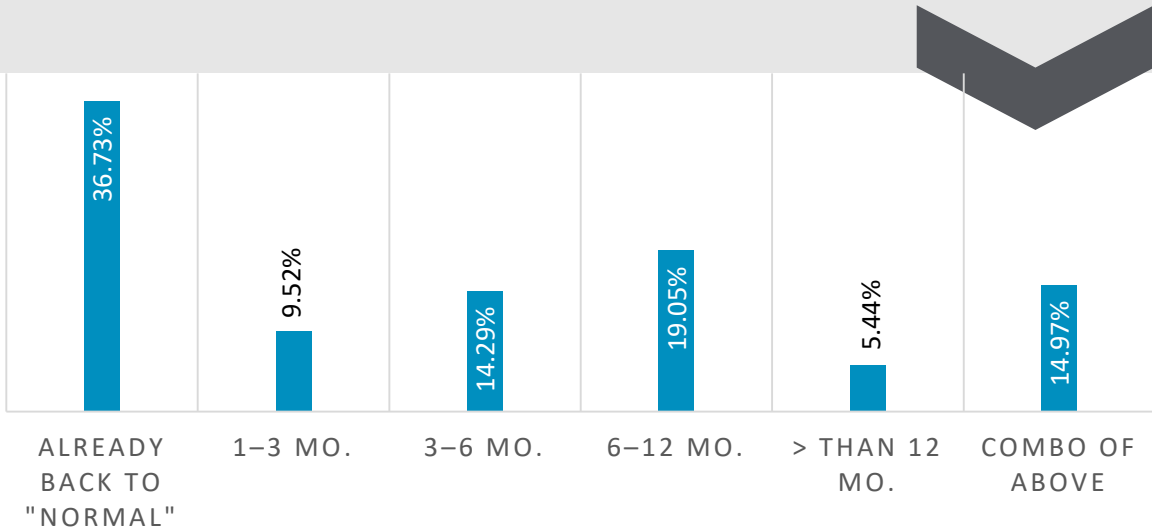
KEY TAKEAWAYS

- According to our July 2020 survey, **57%** of employers felt their company was less hopeful that things were beginning to return to normal since Blank Rome’s previous survey in April 2020.
- By February 2021, **80%** of employers say their companies were now more hopeful than they were in July 2020 that things are beginning to return to normal.
- In our current survey, **91%** of employers say they are more hopeful that things are beginning to return to normal. In fact, **37%** of employers said their company has already returned to “business as usual” while another **24%** said their companies will be back to normal within six months. More than **24%** said it would take six months or longer to return their companies to “business as usual.”
- **ANALYSIS:** One of the largest shifts in our five employer surveys has been the increase in optimism among employers from less than a year ago that things are beginning to return to normal. After 18 months of the pandemic, we join in the hopefulness that the health and safety of our families, friends, colleague, and communities can return stronger than before.

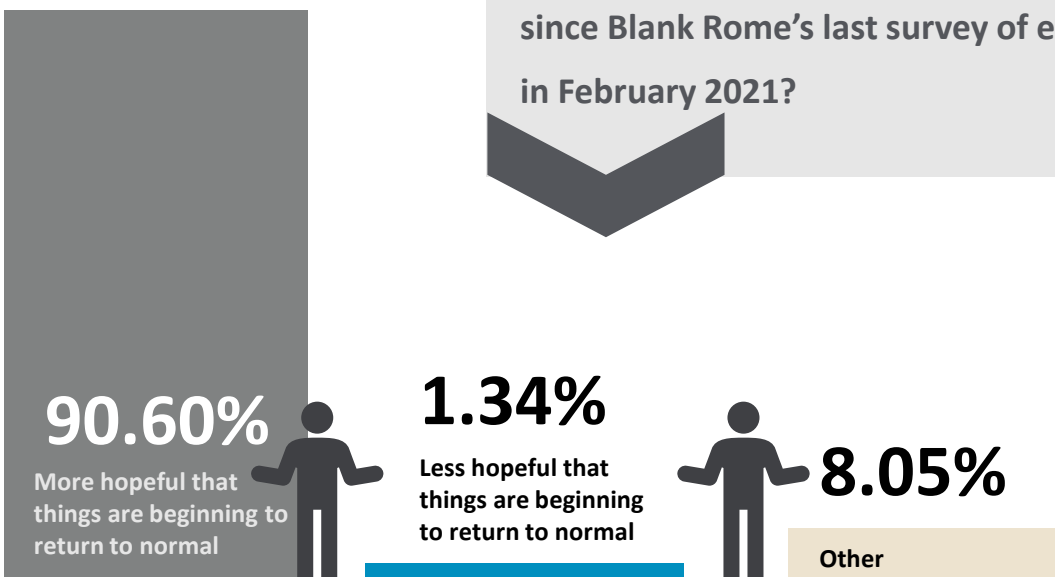
Business Outlook



How long do you estimate it will take for your company to return to “business as usual”?



I would describe our company as follows since Blank Rome’s last survey of employers in February 2021?





CONCLUSION

Our COVID-19 employer workplace survey results reflect how the business world has responded to 18 months of unprecedented challenges as U.S. employers closed and relaunched operations and dealt with multiple spikes in the spread of COVID-19. As companies return workers to offices across the country with highly transmissible variants on the rise, we will continue to provide our valued clients with useful information to address critical workplace issues in real time. Clients can stay up to date on state reopening orders and information by monitoring our [COVID-19 State Impact Tracker](#) and identify important return-to-work considerations involving vaccines and masking requirements by reviewing our latest [COVID-19 Return-to-Work Checklist Supplement](#).

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