As organizations recover from the COVID-19 pandemic, their focus will shift to ensuring a smooth transition back to the workplace.

This checklist outlines key actions that general counsel and chief compliance officers must take to drive an effective “return to the workplace” strategy.
Implications for the General Counsel and Chief Compliance Officer

**Short-term implications**

- Increase in third-party and supply chain risks, including invocation of force majeure clauses
- Potential employment-related issues due to COVID-19 workplace disruption and sickness
- Increased discrimination, harassment or inappropriate behavior directed at employees due to COVID-19 fears
- Trigger of Material Adverse Event clauses in merger and acquisition deals
- Violation of debt covenants due to economic slowdown

**Long-term implications**

- Continued legal and regulatory uncertainty as countries, states and localities create inconsistent frameworks for workplace safety, rights and governance
- Increased employee litigation and investigations due to infections and treatment of employees
- Decrease in corporate cultures of integrity
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- Different reporting requirements for public companies
- Increased focus on board succession planning
Things to do now

- Track, review applicability of local, state and federal ordinances and regulations.
- Review "return to work" playbook to ensure it meets legal and regulatory obligations and minimizes unnecessary risk.
- Discuss and review potential employee actions (benefits change, furloughs, layoffs, etc.) with HR.
- Review the Code of Conduct and relevant corporate policies, including: working from home, business travel, workplace safety, discrimination and harassment, etc.
- Identify eligibility for stimulus programs and lobby governments as appropriate.
- Renegotiate outside counsel rates and prioritize vendor spending.
- Vet external corporate communications.
- Report key decisions and risks to the board.
- Track corporate culture and employee misconduct.
- Consider reputational impacts of key corporate decisions.
Things to plan/prioritize

- Work with supply chain to identify “at risk” suppliers and renegotiate contracts as necessary.
- Streamline due diligence procedures to speed onboarding of critical suppliers and business partners.
- Identify opportunities to bring legal work in-house.
- Identify impact of changing business strategy and permanent operational shifts on the company’s legal and compliance risk profile.
- Reorient legal team to support new areas of business growth and consider opportunity to acquire new legal talent (secondees, law firm layoffs, etc.).
- Prepare legal team for opportunistic merger and acquisitions in the medium term.
An Executive’s Guide to Returning to the Workplace

Visit gtnr.it/return-to-work for overarching insights to guide your organization as it brings employees back to the workplace safely and effectively, at the right time, and in the right way.