



Exploring a Hybrid Future

Adapting business models to succeed in the new normal



IR Global members offer jurisdiction-specific advice on how you can adapt to succeed in the hybrid working environment. In the following pages you will hear from 45+ IR members who share their insight and advice on hybrid working, bringing a unique vantage point from jurisdictions around the world. We believe that, to make hybrid successful, you need tailored advice. Our member-firms are on hand to offer this advice to organisations and businesses around the world.



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Chris Niekamp engages in a diverse Commercial and Corporate Law practice. Chris has represented national and local banking institutions, large corporations and small businesses, debtors and creditors in all phases of Bankruptcy and Collection matters.

He has experience handling large and small Chapter 11 cases on behalf of Secured Lenders, Debtors, the Creditors' Committee and the Trustee. He has represented numerous large and small companies in issues ranging from start-up through dissolution, employment law issues, collection, real estate litigation, real estate acquisition, commercial lease documentation, mergers and acquisitions, and shareholder disputes.

He has experience handling commercial and residential foreclosures and has negotiated and prepared documents for corporate mergers and acquisitions, real estate transactions, wind down, forbearance agreements, condominium documents, commercial leases, non-profit 501 (c)(3) documents, employment agreements, shareholder agreements, buy sell agreements and close corporation agreements.

In addition to his Bankruptcy and Corporate Law experience, Chris has a niche practice in Entertainment Law.

Buckingham, Doolittle & Burroughs is Northeast Ohio's business law firm. We've served the Akron, Canton and Cleveland areas for over 100 years; therefore, this region has become our home and the businesses in this region have become our family. We don't just represent you. We support you and stand by you; we understand your business and become an extension of it; we celebrate with you and cheer for you; we go to great lengths for you, and we listen to you. For all of these reasons we are more than a business law firm. We are your partner in business.

We have thrived over the years because of this work ethic. Our long history in the region reflects the depth of experience our attorneys possess, not only in the practice of law, but in the industries you live and breathe every day. We know that we have to understand your business in order to protect it, a



QUESTION ONE

Should businesses be wary of losing important evidence/corporate communication records in a shift to hybrid working? What steps can they take to protect themselves?

As with all new frontiers the legal world faces, it is important to approach with caution. The issues and challenges of remote work are no exception. Therefore, every business should be diligent in protecting confidential files in a remote working environment. By taking the proper steps and procedures, businesses can reduce any uneasiness they may feel in their cyber security.

Businesses seeking to protect records, files, and communications need to start with the basics and adopt a cyber security policy. Once a policy has

philosophy established by our founding fathers.

The Buckingham, Doolittle & Burroughs partnership was founded in 1913 between Frank J. Rockwell, a former county prosecutor and future mayor of Akron, and Princeton University Graduate Charles T. Grant. An esteemed labour and employment attorney, Lisle M. Buckingham joined in 1929, and Gillum H. Doolittle, a distinguished trial lawyer, joined in 1934. Finally, Edmund Burroughs, former editor of the Harvard Law Review, joined in 1943. We have continued to add talent and evolve as times change. However, the integrity upon which our firm was built is still reflected in our people and in the services that we provide. Today we are recognised as one of the top business law firms in the region, but we are so much more than that. Find out why Buckingham is the law firm of choice for hundreds of Northeast Ohio businesses.

been adopted, businesses need to train all their employees on their policies. A policy only works if the workforce is educated and able to execute it. Adopting a policy will require businesses to balance two competing forces: the desire for simplicity and the desire for security. A good policy will ensure security, while providing employees with simple rules and standards to ensure they don't cut corners.

Along with a solid cyber security policy, businesses will need to give their employees the proper tools for the job. Among these tools, employers will want to obtain a virtual private network (VPN), a two-factor authentication system, and online tools and platforms. There are many more tools and systems that employers should consider, but these should be the foundation. A VPN will ensure that employees are able to safely and securely access work servers without fear of interference by hackers. Likewise, a two-factor authentication system will protect access to employees' accounts and hardware by requiring employees to authenticate themselves before logging in. Companies should also find tools and platforms that allow for collaboration between employees, ensuring a cohesive work product.

With a new policy and the right tools for the job, businesses should feel better about their company's cyber security risk in a remote working environment.

QUESTION TWO

What are the most common working from home/hybrid working pitfalls that businesses need to be aware of when involved in, or exploring, disputes today?

Hybrid work has created a new work atmosphere. Very few were familiar with the challenges when the pandemic first broke out. After nearly two years, common errors in conducting business have come to the forefront.

Perhaps the biggest challenge is effective communication. Largely, remote working has stripped away face-to-face communication between employers and employees. This lack of personal communication has led to issues like lack of information, uncertainty, and people taking communication out of context. Without the personal element that face-to-face communication brings, frustration builds as people miss part of the picture, or messages are misinterpreted. Whenever possible, face-to-face communication should be used. If face-to-face communication is impossible, then consider adopting new technologies that can simulate that feel and try to be as thorough and direct in communications as possible.

Businesses should also stay connected to their employees. Remote work can sever the bond between employer and employee, and as a result employees can be forgotten. The 'out of sight, out of mind' attitude can result in a whole host of problems, from general frustrations to claims of harassment. It is important that a business monitor and maintain its relationships with employees, so that it can spot early warning signs of misunderstandings.

Through communication and relationship monitoring, employers should be able to effectively manage the workplace.

QUESTION THREE

Is hybrid working likely to increase employment disputes in the future, and what should businesses do now to prepare for this?

TOP TIPS

Successfully managing the hybrid work place

✔ **Create a Remote/Hybrid Work Policy.** The first thing businesses need to do in order to manage a successful hybrid work environment is adopt policies governing hybrid work. Employers should ensure their policy addresses issues like work hour requirements, technology policies, and considering non-exempt employees who work from home. It's best to anticipate any misunderstandings before they can happen.

✔ **Communicate.** Adopting a remote/hybrid work policy provides a good start, however, a policy needs to be communicated. It is important that businesses keep their employees up to date on the latest changes. Through effective communication businesses will be able to set standards, create a feeling of inclusion, and build strong employer and employee relationships.

✔ **Secure the Work Area.** Security in the workplace should go beyond a technology policy. Businesses need to strive to create a secure place to work for their employees so that any potential misunderstandings can be resolved early. By taking the steps outlined in this article, businesses may be able to shield themselves from liability for failing to protect client confidentiality, and reduce employment law exposure.

It may still be too early to truly know and understand all the effects of hybrid working. However, it is almost a certainty that there will be misunderstandings in the workplace. Employers should do their best to limit misunderstandings by anticipating problems before they arise.

The first thing is to review workplace policies. Businesses will want to carefully examine these documents, ensuring that they cover any issues that may arise from remote/hybrid work. If the current policies fail to address certain issues, then it is imperative that new policies are drafted and their contents are effectively communicated to employees.

Hybrid work has also changed how employees conduct themselves and how work is done. Businesses will want to review each employee's job description, and change it to fit the hybrid working model. Changes should incorporate things such as the hours an employee is required to work, when the employee is permitted to work, and where the employee will be working each day.

Once again, at the heart of all preparatory actions taken by businesses, is the need for upfront and effective communication. Without standards being effectively communicated, employees and employers alike will grow increasingly frustrated. Therefore, employers will not only need to document changes to policies encompassing remote/hybrid work, but they will also need to inform employees of the changes.