

# The Power of Workplace Culture: Lessons From a Pandemic

*by Susan M. Foster*

It is often through crises that we learn critical lessons about the importance of being prepared for the unexpected. As employment lawyers, our practice includes assisting our employer clients to proactively identify and prepare for workplace issues that may arise in the future. Thankfully, changes in workplace laws and regulations are often foreseeable and predictable, which allow companies and human resource professionals to plan and adapt. Knowing business trends and proposed regulations in advance affords employers time to adjust strategically, creatively, and practically, and to communicate change in a manner that promotes positive workplace culture. For many employers, the COVID-19 pandemic has been a rollercoaster ride affecting and transforming the workplace in an unprecedented manner without the luxury of time to adjust to its rapid fluctuations.

## Susan M. Foster



**Susan Foster** practices employment and litigation law at Baylor Evnen, LLP. She advises and defends employers on issues across the employment law spectrum, including discrimination and harassment, wage and hour, disability and FMLA leave management, employment and severance agreements, personnel policies and procedures and workplace culture.

She also provides management and employee training and conducts internal investigations. Susan has significant Title IX experience and provides counseling and representation to parties involved in Title IX complaints and investigations.

The pandemic has forced employers to closely examine workplace culture and test its resiliency in many different ways. Over the past year and a half, employers have balanced staying afloat, keeping employees safe, operating in different ways and places, communicating quickly and effectively, maintaining productivity, abiding by constantly changing and sometimes-confusing guidance and regulations, and maintaining connectedness while often interacting from a distance. Employers have implemented a wide array of difficult decisions—from implementing furloughs and lay-offs, closures and re-openings, sending people home to work remotely and then bringing them back to the worksite, managing illness and loss of employees—all while trying to remain productive and balance business needs.

This pandemic has taught employers significant lessons about critical business operations preparedness, such as IT capability, emergency and safety plans and teams, remote working and communication, leave and disability management, clear employment policies, and protecting confidential company information. Equally important, employers have had to evaluate organizational values, employee empowerment and loyalty, employee and company well-being and company culture. Through my practice and working with my law firm during the pandemic, I experienced firsthand how strong employee relations contribute to a company's ability to maintain resilience during uncertain times. Below are four important lessons the pandemic highlighted for adapting to unexpected change in the workplace.

## One: Live By Your Values.

Decisions made during difficult times send a strong message about an employer's goals and values. Many companies



## THE POWER OF WORKPLACE CULTURE

have created and published mission statements and values outlining a desire to operate with integrity, honesty, diversity, and teamwork. The need to create and abide by company values is extremely important at all times in order to develop and attract talent, hold people accountable for decisions, create a strong and loyal workforce and customer community and empower growth. While written intentions are valuable, utilizing them as a guidepost when making difficult decisions creates and reinforces a workplace culture that aligns with that message.

Throughout the pandemic, employees and customers have observed and experienced firsthand whether a company's stated values and mission align with its decision making. During the pandemic, we have observed company management take pay cuts and/or provide alternate job duties to keep employees on the payroll, extend voluntary paid COVID leave benefits, provide remote working, give pay raises, bonuses and incentives, institute mental health benefits, and provide work flexibility to allow for family and personal care. All of these actions demonstrate a "people first" company culture where organizations provide extra assistance and empathy to employees during a difficult time. Employees and customers take note of corporate kindness, resulting in goodwill and reputational value for the company.

It can be challenging to remain true to values and culture and deny a crisis the opportunity to erode them, particularly when faced with employment actions such as reducing hours, enacting furloughs or layoffs, or shutting down operations. However, even in the most difficult times, employers can prioritize employee well-being, do their best to proactively and directly communicate, address concerns, manage and make decisions based upon well-defined objective criteria, demonstrate empathy and kindness, and manage intentionally with accountability and openness. While employers cannot always control the arrival and impact of crises, they can use the opportunity to demonstrate company values and strengthen culture through decisions and actions.

### Two: Know and Empower Your Employees.

As the pandemic has revealed, there are an incredible number of moving parts to manage during an emergency or disaster. A company that regularly communicates a shared sense of purpose and establishes an appreciation of employees' experiences, talents, and needs will have greater flexibility to meet unexpected demands. Unanticipated change and lack of predictability can cause confusion, nervousness, and frustration at all levels. Under such conditions, companies must be able to inspire supervisors and employees to engage and operate at the best possible level even when faced with uncertainty. That requires strong relationships and dedication. Many employers during the pandemic have had to rely on smaller groups

of employees to meet the demand of multiple tasks and long hours due to quarantines or social distancing measures. Doing so required an understanding of employee skills, talents and abilities, and steadfastness from some employees to perform multiple duties.

Companies foster employee dedication and loyalty in good and difficult times by creating unity in purpose, treating employees fairly and demonstrating respect and appreciation for hard work. Employers should regularly assess and understand employee skills, talents, and aspirations through surveys, focus groups, regular meetings, and conversations. Doing so provides the opportunity to engage in open and honest communication, increase trust, and improve engagement. Two-way, purpose-shared communication between the C-Suite, supervisors, and employees inspires persons at every level to work together to create and meet shared goals and expectations as a team. Employers empower employees to face challenges by providing cross-training through a team approach to getting work done, including shared responsibility, goals and expectations.

### Three: Be Flexible and Adaptive.

There has been no such thing as "normal" for some workplaces for more than a year. Moving forward from the pandemic may prove to be complicated for many employers, particularly those who have provided remote working or who have furloughed workers and then bring them back. Employees who have been reporting to the office may have carried out different and elevated duties in order to limit crewmembers on site. Those responsibilities may change once others return to the workplace. Remote employees may have experienced exhaustion from changed duties, months of social isolation and online meetings. Some employees and former employees have eluded a commute, altered childcare or other family responsibilities, or may have moved. Pandemic needs may have resulted in operational changes that will linger post pandemic, resulting in a permanent shift in employee positions or responsibilities.

Companies must recognize that employees have also been on a roller coaster in their professional and personal lives, and be thoughtful about how they return employees to the workplace. It will be important to display kindness, empathy, and an understanding that returning to work (whatever that will look like) may require a transition for many employees and their families. An abrupt change may result in unnecessary stress. Employers need to consider whether alternative working environments will allow some employees to be more productive and successful and will allow the company to retain talent. There may be new work norms and policies requiring clear communication and adjustment. Relationships may need to be developed or re-developed. Transitioning slowly over time will allow for training where needed and adjustment to working together again.


## THE POWER OF WORKPLACE CULTURE

Company agility moving forward is critically important, including flexibility in business, technology, and workforce strategy. There may be different opportunities for various employee groups with alternative options for accomplishing the same result. Different teams may have their own efficient way of operating. Depending on job responsibilities and company needs, there may be different ways and times people work, interact, and communicate. Employers must be willing to periodically reevaluate their workplace environment and expectations to ensure that it allows employees to be the most productive and successful.

### Four: Stay Informed and Know the Legal Boundaries

The pandemic reemphasized that being aware of options and legal requirements makes it much easier to make quick and lawful decisions. For employment practitioners, staying abreast of constantly changing COVID numbers; local, state, and federal guidance; disability and leave management options; evolving law; and other COVID-related legal issues has been a constant but necessary battle. The pandemic has generated a need to constantly create, revise, and update policies and procedures. The luxury of time to research the law or available options has seldom been available during weekly (and sometimes daily or momentary) need for transformation. Knowing the law as it relates to layoff notices, disability, and leave management, and having well-drafted policies and human resource professionals already in place has allowed many employers to respond quickly to significant unpredictable change.

Some employers also had emergency preparedness teams in place when the pandemic started. Such teams allow companies to address quickly initial and continuing needs during a disaster or emergency. Team members should include appropriate executive decision makers, human resource professionals, facilities management, IT, supervisors, and trusted employees who can evaluate the needs of the company based upon its size, structure, and available resources. The team should create a response plan designating member responsibilities in the event of an emergency. Employees should be aware of employee action portions of the plan so they know who to contact and what to do in the event of an emergency. Of course, all plans require flexibility depending on the specific situation. However, identifying membership, initial considerations, and identifying potential steps in an established written plan affords a head start to respond to future crises. Establishing levels of responsibility and preliminary steps will position a business for an effective early response.

Workplace culture and strong employer-employee relations have always been important. In today's almost post-pandemic (I hope) world, it is vital. Employers must take the time to create, embrace, and exhibit positive cultural values at all levels of a company. Employee skills, knowledge, talent and drive must be nurtured, valued and appreciated. Communication must be constant, open, clear and team oriented. If nothing else, the pandemic has taught us that we must build relationships with and value our employees, remain true to company culture, be flexible and stay abreast of the legal landscape and employment options. Change is constant. There is no better time for employers to best position themselves for future unknowns. 

## OnDemand CLE: *an attorney's other best friend*



### Need end-of-year CLE?

**All of your 10 CLE hours can be  
taken virtually\* this year.**  
**\*Only in-person hours can carry  
over to 2022.**

**2021 Annual Meeting programs  
are now available!**

**[www.nebarondemand.com](http://www.nebarondemand.com)**