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FACT SHEET

RETURN TO THE OFFICE DEBATE:

CONTEXTS, DILEMMAS, AND
PARADOXES

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INTRODUCTION

The previous Fact Sheet cited the enthusiasm for as well as caveats on hybrid working. For some organisations it is seen as a means to take advantage of the productivity and talent opportunities afforded by flexible talent and working. While for other organisations it is a compromise between corporate and employee needs and the employee reactions to the call to return to the office. The present Fact Sheet explores some of the themes of the 'return to office debate'. It first outlines the rationale for the return to the office and employee reactions. It thereafter discusses the shift from the 'great reset' to the 'great rethink, resignation and trek'. Here it cites the digital-nomad movement. This is followed by the exploration of two scenarios, that of remote contracting and automation. The next two themes concern seeing business in context. Business does not subsist in a vacuum or digital island. And it has to grapple with the pandemic and related vaccination dilemma in relation to occupational health and safety – whether vaccination in the workplace is mandatory given the employer's responsibility – and the individual rights to choose to vaccinate or not.

MANAGEMENT'S "TOTAL RECALL"

FROM THE 'GREAT RESET' TO THE 'GREAT RETHINK, RESIGNATION, AND TREK'

REMOTE CONTRACTING AND AUTOMATION

BUSINESS DOES NOT OPERATE IN A VACUUM OR DIGITAL ISLAND

VACCINATION DILEMMA FOR WORKPLACES

CONCLUSION

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MANAGEMENT'S "TOTAL RECALL"

"The workers pushing back on the return to the office"

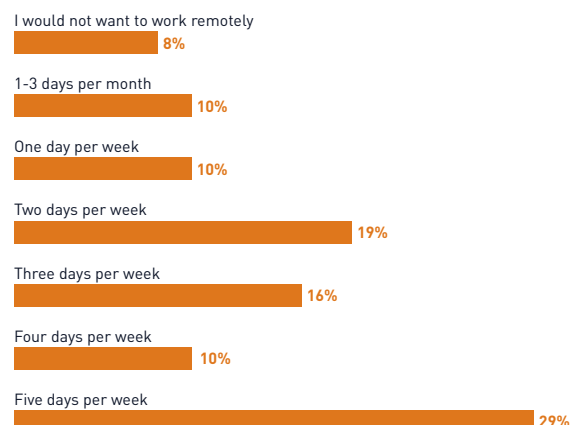
"Some companies want staff back in the office for more time than employees had anticipated. Workers like their set-ups, and even doubt bosses' motives – so they're resisting" (O'Connor, 2021)

"Employees are quitting instead of giving up working from home" (Melin and Egkolfopoulou, 2021)

Globally we are seeing debates and standoffs on management's instruction to their employees to return to the office. This may be an instruction for a permanent return or a negotiated flexible, hybrid working arrangement with fixed days at the office. For example, O'Connor cites the case of how Apple's employees responded to the initial call to return to the office. There are many other examples cited in international business news such as Google, Ford, and JPMorgan Chase (Melin et al, 2021; Wayland, 2021). The reasons for the recall include maintaining company values, culture, collaboration, and innovation as well as productivity of individuals, teams, and functions. It seems to accord with the findings of PWC's US Remote Work Survey conducted between November and December 2020 with 133 US executives and 1,200 office workers. In response to the question on maintaining the company culture the executives seem to suggest that employees need to be at the office three days or more. Whereas the employees seek to work remotely three days or more as illustrated below; and are beginning to question the motives of their managers and organisation and how they are being managed.



Over half of employees want to work remotely three days a week or more

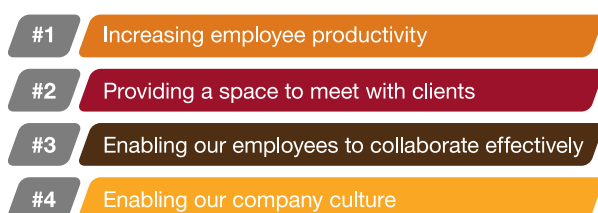


Source: PWC (2021)

Relatedly, the survey extrapolated the following purpose of the office based on the responses of executives and employees as illustrated in the figures below.

The purpose of an office...

According to employers



According to employees



Source: PWC (2021)

Interestingly, company culture does not feature in the top four for employees, who tend to rate higher team relationships and collaboration, client relationships, resources, and training and career development. However, we need to be cautious in generalising from the US or other Western industrialised samples and the surveys designed for these contexts. Firstly, we should not see employers and employees as homogeneous groups. Secondly, we need to pay attention to different geographies and contexts and the working conditions and circumstances of different segments of employees therein. This means paying attention across and within countries to:

- geographies and spatial, infrastructure, commerce, and residential patterns
- integration within and relationships to global supply chains and production
- socio-economic stratification, conditions, and resource distributions
- access to resources and local and global talent markets

For example, in South Africa we need to pay attention to the spatial, infrastructure, commerce and residential patterns of the Apartheid and post-Apartheid state. We also need to pay attention to the legacies of disadvantage and exclusion and how this is expressed in representivity across occupational groups and bands as well as the digital divide. This means that certain segments of the workforce can work remotely and have (more) access to local and global talent markets. And other segments of the workforce may not have options or opportunities for remote working and access to, and/or skills for, the broader talent markets.

FROM THE 'GREAT RESET' TO THE 'GREAT RETHINK, RESIGNATION, AND TREK'

With the above caveat regarding samples and contexts, we note the increasing employee activism or resistance in certain companies and industries to the management's decisions regarding the site and management of work including its purpose (Massaro, 2021; see the **Fact Sheet on employee readiness, employability, and activism** in relation to the future world of work). Massaro, for example, cites surveys of employees in the service and tech industry in the US. One such survey is the Prudential 2021 Pulse of the American Worker Survey of two thousand workers in the US who worked remotely at some point:

"[The survey] suggests that 26% of workers plan to leave their employers after the pandemic, and 72% said the pandemic caused them to rethink their skill sets. Of those looking for new jobs, half of people currently working remotely say if their current company does not offer remote work options long term, they'll look for a job at a company that does" (Massaro, 2021).

Remote work or working from home has become for some employees an important aspect of the employment value proposition (EVP). Where the management is now re-evaluating remote work or working from home and recalling employees, the employees are selecting to leave the organisation. Hence, the introduction of the term 'great resignation' in contrast to the 'great reset', which became popular in 2020 for the large-scale experiment in, and enthusiasm for, remote work or work from home. One could add the 'great rethink' as employees relook at their careers and skills sets and are reconsidering their future personal and working life choices as well as their political choices in relation to their company's purpose, value proposition, and stand on key socio-economic issues.

Here, again, we need to consider context and the access to resources and the local and global talent marketplace. In certain industries and segments of the South African workforce, the talent in demand has opportunities to select where and how to work. However, we need to also consider with the difficult economic conditions and related retrenchments, segments of the South African workforce will seek out work in global markets out of necessity, which will tend to be remote. There are some who may join the digital-nomad movement (Lufkin, 2021). These are individuals who take up a nomadic lifestyle aided by technology to work remotely from any destination. One could see this as the 'great trek' related to the 'great rethink and resignation'. However, some though may choose to live in one place or successive places – here one can think of the reality and caricature of those who share on social media how they are living on islands, tourist destinations, or holiday homes while working remotely. This may involve tax arbitrage where they seek low taxation levels and other economic benefits. Some countries are now offering visas and incentives to attract digital nomads. The city of Cape Town, for example, was voted as one of the "Best Places for Remote Working in 2021" and is considering an eVisa programme (Daniel, 2021).

"The remote-work genie is out of the bottle: workers desire room to roam more than ever, and have more resources to do so than before. However, some experts say that we shouldn't expect everyone we know to pick up and go: only some groups of workers at specific types of jobs will really be able to embrace a digitally nomadic lifestyle, leaving others behind" (Lufkin, 2021)

REMOTE CONTRACTING AND AUTOMATION

One of the questions that may arise for companies with a hybrid or remote, distributed workforce is the nature of the employment contract. With the remote site and flexible ways of working, including the shift from managing time to managing outputs and/or outcomes, is the individual an employee, contracted worker, or independent contractor (see the ***Fact Sheet on the evolving definition of employees***)? Are the defining features of an employee – control and direction, discretion over time and hours, being part of the organisation, provision of tools and equipment, and economic dependence – evolving? Or do companies re-evaluate their employment contracts with remote workers? These also raise questions on remuneration that accounts for cost of living and the benchmarks for these.

“More flexibility brings up another salary-gap question [...]: How will employers equitably adjust the pay of those workers choosing to remain entirely remote post-pandemic, especially if they live in or move to lower-cost parts of the country? In the past year, for example, Facebook and other large tech companies have said they will reduce the salaries of employees who choose to work outside of expensive hubs like San Francisco or New York” (Schallom, Aspan, Fry, Pressman, & Sraders, 2021)

Another reality facing remote full-time, part-time, or gig workers is that of commodification of their skills as well as automation and substitution by artificial intelligence (AI) – suspending for the moment the critical questions on the assumptions, ethics, and biases informing AI products and solutions and its application (see the ***Fact Sheet on workforce transitions*** and the ***Fact Sheet on the changing talent landscape*** for example). If the task can be done and managed remotely, then would it make a difference if an AI machine completed the task and achieved the output required? If an AI machine can possibly provide the learnt and developed expertise of a remote worker (suspending again critical questions on the capabilities of AI), then will companies continue to contract remote workers? It is a paradox of remote and flexible working where the choice of living and working flexibly opens the door to precarious employment and potential redundancy as with full time office-bound employees. See the discussion on human-centred agenda for decent work and guidelines on gig workers in the ***Fact Sheet on workforce transitions***.

BUSINESS DOES NOT OPERATE IN A VACUUM OR DIGITAL ISLAND

For companies one of the stated advantages of a hybrid or remote and distributed workforce is the access to local and global talent markets (see the previous ***Fact Sheet on hybrid teams***). This includes local and global gig platforms and workers as well as AI platforms and services. However, companies do not exist and operate in a vacuum. As noted previously, corporates need to consider, for example, their values, culture, and collaboration both internally and externally. They also cannot ignore where they are based – whether their head office, operations, or supply chains. This was strikingly clear in the recent unrests in South Africa where it became starkly clear that business cannot see itself as an enclave or digital island. Companies and its Boards and management need to consider the communities within which it subsists; and we saw a number of corporates pledge their commitment to develop communities and create better socio-economic conditions following the unrest.

VACCINATION DILEMMA FOR WORKPLACES

Companies and its Boards and management need to consider their obligations in terms of the applicable legislation on labour rights, benefits, working conditions, and occupational health and safety for example. This is especially in the case with employees returning to the office or workplace. In the South African context, the Occupational Health and Safety Act (1993) places the following obligations:

- Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees.
- 'Every employer shall conduct his undertaking in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in his employment who may be directly affected by his activities are not thereby exposed to hazards to their health or safety.

The recent ***Direction (2021) by the Minister of Employment and Labour***, issued in June 2021, states that an employer must undertake a risk assessment and then decide on whether it intends to make vaccination mandatory, taking into account the operational requirements of the workplace, the nature of the working environment, and collective agreements (see below extract from the Directive). If, after undertaking the risk assessment, the employer decides to make vaccination mandatory, they are then required to identify the specific employees or segments of employees for whom vaccination is mandatory. This is based on their risk of transmission of Covid-19 through their work or their risk for severe Covid-19 disease or death due to their age or comorbidities.

The dilemma is making vaccination mandatory given the operational requirements and the need to provide a working environment that is safe and without risk to the health of its employees while also given due consideration for employees who choose not to vaccinate (whether based on their right to bodily integrity and freedom of choice, religion, or other beliefs for example). It is a dilemma of the collective good and maintaining a safe working environment while providing for

individual choice which could impact on others and operations negatively. Here, one could also note the contestations on what is defined as the 'collective good' and the ethics of mandatory vaccination and the decision not to vaccinate. See the below statement from the Ministry of Employment and Labour.

Risk assessment and plans for protective measures

(1) Every employer must -

(a) undertake a risk assessment -

- to give effect to the minimum measures required by these Directions, taking into account the specific circumstances of the workplace and the requirements of the OHS Act Regulations for Hazardous Biological Agents; and
- within 21 days of the coming into force of the amendment to this Direction, in accordance with section 8 and 9 of the OHS Act, taking into account the operational requirements of the workplace, whether it intends to make vaccination mandatory and, if so, to identify those employees who by virtue of the risk of transmission through their work or their risk for severe COVID-19 disease or death due to their age or comorbidities that must be vaccinated.

(b) on the basis of these risk assessments, develop a plan or amend an existing plan -

- outlining the protective measures in place for the phased return of its employees before opening, and
- outlining the measures that the employer intends to implement in respect of the vaccination of its employees in accordance with this Directive and taking into account the Guidelines in Annexure C;

Source: Ministry of Employment and Labour

Statement issued by the Ministry of Employment and Labour:

New direction with regard to vaccination in the workplace

14 Jun 2021

Employment and Labour Minister issues new direction with regard to vaccination in the workplace.

Employers should find a reasonable resolution that accommodates all parties where employees refuse to be vaccinated for medical and constitutional grounds. This is contained in the new consolidated direction on occupational health and safety measures in certain workplaces which was gazetted by the Minister of Employment and Labour, Thulas Nxesi.

"The key principle of these guidelines is that employers and employees should treat each other with mutual respect. A premium is placed on public health imperatives, the constitutional rights of employees and the efficient operation of the employer's business," reads the guidelines.

Constitutional grounds could be the right to bodily integrity in section 12(2) and the right to freedom of religion, belief and opinion in section 13 of the Constitution. Medical grounds refer to issues of an immediate allergic reaction of any severity to a previous dose or a known [diagnosed] allergy to a component of the COVID-19 vaccine.

The Consolidated OHS Direction now requires an employer to include in its risk assessment whether it intends to make vaccinations compulsory. This is a three-step enquiry:

- *Firstly, it must make that assessment taking into account the operational requirements of the workplace. This means that the Direction does not make the vaccinations mandatory, but every employer must take into account its general duties under the Occupational Health Safety Act, 85 of 1993 to provide a working environment that is safe and without risk to the health of his employees and persons other than those in his employment who may be directly affected by his activities are not thereby exposed to hazards to their health or safety.*
- *Secondly, if the employer decides to make it mandatory once the risk assessment has been conducted, it must then identify which of its employees will be required to be vaccinated. In determining whether an employee can be required to be vaccinated, the employer must identify those employees whose work poses a risk of transmission or a risk of severe COVID-19 disease or death due to their age or comorbidities. In other words, not every employee poses such a risk – for example workers who work from home or whose work is such that they do not come into close working contact with other workers or the public.*
- *Thirdly, having identified the employees who are required to be vaccinated, it must amend its plan to include the measures to implement the vaccination of those employees as and when COVID-19 vaccines become available in respect of those employees, taking into account the Guidelines set out in Annexure C of the June 2021 version of the Direction. Given the phased nature of the National Vaccination Programme based on criteria determined by NDOH from time to time, an employer may only make it an obligation once the employee becomes eligible under the programme for vaccination and has been registered on the Electronic Vaccination Data System and given a date for vaccination.*

"What is critical is that we need to balance the needs and to take the dictates of collective bargaining and the need to keep employees healthy and businesses running. The Labour Relations Act emphasises the primacy of collective agreements. These guidelines are not intended as a substitute for collective agreements or agreed procedures between employers, their employer organisations and trade unions," said Minister Nxesi.

This might include an adjustment that permits the employee to work offsite or at home or in isolation within the workplace such as an office or a warehouse or working outside of ordinary working hours. In instances of limited contact with others in the workplace, it might include a requirement that the employee wears an N95 mask.

CONCLUSION

In 2020, in response to the pandemic, there was the large-scale shift to remote working and the digital platforms that enable it. This led to the discussion of the 'great reset' and the fast-tracked digital transformation of organisations. However, there is not one single playbook for all organisations and for different contexts and circumstances. We need a more nuanced perspective than a single, grand narrative of the 'great reset' or the 'new normal'. The present and previous Fact Sheets explore the nuances and realities of remote and flexible working arrangement and hybrid teams. However, we need to also be cautious of a counter grand narrative of the 'great rethink, resignation, and trek'. Our realities, including that of different segments of the workforce in different contexts, are more complex and contested.

EARN 1 CPD POINT

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REFERENCES

Daniel, L. (2021). Here's what SA's remote working visa – to attract digital nomads – could look like. Retrieved, 19 July 2021, from <https://www.businessinsider.co.za/heres-what-sas-remote-working-visa-to-attract-digital-nomads-could-look-like-2021-2>

Lufkin, B. (2021). Is the great digital-nomad workforce actually coming? Retrieved, 19 July 2021, from <https://www.bbc.com/worklife/article/20210615-is-the-great-digital-nomad-workforce-actually-coming>

Massaro, M. (2021). Forcing employees to return to the office? Prepare to face the consequences. Retrieved, 19 July 2021, from <https://fortune.com/2021/07/07/return-work-office-hybrid-delta-variant-covid/>

Melin, A., and Egkolfopoulou, M. (2021). Employees are quitting instead of giving up working from home. Retrieved, 19 July 2021, from <https://www.bloomberg.com/news/articles/2021-06-01/return-to-office-employees-are-quitting-instead-of-giving-up-work-from-home>

O'Connor, B. (2021). The workers pushing back on the return to the office. Retrieved, 19 July 2021, from <https://www.bbc.com/worklife/article/20210618-the-workers-pushing-back-on-the-return-to-the-office>

PWC. (2021). It's time to reimagine where and how work will get done. Retrieved, 19 July 2021, from https://www.pwc.com/us/remotework?WT.mc_id=CT10-PL102-DM2-TR1-LS3-ND30-PR4-CN_ViewpointHighlights-

Schallom, R., Aspan, M., Fry, E., Pressman, A., & Sradars, A. (2021). 4 challenges companies need to grapple with after the way we work has changed forever. Retrieved, 20 July 2021, from <https://fortune.com/2021/04/07/hybrid-remote-work-from-home-salaries-health-benefits-time-zones-taxes/>

Wayland, M. (2021). Ford to launch flexible work-from-home plan as employees return to offices this summer. Retrieved, 19 July 2021, from <https://www.cnn.com/2021/03/17/ford-launching-flexible-wfh-plan-as-employees-return-this-summer.html>





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