

Jason Habinsky in Xpert HR Podcast: COVID-19 Employer Reopening Compliance Challenges

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PRACTICES Labor and Employment, OSHA, Employment Litigation

Haynes Boone Partner [Jason Habinsky](#) was featured on an *Xpert HR* podcast about the legal issues New York employers should consider as they prepare to reopen their worksites.

Here is an excerpt:

David Weisenfeld: What's all this been like for you?

Jason Habinsky: Well, not surprisingly as an employment attorney, I have been quite busy. Obviously, these are critical issues for employers and my clients, and not only does it involve legal issues but of course it involves health, safety, livelihood. So the issues are critically important, and I have been spending a lot of time, it's really a 24/7 job, helping guide my clients in protecting the workplace and protecting employees.

David Weisenfeld: Well you mentioned the key phrase there, 'protecting employees,' and I'm definitely going to get to that. But before I do, a lot of focus right now is on what a return to work is going to look like, but it seems the bigger question really is, "What if employees don't want to come back?"

Jason Habinsky: I do really think that it's a balancing test. Employers need to think about how important it is to have employees back in the workplace on Day One. A lot of employers have said that employees have continued to be very productive while working from home and working remotely. Others have said that it's difficult for employees to work from home. Certainly, in some industries, as you mentioned, it's impossible to work from home.

So obviously employers need to think about the business side of it – how many employees do they need, and do they need them working in the office? And then with that said, there's no need to rush back. The directives are lightening up the restrictions, but that doesn't mean you have to bring everyone back on Day One. If there's a way to safely stagger shifts or hours or days in a way which protects employees in the workplace, maybe that will be enough to reassure employees that they're not all being rushed back to work on Day One.

To listen to the full podcast, click [here](#).