

# Scott Mirsky Provides Commentary for Law360 Article on the Ways COVID-19 Will Change Workplaces Forever

Scott Mirsky provided commentary for an article titled: "4 Ways COVID-19 Will Change Workplaces Forever," by Vin Gurrieri, published on Law360.com on April 17, 2020.

*"I think the workforce is going to look different when we get back. It's going to get a little bit back to normal, but I don't think it'll ever get fully back to where it was," said Scott Mirsky, a principal at Paley Rothman.*

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*Mirsky of Paley Rothman said the concept may become standard practice as businesses become more cognizant of health risks that can cause large swaths of their workforce to get sick — even if such measures had never previously entered employers' minds.*

*"We may see every flu season where people are wearing masks, or we may see situations where we're doing social distancing during flu season," Mirsky said. "I think maybe things that were not common practice are going to become common practice."*

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*"I definitely think you'll see a focus of employers trying to, where they can, spread the workforce out physically," Mirsky said. "We'll see workstations that are designed differently, spaced out differently and the layout of the businesses will be different. I think that will probably be a long-term thing."*

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*"There has to be some preparedness in case this ever happens again. I think this caught a lot of people off guard, to say the least. And even if it's not the coronavirus, it could be something else, and how are employers going to be able to deal with it?" Mirsky said.*

*He added that many businesses aside from some large operations probably didn't have preparedness plans for emergencies or pandemics.*

*"I think that now ... most companies probably will have that heading into next flu season," he said.*

*Besides increased social distancing where possible, one measure employers will likely adopt is having a ready supply of masks and gloves that workers can use should COVID-19 reappear or another public health emergency emerge — particularly if lawmakers introduce new mandates regarding safety gear.*

*While businesses may be hindered by various existing laws from requiring workers to do things like don face masks or stay home if sick — absent any new governmental mandate that makes those things acceptable — Mirsky said such behaviors can still be encouraged and that workers may be receptive.*

*It's also likely that employees will voluntarily take such precautions if managers lead by example and wear masks or other protective equipment, he said. But he noted that the CDC and OSHA will have an outsized influence on what businesses ultimately do.*

*"Employers always feel comfortable basing their decisions on some guideline as opposed to them making that decision," Mirsky said. "Making [masks] available, definitely. That'll be a routine office supply when we get back to work and into next flu season. I think [they] will be available just as much as paper towels and hand sanitizer. Whether you could require anyone [to wear them], I think that's going to depend a lot on guidance from the CDC or OSHA."*

The full article, "4 Ways COVID-19 Will Change Workplaces Forever," can be found on Law360.com (subscription required).

Scott Mirsky is a Principal in the firm's Employment Law and Litigation practice groups.