

The 'new normal' in South Africa isn't as normal as elsewhere

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Employee surveys critical to identify what workplace environment works best



Hybrid working. Remote. Productivity. The changes to workplace dynamics brought on by the pandemic are global. Throw in the added South African constraints of loadshedding, failing infrastructure and poor internet access, and navigating the human factor of the “new normal” poses unique challenges.

It is no surprise that 60% of respondents in the [2021/22 LexisNexis Legal Tech Report](#) say the pandemic “grossly impacted” their legal practice. This finding, related to mainly small to medium-sized law firms, is one of the key insights of the survey, conducted in partnership with the Law Society of South Africa.

At a recent [State of the Legal Industry webinar](#) hosted by [LexisNexis SA](#), a panel of experts revealed how businesses, along with legal and labour law experts, are grappling to accommodate changes to employer-employee relationships and work models, and what this means for productivity, people management and risk.

Key take-outs from the *How to thrive in a post-pandemic working world* webinar include:

- The need for business to determine what it actually means to be “productive”
- The danger of discounting localised problems like loadshedding, limited Internet access and domestic violence, which impact new work-from-home models
- The need for regulations governing the new hybrid workspace, and updated labour legislation around a host of post-pandemic issues, including vaccination mandates
- The need for employee surveys to guide and inform ideal workplace models
- That there is no one-size-fits-all approach

Said productivity expert and webinar panelist Andrew Mason: “One good thing that’s come out of this pandemic is that prior to this no one really knew if they were working productively or not. Productivity has now been brought front and centre so we’re focusing on what it actually means to be productive.”

Mason, who runs WorkplaceFundi, warned against the tendency to adopt a Eurocentric approach to data, as the South African-specific numbers haven't been analysed yet. This risked underestimating the risks posed by local challenges to workplace models and culture.

Employment and labour lawyer, Jason Whyte, director at Norton Rose Fulbright, said that although government had been swift to enact various Covid regulations, there has been a massive gap in regulating the hybrid workspace. "Government has been very hesitant to start encroaching into that private space so we have a largely unregulated environment. It's been left essentially to private employers to regulate through policies and so on," said Whyte.

He suggested, along with Mason, that if businesses wanted to survive, the onus was on employers in the private sector to get creative, "read the room", and make the most of the first-mover advantage to prepare for the future of work.

The good news, however, is that while there are still gaps in the law, local employers are not entirely adrift. Content coordinator at LexisNexis, Siphamandla Ngcobo, highlighted two pieces of legislation relevant to Covid and the workplace. The Code of Good Practice: Managing Exposure to SARS-CoV-2 in the Workplace has helped employers put together a proper risk assessment plan and mitigate against infections. Looking to the future of labour regulations, Ngcobo said he expected vaccination requirements to take centre stage.

"Ultimately we are expecting some legislation that comes through which clearly outlines the merits of vaccination and when it can be mandatory, and not just leave this at the employer's discretion," Ngcobo said.

All agreed that any workplace model had to take into account the needs and status of its employees; surveys to test the kind of environment workers favoured and what worked best overall for them should be encouraged. Identifying any issues in workplace culture or office environment was equally important, said panelists. An unhappy work model would lead to resignations and searches for greener and more flexible pastures.

As Mason so aptly put it: "It's time to start thinking about the people inside the box, and not just the box itself."

Download the full LexisNexis Legal Tech Report [here](#). Access recordings of LexisNexis webinars, including the State of the Legal Industry webinar series, [here](#).

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