Executive Summary

Despite all that remains uncertain for European employers – involving the trajectory of the COVID-19 pandemic, new working models or any number of other emergent workforce issues – one area has come into greater focus: Most companies are planning a return to the office in some form.

That much is clear from Littler’s 2021 European Employer Survey Report. It’s less clear, however, whether companies’ plans for balancing remote and in-person work match up with employee preferences – setting the stage for some very real workplace tensions in the critical months to come.

To better understand employers’ plans and the myriad forces transforming the European workplace, global labour and employment law firm Littler polled more than 530 human resources executives, in-house attorneys and business leaders based mainly across Western and Southern Europe. The survey gauged European employers’ plans for reopening worksites and offering new work models, as well as how they are addressing employees’ mental health, diversity in the workplace, technological displacement and potential workforce reductions.
Return-to-Office Plans Remain Largely on Course

Even with the recent surge in infections brought on by the delta variant, 52 percent of respondents are currently proceeding with return-to-office plans or plan to. Though 36 percent say they have delayed their plans in some fashion, only half of that subset say delays will stretch into 2022.

This may be partially driven by the fact that employers are now relatively experienced in dealing with COVID-19-related disruptions or that, as of late August, 70 percent of adults in the European Union (EU) had already been fully vaccinated against the virus. Safety precautions – both government-mandated and not – also play a role. Many respondents say their organisations are going above and beyond government guidance in this respect, including when it comes to requiring face masks in the workplace for employees (58 percent) and visitors (57 percent).

Work Models Are Not Broadly Aligned With Employee Preferences

In reflecting on their return-to-office plans for employees who can work remotely, only 28 percent of respondents believe the work models they are offering align with employee preferences. Most (52 percent) believe employees prefer hybrid or remote work to a greater extent than they expect to offer it – and that figure is even higher for respondents in the UK, Germany and Spain.

Tensions will likely continue to bubble up, particularly when it comes to hybrid work models: 67 percent of respondents expressed concern about the logistical and legal issues associated with a workforce split between in-person and remote work. On the plus side, employers are motivated to offer hybrid or remote work models primarily because they hope it will increase job satisfaction (57 percent) and improve employee well-being and work/life balance (54 percent).

Employee Well-Being Is a Priority – But There’s Room for Improvement

Seventy-three percent of respondents are concerned to a moderate or large extent about the impact of the pandemic on employees’ health and well-being. But when asked about various resources to address it (training for managers, employee assistance plans, internal programming, etc.), almost no response was selected by more than a third of respondents. The only exception was providing more flexible work schedules, an answer choice selected by 53 percent of respondents.

Inclusion, equity and diversity (IE&D) has also moved to the forefront and employers are taking a range of actions to support IE&D goals; but, yet again, each action was chosen by fewer than a third of respondents.
Technological Development Continues to Disrupt Workers and Employers

The shift to a remote working environment catalysed the need for, and value of, various technologies – for employees and employers alike. Yet this year’s findings suggest that COVID-19’s distractions might also have inhibited further adoption of those technologies.

The percentage of employees who use artificial intelligence (AI) or data analytics to improve various workforce management decisions has remained relatively steady since we first asked the question in 2018. Meanwhile, only 17 percent use software to track remote employees’ productivity – although 42 percent of respondents say they plan on or are interested in using it in the future. For AI, cost and internal resources/technological skills are top concerns; for remote productivity tracking, the impact on employee morale is top of mind.

As for helping workers adapt to the coming technological revolution, 48 percent of employers are developing internal training programs and 35 percent are conducting an analysis to identify new skill sets and to guide talent planning and job training.

Widespread Workforce Reductions Largely Avoided

Although last year’s survey found most employers worried about their ability to stave off job cuts, 60 percent of respondents in 2021 say they have not made workforce reductions or reorganisations – and the largest subset of those respondents (41 percent) do not anticipate doing so. While the other 40 percent have made reductions or reorganisations in one form or another, roughly half of that subset (18 percent) do not anticipate further changes.

The pages that follow include the full charts and analysis of the survey data, along with interesting differences that emerged by country where relevant. Some aggregate percentages do not equal 100 percent due to rounding or because respondents were invited to select more than one answer. Refer to page 27 for more detail on the survey methodology and a breakdown of respondent demographics.

Disclaimer: The survey questions and their resulting findings cover issues that are governed by differing rules from European governments and certain actions may not be permissible depending on the country. The content does not convey or constitute legal advice, nor is it intended to be acted upon as such.
Return-to-Office Plans

Which of the following best describes how the rise in COVID-19 cases, including the spread of the delta variant, impacted your organisation’s plans to return more employees to in-person and/or on-site work?

Since early last year, European employers have withstood a series of lockdown restrictions and new government safety measures. Their familiarity with these experiences perhaps helps explain why, even following the COVID-19 outbreaks caused by the delta variant, over half (52 percent) have or will proceed with return-to-office plans – either gradually (22 percent) or exactly as planned (30 percent). As of late September, another 18 percent were moving forward with their plans with slight delays of the return date to October (11 percent) or November/December (7 percent). Only 20 percent have either delayed their return to 2022 (9 percent) or have not set a date at all (11 percent).

This contrasts with US companies, 66 percent of which said, in late August, that they plan on delaying reopening their offices. Not only did the delta variant hit the US later (and harder), but, as the Financial Times suggests, European companies have generally had more government guidance around keeping the workplace safe, as well as less-crowded public transport and more affordable childcare.
“Broadly speaking, European employers have been more eager to bring their employees back into the workplace when compared to their counterparts in the US – in part due to safety policies implemented and enforced by EU governments. Though these policies can help usher along return-to-office plans, amid the wide-ranging novel and complex issues this pandemic continues to bring, employers also remain nimble and focused on adjusting their plans as the situation evolves.”

Laura Jousselin, Littler Partner, France

Employers based in France and Italy are proceeding with return-to-office plans in some fashion at a rate that is at least 10 percentage points higher than all respondents.

In contrast, far fewer employers based in Germany are proceeding with return-to-office plans, and a higher percentage have delayed their return to 2022 or have not set a new date at all.

Data for employers based in the UK and Spain was roughly in line with all respondents. A country-specific analysis was not conducted for other countries where a smaller subset of respondents were based.
Hybrid Work Models

For your employees who can work remotely, which of the following do you think best describes the alignment between your organisation’s plans and your employees’ preferences when it comes to remote work or hybrid work models (i.e., a mix of remote and in-person work)?

This question was not asked to those whose employees all work remotely or that do not have employees working remotely.

- Employees prefer hybrid or remote work to a greater extent than we plan to offer it: 52%
- Employees prefer in-person work to a greater extent than we plan to offer it: 20%
- The work models we are offering align with employee preferences: 28%
Which of the following benefits does your organisation hope to achieve by offering hybrid or remote work models? (Tick all that apply)

- Increasing job satisfaction: 57%
- Improving employees’ well-being and work/life balance: 54%
- Attracting and retaining talent: 44%
- Enabling greater productivity: 34%
- Reducing physical office costs (e.g., rent, utilities): 31%
- Reducing the environmental impact of employee commuting: 30%
- Gaining access to a wider pool of talent: 25%
- Reducing other company costs (e.g., transport allowance, food, office supplies): 20%
- Not applicable, we are not offering hybrid or remote work models: 10%

To what extent is your organisation concerned about the logistical and legal issues that could come with a workforce split between in-person and remote work?

This question was not asked to those whose employees all work remotely or that do not have employees working remotely.

- Very concerned: Europe (Sept 2021) 14%, US (March 2021) 8%
- Moderately concerned: Europe (Sept 2021) 30%, US (March 2021) 32%
- Somewhat concerned: Europe (Sept 2021) 33%, US (March 2021) 23%
- Not at all concerned: Europe (Sept 2021) 33%, US (March 2021) 28%
The implementation of return-to-office plans does not necessarily mean a return to full-time in-person work. Thus, whether a company’s working models – i.e., remote, in person or a hybrid of the two – align with employee preferences is another pressing question facing European employers.

In this regard, our findings foreshadow the early stages of issues that are likely to proliferate as employers implement return-to-office plans. Among companies whose employees can work remotely, only 28 percent say their work models align with employee preferences. Fifty-two percent say employees want hybrid or remote work more than employers plan to offer it; only 20 percent believe that employees prefer in-person work to a greater extent than they plan to offer it. Littler’s 2020 European Employer Survey Report provides some context for these findings, as nearly 70 percent of respondents said in the summer of last year that they were continuing remote work for employees unless their jobs required them to be in the workplace. It follows then that many employees, having become accustomed to remote work, are reluctant to go back to full-time in-person work.

It’s also no surprise that two-thirds of employers surveyed (67 percent) are at least somewhat concerned – and that 14 percent are very concerned – about the legal and logistical challenges that could come with a workforce split between in-person and remote work. The level of overall concern expressed by European employers is about on par with how US employers answered the same question in a Littler survey in March 2021 – when a transition to a post-pandemic workplace appeared to be in sight. The slightly higher percentage of European employers who are “very concerned” about this issue is likely a function of being six months further into the pandemic with more issues around managing a hybrid workforce coming to the fore. Employers on both sides of the Atlantic face similar challenges when it comes to managing these new working arrangements, including scheduling obstacles, measuring remote work performance and ensuring remote employees feel included.

In written feedback, several European respondents cited challenges involving disparities around opportunities offered to those who are in-person versus remote, as well as additional cybersecurity, productivity,

“Over the past year, employers have largely begun to see hybrid working models less as an opportunity to improve efficiency or cut costs and more as a way to attract new employees and keep their existing ones happy. That’s a real and positive shift. Moving forward, however, it will be crucial to strike the right balance between employee well-being and the myriad logistical, legal and cultural challenges these new models can pose.”

Jan-Ove Becker, Littler Shareholder, Germany
teleworking expenses and workplace safety matters. Still others singled out softer employee relations and cultural issues – including communication problems, lack of collaboration and demotivation – with one HR professional for an organisation based in Spain expressing concern about the erosion of “the relationships established among employees.”

At the same time, European employers do appreciate the benefits of offering remote or hybrid work models – albeit for slightly different reasons than in 2020. Last year’s respondents who were requiring (or considering requiring) more employees to work remotely said they were doing so in large part due to uncertainty about how the pandemic would evolve and to achieve greater productivity (see page 9 here). Now, more than a year further into the pandemic, the top two selected benefits of offering remote or hybrid work focus on supporting employees: namely, increasing job satisfaction (57 percent) and improving employees’ well-being and work/life balance (54 percent). Notably, employers’ motivations were less centred around improving their own efficiency or bottom line – with enabling greater productivity (34 percent), reducing physical office costs (31 percent) and reducing other company costs (20 percent) all ranking lower on the list.

With the fierce competition for talent, respondents also identified benefits related to attracting and retaining talent (44 percent) and gaining access to a wider pool of talent (25 percent). Larger companies with over 5,000 employees are even more motivated by the benefits of attracting and retaining talent (57 percent).

The greater lack of alignment in Germany may help explain why German employers expressed more hesitancy to proceed with return-to-office plans.

Additionally, the highest percentage of employers that indicated being “very concerned” about logistical and legal issues arising from hybrid work models were based in the UK (23 percent vs. 14 percent of all respondents) – a finding that is likely partly driven by the tension between employer plans and employee preferences.

A country-specific analysis was not conducted for other countries where a smaller subset of respondents were based.
### Concerns About Wandering Workers

Which of the following represent concerns for your organisation when it comes to hiring employees to work outside of the European Union (EU) or allowing current employees to work abroad? (Tick all that apply)

*This question was asked to non-UK-based respondents.*

<table>
<thead>
<tr>
<th>Concern</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Tax implications, such as double taxation</td>
<td>26%</td>
</tr>
<tr>
<td>Data protection/security risks</td>
<td>25%</td>
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<tr>
<td>Health, safety and welfare requirements/challenges</td>
<td>21%</td>
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<tr>
<td>Higher salary costs due to social security contributions</td>
<td>21%</td>
</tr>
<tr>
<td>Varying employment rights in different legal jurisdictions</td>
<td>21%</td>
</tr>
<tr>
<td>Immigration and visa requirements</td>
<td>17%</td>
</tr>
<tr>
<td>Not applicable, we are not interested in allowing employees to work outside of the EU</td>
<td>39%</td>
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</tbody>
</table>
Which of the following represent concerns for your organisation when it comes to hiring employees to work outside of the United Kingdom or allowing current employees to work outside of the UK? (Tick all that apply)

This question was asked to UK-based respondents.

- Immigration and visa requirements: 40%
- Data protection/security risks: 36%
- Tax implications, such as double taxation: 35%
- Varying employment rights in different legal jurisdictions: 29%
- Health, safety and welfare requirements/challenges: 24%
- Higher salary costs due to social security contributions: 22%
- Not applicable, we are not interested in allowing employees to work outside the UK: 33%

The pandemic – and the flexibility it has provided – has led to more employees seeking to work from a variety of remote locations. Managing these “wandering workers” – those who perform their job functions in a different country from their employer’s location – raises a host of employment considerations.

EU-based respondents cited a range of concerns related to employees working outside of the EU, including tax implications, such as double taxation (26 percent); data protection/security risks (25 percent); health, safety and welfare requirements/challenges (21 percent); higher salary costs due to social security contributions (21 percent); and immigration and visa requirements (17 percent).
UK employers were slightly more concerned on each front, especially about immigration and visa requirements (40 percent) – fitting, given the country’s recent overhaul of its system in light of Brexit. Meanwhile, EU companies with over 5,000 employees were more concerned when it came to tax implications (34 percent) and immigration and visa requirements (28 percent).

The respondents in the EU (39 percent) and UK (33 percent) who say they are not interested in allowing employees to work abroad could face heightened competitive pressure in today’s tight labour market. French employers might particularly want to keep an eye on these issues, as a higher portion (53 percent) said they are not interested in allowing employees to work outside of the EU.

Additionally, while it can be tempting for employers to ignore signals of employees having relocated to a different country, maintaining awareness of this issue is important to avoid unforeseen complications and potential liabilities that may attach to employers if their employees are found to be working outside the bounds of local requirements. For more analysis of this issue, please see pages 42-43 of this report from Littler’s Global Workplace Transformation Initiative.
Safety Precautions and Vaccine Policies

Which of the following workplace safety measures has your organisation implemented on top of the guidance provided by the country/countries in which you operate? (Tick all that apply)

- Requiring workers to wear face masks throughout the workplace (except in private offices) - 58%
- Requiring face masks also be worn by visitors/non-employees - 57%
- Improving office ventilation - 43%
- Limiting or eliminating company events, conferences and similar meetings in the near term - 40%
- Encouraging employees to get a COVID-19 vaccine (e.g., by offering paid time off, special payments or prizes where permitted) - 38%
- Redesigning the office layout to facilitate social distancing - 37%
- Offering COVID-19 testing services - 35%
- Limiting or eliminating business travel in the near term - 32%
- Staggering work schedules to have fewer employees on-site at a time - 25%
- Conducting temperature or health screenings - 23%
- None, we are only implementing measures provided in government guidance - 8%
Does your organisation have a policy in place addressing employee COVID-19 vaccination issues (such as to require or encourage vaccination where legally permissible, to ask about employees’ vaccination status, to require or offer tests to unvaccinated individuals, etc.)?

The seriousness with which employers appear to be complying with necessary safety precautions – and going above and beyond respective government guidance – is in step with their decisions to move forward with return-to-office plans. These involve requiring workers (58 percent) and visitors (57 percent) to wear face masks throughout the office – mandatory stipulations in France, Germany and other countries – as well as improving office ventilation (43 percent) and limiting or eliminating company events, conferences and similar meetings in the near term (40 percent). Just 8 percent are only implementing measures provided in government guidance.

When it comes to more extensive COVID-19 vaccine and testing measures, however, European employers are less active, particularly when compared with their US counterparts. According to Littler’s 2021 US Employer Survey, the overwhelming majority of employers are encouraging employees to get the vaccine (only 9 percent were not doing so even six months ago, per the chart on page 10 here). In contrast, only 38 percent of European employers are encouraging vaccination. On the other hand, 35 percent of European employers are offering COVID-19 testing services – not an insignificant number, given the cost and administration burdens, and higher than the 16 percent of US employers who told us they were providing employees with access to COVID-19 testing earlier this year (see page 11 here).
As for vaccine policies, most European employers (64 percent) say they don’t have a policy to address such issues as requiring or encouraging vaccination, asking about vaccine status, or requiring or offering tests to unvaccinated individuals. Only 24 percent say that they have some form of a policy in place, and the remaining 12 percent were unsure or preferred not to answer. These findings reflect the complex and varying rules across the EU and UK when it comes to vaccination issues in the workplace – including what is legally permissible with regard to asking about vaccination status and implementing employer incentives in return for a COVID-19 vaccination. As a result, employers are often left uncertain about how to put policies in place.

While European employers cannot require vaccination, in many cases they can ask about vaccination status – although employees may not be obligated to answer and the specifics of the laws vary widely in different countries, making it important for employers to be mindful of compliance with data protection rules and other local regulations.

In place of employer mandates, national campaigns by some European governments have strongly incentivised vaccination, including requiring COVID-19 passes to eat inside restaurants or access cultural venues. The harder-line mandate in France, which was imposed in mid-July and includes suspending unvaccinated workers from civil service, has been shown to be effective, as France is among the best-vaccinated countries. According to government statistics reported in Fortune, “about 85.5% of French people over 12 are now fully vaccinated – up from 28 million in mid-July to about 49.3 million now.”
Workplace Mental Health

To what extent is your organisation concerned about the impact of the ongoing pandemic on your employees’ mental health and well-being?

- Not at all: 7%
- To a small extent: 20%
- To a moderate extent: 52%
- To a large extent: 21%

Which of the following resources or benefits is your organisation offering – or planning to offer – to address employee mental health and well-being? (Tick all that apply)

- More flexible work schedules: 53%
- Additional training to managers to help them respond to employees in need of support: 28%
- Employee Assistance Plans (i.e., employer-sponsored programs that assist employees in resolving personal problems that may affect work performance): 25%
- Internal programming on well-being and/or wellness-related communications: 25%
- Access to guided well-being activities (e.g., meditation, yoga, health coaching): 23%
- Digital platforms or technology solutions to facilitate access to online mental healthcare: 20%
- Resources for physical activity and exercise: 20%
- More paid time off and/or mental health days: 18%
- None - we have not taken any action: 11%
Employees’ mental health continues to suffer amid the ongoing stressors of the pandemic – and with the “Great Resignation” underway, it’s beginning to play a critical role in workers leaving their jobs. A recent survey, for instance, found that 3 in 10 UK workers considered quitting their jobs in the past 12 months because of poor mental health.

Employers have been aware of this issue well before the pandemic. Our 2019 survey report found more respondents “extremely concerned” about mental health than any other HR-related issue. This year, 73 percent are either moderately (52 percent) or very (21 percent) concerned about the impact of COVID-19 on their employees’ mental health and well-being.

As reflected in the chart on page 8, concerns about employees’ well-being play a significant role in respondents’ decisions to offer hybrid or remote work. It follows that when asked which resources or benefits they are offering – or planning to offer – to address employee mental health, 53 percent of respondents said flexible work schedules. While this is certainly desired by employees, the solution, in this case, could also be part of the problem, as added flexibility might contribute to a lack of clear boundaries between workers’ professional and personal lives.

Though these findings are encouraging – employers are clearly genuinely concerned about their employees’ well-being and taking some steps to address it – the fact that fewer than a third of respondents are taking any other action aside from flexible work schedules means there’s room for improvement. Just like last year (see page 11), fewer than a third of employers are providing or planning to provide Employee Assistance Plans, while the number of respondents doing the same in terms of additional training for managers only went up four percentage points to 28 percent. The percentage of respondents who say they’re offering or planning to offer more mental health days and/or paid time off actually went down, from 15 to 11 percent. And those who have taken no action went up, from 10 to 18 percent – perhaps suggesting that some employers have not followed up on mental health initiatives that began during the heat of the pandemic.

“It’s a positive sign that employers are truly recognising the importance of employee well-being and the significant toll the pandemic has taken on mental health. This will only become more important in the workplace of the future and in organisations’ efforts to attract and retain talent. Offering flexible work schedules is a great step, but to maximise its effectiveness employers should consider providing other resources or benefits – such as training and internal programming – in tandem to deliver a more comprehensive solution.”

Stephan Swinkels, Coordinating Partner International, Littler
Inclusion, Equity and Diversity

Which of the following actions has your organisation taken in the past year to support your inclusion, equity and diversity (IE&D) goals? (Tick all that apply)

- Implementing Equality Plans: 30%
- Revising recruiting and hiring practices (e.g., updating job qualifications, descriptions): 30%
- Increasing training and professional development opportunities for female and diverse employees: 28%
- Providing more programming and educational resources to employees in alignment with IE&D goals: 22%
- Promoting IE&D goals at company events and in internal communications: 19%
- Developing task forces with employees from varied backgrounds to discuss potential changes or important IE&D issues impacting the workforce: 18%
- Providing job accommodations: 16%
- More clearly defining benchmarks and metrics for measuring IE&D success: 13%
- None - We have not set IE&D goals or plans: 28%

From the worldwide movement for racial justice to the disproportionate burdens placed on women due to the pandemic, a renewed spotlight has been placed on companies’ IE&D efforts.

While employers surveyed are taking a range of actions to support IE&D goals – and 72 percent say they have at least some IE&D goals or plans – each action was chosen by fewer than a third of respondents. Only 30 percent are implementing Equality Plans or revising recruiting and hiring practices; 28 percent are increasing training and professional development opportunities for female and diverse employees. Even fewer are providing programming and educational resources (22 percent), promoting IE&D goals at company events and in internal communications (19 percent) and developing task forces with employees from varied backgrounds to discuss IE&D issues (18 percent).

The least-selected answer choice was more clearly defining benchmarks and metrics for measuring IE&D success (13 percent) – which also speaks to the broader challenge in collecting data on IE&D initiatives.

Though European employers can certainly do more when it comes to advancing IE&D at their companies, they are not laggards in this area when compared with the rest of the world. A survey conducted in the fall of 2020 of global HR professionals found that 76 percent of companies have no diversity or inclusion goals whatsoever.
Acceleration of Technological Development

What steps is your organisation taking to equip employees with technological skills as the pandemic, and the broader technological revolution, continue to change the skills workers need for the workplace of the future? (Tick all that apply)

- Developing internal training programs for current employees
- Conducting an analysis to identify new skill sets needed and to guide talent planning and job training
- Hiring more employees with strong technology skills
- Working with industry groups, universities or other institutions to create training programs
- None

<table>
<thead>
<tr>
<th>Area</th>
<th>Europe (Sept 2021)</th>
<th>US (March 2021)</th>
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<tbody>
<tr>
<td>Developing internal training programs for current employees</td>
<td>48%</td>
<td>49%</td>
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<tr>
<td>Conducting an analysis to identify new skill sets needed and to</td>
<td>35%</td>
<td></td>
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<tr>
<td>guide talent planning and job training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hiring more employees with strong technology skills</td>
<td>26%</td>
<td>24%</td>
</tr>
<tr>
<td>Working with industry groups, universities or other institutions to</td>
<td>24%</td>
<td>24%</td>
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<tr>
<td>create training programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>10%</td>
<td>19%</td>
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In which of the following areas is your organisation using artificial intelligence (AI) or data analytics to improve workforce management decisions? (Tick all that apply)

* This question was not asked in the 2020 survey

<table>
<thead>
<tr>
<th>Area</th>
<th>2018</th>
<th>2019</th>
<th>2021</th>
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<tbody>
<tr>
<td>HR strategy and employee management (e.g., evaluating employee</td>
<td>27%</td>
<td>27%</td>
<td>29%</td>
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<tr>
<td>performance, making promotion decisions)</td>
<td></td>
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<tr>
<td>Workforce automation (e.g., automating tasks previously performed</td>
<td>22%</td>
<td>14%</td>
<td>15%</td>
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<td>by humans via robotics or algorithms)</td>
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<tr>
<td>Analysing company policies and practices (e.g., identifying wage</td>
<td>20%</td>
<td>20%</td>
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<td>disparities by gender and race)</td>
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<td></td>
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<tr>
<td>Recruiting and hiring</td>
<td>21%</td>
<td>19%</td>
<td>19%</td>
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<tr>
<td>Analysing the success of E&amp;D programs</td>
<td>19%</td>
<td>21%</td>
<td>16%</td>
</tr>
<tr>
<td>Corporate compliance and investigations</td>
<td>19%</td>
<td>14%</td>
<td>15%</td>
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Which of the following represent concerns for your organisation in using AI in the recruiting process and in hiring decisions? (Tick all that apply)

- Cost of purchasing AI tools: 34%
- Lack of internal resources or technological skills to manage the process: 29%
- Legal risk associated with data privacy concerns: 27%
- Lack of familiarity with the available tools and their use cases: 25%
- Legal risk of inadvertently discriminating against certain groups (based on race, gender, age, etc.): 21%
- The potential impact of regulations promoted by the European Commission in April to address the proliferation of AI, including its use in employment-related decisions: 16%
- None - We do not have any concerns: 24%

The coming TIDE™, or technology-induced displacement of employees, has been accelerated by the pandemic. Even – and perhaps especially – amid a labour shortage, the rapid adoption of automation and other technologies is having a widespread impact on workers. The World Economic Forum reported in October 2020 that 43 percent of businesses surveyed planned to reduce their workforce because of technology and that, on average, companies believe around 40 percent of workers will require reskilling.

Amid these changes, it’s promising that our surveys show both European and US companies taking steps to equip employees with the skills they need for the workplace of the future. About half (48 percent) of European employers are developing internal training programs, while 35 percent are conducting analyses to identify new skill sets and guide talent planning and job training. The latter figure is notably higher than the 22 percent of US-based respondents who indicated taking this action in March of this year. Conducting such an analysis is an important first step to developing successful training programs. More European employers are also working with industry groups, universities or others to create training programs (24 versus 10 percent of US employers), and fewer said they are taking no action (19 versus 38 percent of US employers).
At the same time, the pandemic appears to have stalled the collaboration and investment needed for employers to adopt some technologies, namely AI and data analytics, to improve workforce management decisions. In every area we asked about – including HR strategy and employee management, workforce automation and recruiting and hiring – adoption has remained relatively stagnant since we first asked the question in 2018.

When asked about their concerns in using AI – at least in the recruiting and hiring process – cost was understandably the top factor (34 percent). Other key concerns include a lack of internal resources or technological skills to manage the process (29 percent) and the lack of familiarity with available tools and their use cases (25 percent). When taken together, legal risks – associated with data privacy concerns (27 percent) and inadvertent discrimination (21 percent) – were also a top concern. This makes sense given the potential for bias in certain AI algorithms, as well as increasing data privacy risks facing today’s companies.
Which of the following best describes your organisation’s interest in using software tools that track and monitor the productivity of remote employees?

- Already using: 17%
- Planning to use: 23%
- Not yet using or planning but potentially interested: 19%
- Unsure: 11%
- We will not use this technology: 30%

Which of the following represent concerns of your organisation in using employee productivity tracking software or apps? (Tick all that apply)

- Impact on employee morale and trust in the company: 42%
- Impact on employee fundamental rights beyond compliance obligations (e.g., privacy, data protection, secrecy of communications): 39%
- Legal issues in obtaining employee consent: 36%
- Compliance with the General Data Protection Regulation (GDPR) and other data privacy requirements: 34%
- Impact on employee wellness and mental health: 26%
- None - We do not have any concerns: 22%
The pandemic has generally shown that employees can be productive – sometimes even more so – in a remote work environment.

But as the pandemic stretches on and many employers shift to a hybrid working model, that productivity might come under greater scrutiny. Case in point: Nearly 60 percent of employers are either using (17 percent), planning to use (23 percent) or potentially interested in (19 percent) software tools that track or monitor remote employees’ productivity; 11 percent are unsure, and 30 percent say they will not use such technology.

Their concerns with doing so are in keeping with findings woven throughout this report. The impact on employee morale and trust in the company (42 percent) and employees’ fundamental rights beyond compliance obligations (39 percent) were the most common answers, underscoring concerns for employees’ well-being and a desire to attract and retain workers in a tight labour market. Twenty-six percent also directly cited employee mental health and wellness.

Legal issues represent another key area of contention, be it around obtaining employee consent (36 percent) or compliance with the General Data Protection Regulation and other data privacy requirements (34 percent).
Workforce Reductions or Reorganisations

Which of the following statements best describes your organisation’s current status or plans with regard to workforce reductions or reorganisations?

- 41%: We have not made workforce reductions or reorganised since the start of the pandemic, and we do not anticipate doing so.
- 22%: We have already made workforce reductions or reorganised since the start of the pandemic, but anticipate doing so, once we are no longer utilising a government-supported program (e.g., Partial Employment, Short-Term Employment, Wage Subsidies, Temporary Layoffs).
- 18%: We have already made workforce reductions or reorganised since the start of the pandemic, and further reductions or reorganisations are anticipated.
- 13%: We have not made workforce reductions or reorganised since the start of the pandemic, and further reductions or reorganisations are anticipated.
- 6%: We have already made workforce reductions or reorganised since the start of the pandemic, and we do not anticipate making any further changes.

EU governments have spent nearly 2 trillion euros in pandemic aid and stimulus. The continent’s five largest economies – Germany, the UK, France, Italy and Spain – supported as many as 32 million jobs through furlough strategies when the pandemic first hit. Now, those numbers have wound down to roughly 4 million, and countries across Europe are phasing out subsidies and aid.

Our findings support the notion that these programs have been largely successful. Sixty percent of our respondents have not made workforce reductions or reorganisations – and the largest subset of those employers (41 percent) do not anticipate doing so.
This is in contrast with last year’s survey, which found that only 17 percent of respondents believed they could sustain their workforces without government aid. In 2021, only 13 percent who have not already made workforce reductions or reorganised say they will do so once they stop using a government-supported program. While 40 percent have made reductions or reorganisations in one form or another, roughly half of that subset (18 percent) do not anticipate further changes.

As of now, Europe seems to have staved off the worst. In the UK, for instance, unemployment is expected to peak at about 5 percent, versus the more than 12 percent predicted at the start of the pandemic. And while joblessness in the EU crested at 8.6 percent, it peaked at 14.8 percent in the US.

“Government support programs saved millions of European jobs throughout the pandemic, and our survey data supports the effectiveness of these efforts. At the same time, the portion of employers citing the potential for future workforce reductions or reorganisations also shows that the full repercussions of the pandemic aren’t behind us yet. The decisions executives make about how to structure their businesses for the long term, and the impact of the wind-down of government support, will continue to transform workforces across Europe in the months to come.”

Raoul Parekh, Littler Partner, UK
Methodology and Demographic Profile of Respondents

From September 14 to October 1, 2021, 534 professionals from a variety of industries completed Littler’s 2021 European Employer Survey via an online survey tool.

Respondents included:

- Human resources professionals (60 percent)
- In-house lawyers (22 percent)
- Business owners, operations directors/managers and other professionals (18 percent)

Respondents were based across Europe:

- France (22 percent)
- United Kingdom (18 percent)
- Spain (15 percent)
- Germany (13 percent)
- Italy (10 percent)
- Scandinavia (5 percent)
- Netherlands (4 percent)
- Belgium (4 percent)
- Poland (3 percent)
- Austria (2 percent)
- Ireland (2 percent)
- Portugal (2 percent)

Companies represented were of a variety of sizes:

- More than 10,000 employees (14 percent)
- 5,001 to 10,000 employees (6 percent)
- 1,001 to 5,000 employees (17 percent)
- 501 to 1,000 employees (17 percent)
- 101 to 500 employees (20 percent)
- One to 100 employees (27 percent)
About Littler Europe

Littler is the largest law practice in the world exclusively devoted to representing management in every aspect of labour and employment law. We serve as a single point of contact for our clients’ global labour and employment needs, helping multinational employers to move their employees across borders, comply with local employee relations laws, and assist employers with such international issues as overseas privacy laws and applying company policies worldwide.

Our European legal services include 26 offices in the region's most robust economies, housing more than 300 local Littler attorneys who collaborate with our working partners in all European jurisdictions, as well as our attorneys in other regions of the world.

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