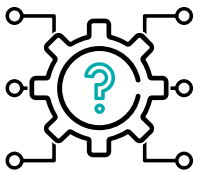
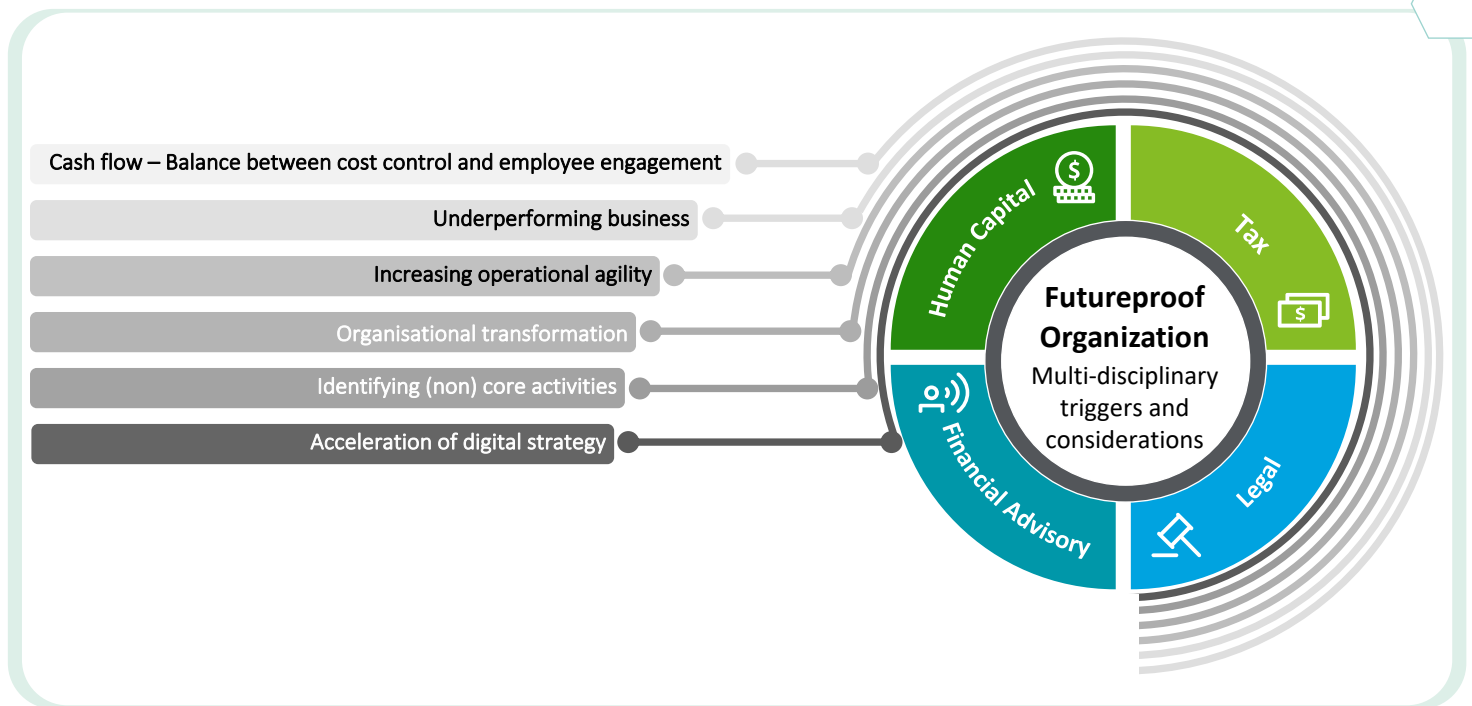


Making adaptability work for the organisation and the individual A human and legal perspective on the adaptable organisation and workforce



Due to the economic uncertainty in the wake of the COVID-19 crisis, **many organisations have been reviewing the composition of their workforce**. The pandemic forced many companies to reflect on their service and/or product portfolio, its resilience and sustainability. This triggered a reconsideration of current and future talent needs and the impact on the workforce. Reskilling, reviewing contract types, and intensifying automation are just some tactics that companies are considering to build a future-proof organisation. Leaders are forced to walk a tightrope and to **find the right balance between cost-efficiency on the one hand, and sustainable talent engagement on the other hand**. Finally, they need to bring all this together within the framework of the employment law that governs their jurisdiction(s).



How can you prepare your organisation for continuous disruption and keep engagement high in an ever-changing environment?

Leadership and collective success Building a collective leadership mindset

It starts at the top. A major challenge in preparing for an adaptable organisation and workforce set-up is to evolve toward a collective leadership mindset. Leaders are used to developing business cases and scenarios for functional or commercial areas of responsibility and they make plans for talent reporting to them. Breaking those silos, and **setting the lens to an organisational perspective**, is necessary **to thrive in ongoing disruption**. It requires leaders to navigate collectively, and to continuously assess talent deployment at organisational level. Leaders also need to invest in talent attraction, development and engagement for the benefit of the organisation and in line with the common purpose. Leaders are forced to identify even more strongly with the organisation as a whole. This shift in leadership mindset does not happen overnight. It requires **systematic and structured investment in proactive business planning, data-based decision making, and continuous dialogue**. It also incites leaders to **redefine individual and collective success, and to manage performance accordingly**.



Workforce and engagement

Connecting the individual with the organisational purpose

It takes more than aligned captains to keep the ship riding the waves. A constantly evolving organisation and workforce constellation might heavily pressure an individual's sense of belonging and therefore, his or her engagement. **The connection between the organisational purpose on the one hand, and the individual's desire to make a professional impact on the other hand has become a core driver of talent engagement.** This is especially the case for new generations, who have a higher need to find purpose in their work. It raises the bar on self-awareness and self-assessment, critical reflection and courageous decision making at individual level. The notion of a job with well-defined and stable content and a predictable evolution no longer serves as a hook in career planning. It also raises the bar for how most organisations approach talent management. **It encourages organisations to step away from standardised career paths and to build trust through continuous dialogue. It brings the notion of true partnership into the employment relationship,** in which both parties consciously decide to join forces to work toward a common goal or purpose, and have the trust to regularly and openly review fulfillment and future alignment from both sides.



Business and legal reality

Closing the gap

A collective mindset, trust, continuous and open dialogue, though fundamental for an adaptable organisation, challenge companies to also rethink the way they organise work from an employment law perspective. Such an exercise is equally relevant and challenging as **our legal framework is everything but a natural habitat for continuous disruption.** Legal constraints have historically been introduced to protect and incorporate a standardised and fixed workforce, with places of work, functions and reward schemes never changing. The legislative struggle in many jurisdictions to cope with increased teleworking due to COVID-19 has once again stressed the gap between business and legal reality. Although organisations already have a catalogue of legal tools at their disposal to future-proof the workforce, these are subject to hurdles and restrictions, limiting flexibility and adaptability.



The question arises whether any changes are to be expected in the short term. Public opinion and key stakeholders are generally very reluctant to change the playing field from an employment law perspective. One tends to negatively report on disruption on the labour market by emphasising the dark side of e.g., outsourcing (social dumping) and the gig economy (deteriorated worker status). Any proposed change is typically welcomed with reference to the fact that the legislative reality is the result of many decades of discussion, aiming for better employee rights and protection. Organisations therefore cannot await action on the policy level and need to proactively build the future with the existing tools. **Instead of being deterred by the legal angle as a barrier, it is crucial to use all available tools as a strategic accelerator,** tailored to the specific needs and evolving from soft measures (do variable pay KPIs reflect the strategy, and do they trigger the desired behaviours and sustainability ambitions?) to material restructuring (outsourcing or termination of activities). When fine-tuning the workforce and deciding on the legal design, **organisations must particularly consider implementation speed and cost, potential employee consent and information, and/or consultation with employee representatives.**

To conclude...

There are many factors to ponder when redesigning an organisation and its workforce, but **human capital and legal considerations will always need to be assessed simultaneously** to align the needs of the organisation and the individual within the legal framework.

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