



**COVID19, Workplace Law, and Workplace Policy:
Getting the Balance between Safety and Privacy Right during the Pandemic**

*The second panel in a series hosted by the Queen's Centre for Law in the Contemporary Workplace and
the Queen's Employment Relations Program*

**January 29, 2021
12:00 – 1:15 p.m.**

Employers have legal responsibilities to ensure healthy and safe workplaces. Meeting this responsibility includes minimizing the risk that infected workers will come into contact with colleagues. How far can employers go in requiring employees to disclose information about infection risks, and to adhere to public health guidelines? What rights do employees have to know about contagion risks posed by other employees? How far does the employer's obligation to ensure a safe workplace extend into employee's off-duty activity? What privacy rights do employees have when working from home, or working online?

Speakers: Dan Michaluk, Borden Ladner Gervais, and Emma Phillips, Goldblatt Partners

Moderators: Prof. Kevin Banks, Queen's Law, and Kim Berhardt, Arbitrator.

Panelists will consider:

Employee infection or exposure: monitoring and testing of employees

- "To what extent can employers use the Canada Alert exposure notification application?"
- Can employers require employees to download COVID-related apps (such as the COVID-notification app; or an app requiring employees to answer COVID screening questions)?
- When, if ever, might random corona virus infection testing of workers be justified?

Employee rights to know

- Do employees have the right to know if their co-workers have tested positive for COVID or have been exposed to COVID?

Conduct in off-duty hours

- Can employers discipline employees for not following public health guidelines during off-duty hours?

Privacy at work from home

- To what extent can employers monitor the activities of employees working from home to ensure that they are working?
- How can employees keep their home workplace private? Are they entitled to put up a "background" during zoom meetings to keep their home private? Can they keep their cameras off?