



## COVID19, Workplace Law, and Workplace Policy: Reopening Safely and Equitably

*A Panel Series hosted by the Queen's Centre for Law in the Contemporary Workplace and the Queen's Employment Relations Program*

This series will explore challenges for workplace law and policy posed by the pandemic that call for in-depth consideration of research, and deeper reflection. The series will be inter-disciplinary, drawing on the work of researchers and practitioners in law, public health, engineering, industrial relations, sociology, philosophy and other fields. Practitioners and scholars who attend can expect deeper insight into the nature of the pandemic challenges facing employers, workers, unions and government policy makers, and into appropriate responses. Panel attendance will be eligible for Continuing Legal Education credit.

### 1. Reopening Safely – Preventing Novel Corona Virus Transmission at Work

**September 25, 2020 from 12 to 1:30 pm.**

Research is beginning to indicate that the virus may be transmissible through aerosol water droplets that are emitted simply by speaking, and that can remain suspended in the air long enough to circulate. It also appears that there is currently no cost-effective way to screen workers for infection before they enter the workplace. What is the state of the science? What does it mean for employers and workers? Who is likely to be most at risk? What strategies are needed to ensure safe and sustainable reopening of indoor workplaces? Will 2-meter distancing and the use of barriers and masks be enough? How should responsibilities and costs associated with re-opening be divided between employers, workers and governments? Panelists will consider:

- What are the risks of aerosol transmission in indoor workplaces, and how can they be mitigated?
- Which workers are most at risk of infection?
- What information about infection risk should employers provide to workers?
- What information about community transmission should public health agencies provide to employers and the general public?
- What role does healthy worker culture play in preventing COVID transmission, and what legal and institutional supports does it need?
- Where and how should regulators and policy makers focus initiatives to ensure prevention of the spread of the Novel Coronavirus at work?

Speakers:

- Professor Andrea Ferro, Professor of Civil and Environmental Engineering, Clarkson University, and President of the American Association for Aerosol Research
- Professor Robert Hickey, Employment Relations Program, Queen's University
- Professor Katherine Lippel, Canada Research Chair in Occupational Health and Safety Law, University of Ottawa
- Professor Xavier St-Denis, Assistant Professor in Social Inequalities, Institut national de la recherche scientifique, Centre Urbanisation Culture Société, Montreal



## 2. Reopening Equitably: Should Immunity Have Its Privileges?

Should immune workers enjoy access to work opportunities not available to others, or be relieved of screening, distancing or other requirements? Would this amount to unlawful discrimination?

Dates and speakers TBA.

## 3. Getting the Balance between Safety and Privacy Right during the Pandemic

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? Panelists will consider:

- When might random corona virus infection testing of workers be justified?
- How far might employer contact-tracing of infected workers legitimately go?
- Can employers discipline employees for not following public health guidelines during off-duty hours?

Dates and speakers TBA.

## 4. Towards a Principled and Evidence-Based Approach to Protection of Essential Workers

Evidence suggests that many essential workers are more vulnerable to infection at work because of greater contact with co-workers and public. Financial precarity may incentivize coming to work despite risks of having been exposed to the Corona virus, and may inhibit complaints against or refusals of unsafe working conditions. Further, many low-income front-line workers must use public transit to get to work, and live in crowded housing, making them among the most vulnerable to COVID. While employers generally do not have legal obligations to ensure access to safe transportation and housing, they have interests in ensuring that their workers remain healthy. They may also have moral duties to avoid placing pressure on workers to engage in behaviours that substantially increase the risk of contagion within their families and communities. Panelists will consider:

- What should be the roles of employers and governments in reducing these risks?
- Is continued access to paid or financially supported sick leave required to ensure that workers avoid preventable risks of transmission? If so, what makes more sense, employer-paid leave or Employment Insurance benefits?

Dates and speakers TBA.