

Table of Contents

	PAGE
<i>Preface</i>	iii
<i>Table of Cases</i>	ix
 Part I COVID Round Two:	
The Pandemic Plights Continue	1
 Chapter One Pandemic Health Measures and Restrictions ...	5
1. Redeployment Regulations	6
2. Designation of a Quarantine Facility	9
3. Employer Quarantine Policies	13
4. Single Site Policies	20
5. All Hands on Deck: Denial of Vacation Requests	24
6. Redeployment Versus Cost Containment: Adherence to Collective Agreements Still Required.	28
7. Salary Continuation During Quarantine	33
8. Key Conclusions	36
 Chapter Two The Scope of Management Rights During a Pandemic	41
1. Reassignment of Work Hours and Work Duties	42
2. Transmission-inhibiting Policies.	49
3. Policies Limiting Access to the Workplace	53
4. Termination of Gratuitous Benefits.	56
5. COVID-19 Testing Policies	60
6. COVID-19 Vaccination Policies.	63
7. Key Conclusions	71
 Chapter Three Discipline During a Pandemic: COVID-19 Related Misconduct	75
1. Resistance to COVID-19 Protocols	76
2. Deliberate Exposure of Co-workers to COVID-19	83

3. Key Conclusions	92
------------------------------	----

Part II Current Issues in Labour Relations. 95

Chapter Four Supreme Court of Canada Decisions of Note. 97

1. Adverse Effect Discrimination: <i>Fraser v. Canada (Attorney General)</i> , 2020 SCC 28 (S.C.C.) . . .	97
2. <i>Fraser</i> Applied	102
3. Mandatory Arbitration Clauses: Agents of Competing Jurisdictional Displacement: <i>Northern Regional Health Authority v. Horrocks</i> , 2021 SCC 42 (S.C.C.)	106
4. <i>Horrocks</i> Applied	113
5. Key Conclusions	117

Chapter Five Key Updates in Workplace Harassment and Violence 123

1. Assaults	124
Aggressive Passengers.	124
Aggressive Security Guards	125
2. Sexual Assaults and Sexual Harassment	127
Groping	127
Failure to Intervene	129
Sexually Inappropriate Graphics	130
Sexually Inappropriate Graphic Novels.	132
Sexual Harassment – Pattern Conduct	134
Sexual Harassment and Threatening	136
3. Harassment	137
Profane, Abusive Language	137
Prolonged Mistreatment.	139
Retaliatory Conduct.	140
Bullying	142
4. Threats	144
Undefined Targets	144
Defined Targets	145

Chapter Six Key Updates on Privacy Issues in the Workplace 149

1. Drug and Alcohol Policies.	150
Unreasonable Demands for Drug and Alcohol Testing	150
An Oppressive Testing Schedule	152

TABLE OF CONTENTS

vii

Rehabilitative/Return-to-work Testing	154
Universal Random Testing.	156
Cannabis Users.	158
2. Requests for Anonymity	162
Medical Information	162
Misconduct.	165
3. Surveillance in the Workplace	167
4. Disclosure of Personal Information.	169
5. Searches	171
Faculty Mail.	171
Work Computers	173
<i>Index</i>	175