



**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

Biographies

Kevin Banks is Associate Professor of Law at Queen's and the Director of the Queen's Centre for Law in the Contemporary Workplace. He is the Editor-in-Chief of the Canadian Labour and Employment Law Journal, and a co-ordinating editor of Labour and Employment Law, Cases, Materials and Commentary. His research publications address efficiency and delay in Canadian labour arbitration, relationships between economic globalization and labour and employment law, the influence of originating political struggles on workplace equality law in North America and the European Union, the role, governance and potential influence of international and transnational labour law, the extent and causes of gaps in the workplace accommodation of persons with disability, the accessibility and effectiveness of employment standards compliance and enforcement, and the role of good faith in the contract of employment. He is a part time member of the Ontario Grievance Settlement Board and has been appointed to several dispute settlement rosters established pursuant to labour chapters of free trade agreements. He chaired the international arbitral panel that ruled on a dispute concerning the labour provisions of the US-Central America Free Trade Agreement, the first such case decided anywhere in the world. Professor Banks previously served in a number of senior positions within the Public Service of Canada, including Director General, Labour Policy and Workplace Information, Director of Research with the Federal Labour Standards Review Commission, and Director, Inter-American Labour Co-operation. He holds an LL.B. (1989) and B.A. (1986) in economics from the University of Toronto, and an S.J.D. from Harvard Law School (2003).

Kim Bernhardt is an adjudicator who arbitrates and mediates in both the public and private sectors and is on the Ministry of Labour's section 49 list. She is currently a member of the Executive Committee of the Ontario Labour Management Arbitrators Association (OLMAA). Previous appointments include being a part-time member of the Human Rights Tribunal of Ontario; a part-time Member of the Public Service Grievance Board (PSGB), 1994 – 1998; the Human Rights Board of Inquiry, 1994 -1998; a member of the HRTO Advisory Practice Committee; and acting as the Law Society of Upper Canada's representative on the Ontario Judicial Council. Kim practiced for 15 years in the areas of employment, labour, and human rights law. Previous positions include working as a union staff member and as a human rights officer. Kim continues to be engaged in many volunteer activities and speaking engagements involving legal and equity issues.

Dan Michaluk: Dan is a well-recognized cybersecurity, privacy and information management lawyer, with significant experience working with education and public sector organizations in Canada. Dan helps organizations:

- respond optimally to security and cyber incidents
- defend security and privacy complaints, claims and grievances
- handle complex freedom of information matters and appeals
- address security and other operational issues while minimizing privacy risks

Dan has maintained a privacy and security practice since 2003 and has acted as a security incident “coach” since 2006. He has represented clients in significant privacy, security and freedom of information litigation, including at the Ontario Court of Appeal and Supreme Court of Canada.

Emma Phillips practices labour law primarily in the university sector. From complicated policy grievances to every day labour arbitration cases, from Charter litigation to collective agreement negotiations, Emma regularly litigates a range of collective agreement, human rights and equity disputes on behalf of Faculty Associations and their members.

Emma also regularly acts as an independent workplace investigator, including investigating the systemic roots of sexual harassment and discrimination in some of Canada’s most important organizations. In 2014/15, she acted as counsel to the External Review on Sexual Misconduct and Sexual Harassment in the Armed Forces, and in 2015/16 she was counsel to an independent review commissioned by the UN on sexual abuse by peacekeepers in the Central African Republic. In 2016/17, Emma acted as counsel to an external review of harassment in the RCMP. Emma is a frequent public speaker on workplace harassment and discrimination-prevention, and teaches and conducts training on addressing implicit bias, including as an Adjunct Professor in the University of Toronto’s Global Professional Masters of Law and as co-chair of the Law Society of Ontario’s e-course Advancing Equality, Diversity, and Inclusion in the Legal Professions.

Emma also works and speaks regularly in the areas of privacy in the workplace. She understands and navigates for clients the often difficult balance between right to privacy in the workplace and access to information, in the context of shifting statutory obligations.

Emma joined the firm in 2006, after clerking for former Justice Marie Deschamps at the Supreme Court of Canada. She received her law degree from the University of Toronto in 2005, where she also completed a Master’s degree in Criminology, writing her thesis on the transformation of the labour market in contemporary Cuba. She has a Bachelor of Arts degree (summa cum laude) in Anthropology from Harvard University.

Emma has served as co-chair of The Advocates’ Society’s Labour and Employment Practice Group, and on the executive of the International Labour Rights Committee of the Canadian Association of Labour Lawyers. She is recognized by Best Lawyers as a leading practitioner in labour and employment law.
