



This resource is provided as companion content to our podcast Global Solutions: Episode 8, and its information is as of August 11, 2020. Companion references are abridged from laws, court decisions, and administrative rulings and should not be construed or relied upon as legal advice. If you have questions concerning particular situations and specific legal issues, please contact an attorney. Employers may also want to monitor applicable public health authority guidance and [Ogletree Deakins' Coronavirus \(COVID-19\) Resource Center](#) for the latest developments.

Can Employers Implement Policies Requiring Employees to Undergo COVID-19 (Swab) Testing?

Country	Required by law	Generally possible	Under some circumstances	Generally prohibited	Notes
Argentina		x			A, B
Australia			x		B, D
Belgium				x	C
Brazil			x		A, C
Canada				x	A
Chile			x		B, D
China		x			E
Colombia			x		B
Czech Republic			x		
Egypt		x			
Finland		x			
France				x	
Germany				x	
Hong Kong		x			B, E
Hungary				x	
India		x			A
Israel		x			
Italy			x		
Japan				x	
Korea		x			E
Malaysia	x				
Mexico		x			A, B
Netherlands				x	
New Zealand				x	
Philippines		x			B
Poland			x		B
Russia	x				A
Singapore		x			D, E
South Africa		x			
Spain				x	
Switzerland			x		
Taiwan			x		B
United Kingdom		x			C
United States		x			A, E
Vietnam		x			B



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Notes

The information below highlights common principles that arise with relative frequency in the designated jurisdictions, such that an employer may want to consider it as a key factor in related decisions. These principles may apply in other jurisdictions even where not designated, and their impact may change in light of future developments. For example, if countries marked “Generally prohibited” later relax their restrictions on COVID-19 testing, employers may wish to check notes B, C, and/or D.

A – Locality-based differences likely apply.

B – Procedural requirements likely apply. Employers may implement a COVID-19-testing protocol only after taking certain steps, such as (depending on the country) obtaining individual consent from employees, engaging in a consultation process with employees or employee representatives (such as Works Councils), and/or satisfying any necessary administrative formalities.

C – Generally, [an occupational physician](#) needs to be involved in any COVID-19-testing protocol.

D – Prohibited in certain circumstances identified under local law.

E – COVID-19 testing is common / generally accepted; employees unlikely to object.