

Arbitrator Nixes Mandatory Substance Use Disclosure for Safety-Sensitive Workers



The focus of this complex case involving literally a dozen legal issues was the enforceability of a unilaterally-implemented hospital policy requiring safety-sensitive employees to disclose ‘substance use disorders’ and then submit to medical assessment post-disclosure testing. Long story short: While the wording of the policy, including its definition of health workers as ‘safety-sensitive,’ was okay, some of its practical aspects were problematic and overly intrusive, including its failure to consider the individual circumstances of each disclosing worker, its draconian monitoring provisions, its imposition of a second medical assessment even for workers who test negative and follow their monitoring regime and its lack of privacy protections [[Interior Health Authority v Hospital Employees’ Union](#), 2018 CanLII 116964 (BC LA), Nov. 13, 2018].