

Arbitrator Shoots Down Pre-Access Mandatory Drug & Alcohol Testing



A union challenged a company's requirement that contractors comply with its drug and alcohol standard, which requires universal mandatory drug and alcohol testing before workers may have access to its worksites. The union argued that the testing violated the collective agreement and human rights law. The arbitrator balanced the interests of safety at these safety-sensitive worksites and privacy rights. He noted that there was no evidence of drug or alcohol issues at the worksites. Thus, there was no demonstrable need for the pre-access alcohol and drug testing sufficient to justify the significant invasion of privacy inherent in such testing, concluded the arbitrator [*Mechanical Contractors Association Sarnia v United Association of Journeymen and Apprentices Of The Plumbing & Pipefitting Industry of the United States and Canada, Local 663*, [2013] CanLII 54951 (ON LA), Aug. 20, 2013].