Arbitrator Shouldn’t Have Upheld Random Drug Testing Policy



An airport required safety-sensitive workers to submit to random drug and alcohol testing. The union filed a grievance but the arbitrator rejected it. But the Ontario appeals court said the arbitrator’s ruling was unreasonable and redirected the grievance to another arbitrator. The arbitrator’s finding that the airport’s safety concerns outweighed the loss to workers’ privacy overlooked the requirement that employers demonstrate the existence of a drug or alcohol impairment problem at the particular workplace to justify random testing. The arbitrator concluded that urine testing was overly intrusive but left those provisions in place, rather than ordering they be replaced with saliva testing [*Ottawa Airport Professional Aviation Fire Fighters Association v. Ottawa Macdonald-Cartier International Airport Authority,* 2022 ONSC 3298 (CanLII), August 17, 2022].