Arbitrators Reject Random Drug & Alcohol Testing Policy for Oilsands



An oil and gas company attempted to impose a random drug and alcohol testing policy on its workers. The union challenged the policy, arguing that it would violate workers' rights to privacy, respect and dignity in the workplace. In 2012, a court granted the union an injunction against the policy. The Alberta Court of Appeal then sent the case to arbitration. The arbitration panel sided with the union, ruling that there's no evidence of an out-of-control drinking or drug culture at the company. The random testing policy was an unreasonable exercise of the company's management rights because the policy has no time limits to review its effectiveness, isn't targeted as narrowly as possible, doesn't use the least intrusive or most accurate testing measures available and doesn't have provisions for communicating with workers about false positives. The company announced plans to appeal [*Suncor Energy*, March 26, 2014].