

Court Temporarily Bars Random Drug Testing of Nuclear Plant Workers



The unions asked a federal court to ‘stay,’ that is, bar enforcement of new Canadian Nuclear Safety Commission (CNSC) regulations requiring nuclear power plants to perform random, post-incident, reasonable cause and pre-assignment alcohol and drug testing on safety-sensitive and safety-critical workers. The court said no, and the unions appealed. Persistence paid off as the Federal Court of Appeal has now granted the stay, pending the outcome of litigation challenging the rule’s constitutionality, finding that letting CNSC enforce the regulations would result in potentially irreparable harm without significantly reducing the risks of a nuclear incident [*Power Workers’ Union v. Canada (Attorney General)*, 2023 FCA 215 (CanLII), October 27, 2023].

Action Point: Create a legally sound drugs and alcohol testing policy for your workplace