Drug-Sniffing Dog Search & Testing Are Valid Construction Safety Measures



Hydroelectric dam construction project security officers found 6 white pills of methamphetamine in the seat pocket of the pickup truck they were searching with scent-trained dogs. All 3 workers in the truck were immediately tested for drugs. One, a Surveyor's Assistant, failed and was kicked off the project. The union didn't contest the test result, only the site owner's right to test the Assistant, noting that at least 36 other workers had been in the truck within the previous 24 hours. After a 6-day hearing featuring 16 witnesses, the arbitrator tossed the grievance. The strict testing policy and use of dogs to conduct searches were justifiable safety measures and outweighed the Assistant's privacy interests. The Assistant knew about the policy and the risks he was taking. While not in love with the arbitrator's analysis, the Newfoundland court found his decision reasonable and refused to set it aside [*Resource Development Trades Council of Newfoundland and Labrador v. Muskrat Falls Employers' Association Inc.,* 2019 NLSC 68 (CanLII), March 22, 2019].