No Justification for Drug/Alcohol Testing Worker after Minor Safety Incident



A steel mill worker was backing up a truck when he contacted a guardrail, cracking a tail light. He left the scene and later reported the incident to his supervisor, who asked him to take a drug/alcohol test. The results were negative. But the union filed a grievance, arguing that the worker was tested without reasonable suspicion. The arbitrator acknowledged that the workplace and the worker's job were safety sensitive. And the employer's post-incident testing program was generally appropriate. However, the program was inappropriately applied to this incident and worker. The incident was minor and resulted in minimal property damage. The employer disregarded the worker's privacy rights. And the fact the worker left the scene of the incident and didn't immediately report it didn't justify testing him, concluded the arbitrator [*United Steelworkers, Local Union 5890 v. Evraz Regina Steel (Holtskog Grievance)*, [2104] S.L.A.A. No. 9, May 26, 2014].