Mixed Decision on Rail Company's Drug and Alcohol Policy



A union challenged various aspects of a rail company's drug and alcohol policy as unreasonable, and violating workers' rights and the collective agreement. An arbitrator struck down several parts of the policy but upheld others. For example, the arbitrator ruled that a ban on workers from reporting for duty with blood alcohol concentration levels greater than '0' and the imposition of post-accident drug/alcohol testing without limitation were unreasonable. But she upheld a requirement that workers being certified for safety critical and safety sensitive positions submit to drug/alcohol tests as part of the certification process [*Bombardier Transportation v. Teamsters Canada Rail Conference'Division 660*, [2014] CanLII 5318 (CA LA), Feb. 10, 2014].