

Near Miss Is Justification for Post-Incident Drug Testing



After a Self-Propelled Modular Transporter (SPMT) collided with a set of scaffold stairs erected at the end of the dock against a barge, the manager at the site ordered the worker serving as spotter to undergo drug/alcohol testing. The union claimed that the incident wasn't a 'Significant Event' justifying post-incident testing under the employer's testing policy because there were no injuries and only minimal property damage. But the BC arbitrator disagreed, finding that a near miss did, in fact, meet the policy definition of 'Significant Event' and rightly so, given the serious potential for significant injury and damage. Other key factors for rejecting the grievance: The manager followed the correct investigation procedures and SPMT crashes are rare events supporting the suspicion of impairment [*Vancouver Shipyards Co. Ltd v Marine and Shipbuilders*, Local 506, 2020 CanLII 103785 (BC LA), December 29, 2020].