

No 'Cognitive Testing' for Safety-Sensitive Transit Operators



After 2 pedestrian accidents, the City unilaterally imposed a new policy requiring transit system operators to undergo tests screening for cognitive impairments that may affect their ability to drive safely. The union contended the policy was unreasonable and the Labour Board agreed by a vote of 2 to 1. The test was highly intrusive. And there was no evidence showing that operators' cognitive impairment caused previous accidents or posed any specific safety issue for that matter. The mere fact that the work was safety-sensitive wasn't enough to ride roughshod over the operators' privacy rights especially give the unreliability of the tests, the majority concluded [*Amalgamated Transit Union, Local No. 569 v Edmonton (City)*, 2018 CanLII 82319 (AB GAA), Aug. 27, 2018].