

Random Testing OK for Oil Sands Site with Rampant Drug Issues



An energy company unilaterally imposed a policy mandating not just drug and alcohol testing but *random* testing for safety-sensitive workers at oil sands sites. The arbitrator struck down the policy saying its privacy harms outweighed its safety benefits but the appeals court upheld it as a reasonable and necessary safety measure. Now the Alberta high court has had the final word: The policy is valid. The key was the company's ability to prove rampant drug use with over 2,200 document incidents at the site. The fact that most of the workers were non-union didn't make the situation any less dangerous, the Court reasoned [*Suncor Energy Inc v Unifor Local 707A*, 2017 ABCA 313 (CanLII), Sept. 28, 2017].