

Requiring Disclosure of Legal Drugs Allowed Only for Safety-Sensitive Workers



A Crown corporation in Québec adopted a policy requiring dockworkers to disclose their use of medical marijuana or other legally prescribed medications that could potentially impair them at work. The policy also gave the employer the right to question the doctor who prescribed the medication about its impairing effects. The union grieved, claiming the policy violated employees' privacy rights under the Charter. But the federal arbitrator disagreed, finding that the policy served a legitimate and important safety purpose and that the privacy invasion was minimal. Accordingly, the policy was enforceable, but only for crewmen and bridging and wharf attendants since those jobs are safety-sensitive; but it wasn't enforceable against maintenance and other job titles that weren't safety-sensitive [[Syndicat des employés de la Société des traversiers Québec ' L'avis ' CSN v Société des traversiers du Québec](#), 2021 CanLII 77428 (CA SA), August 17, 2021].