

RTW Drug & Alcohol Testing Policy Upheld with Clarification Required



A union challenged the RTW Follow-up Testing portion of an Employer's Drug and Alcohol Prevention Policy, which says that, upon providing a negative RTW test result, a returning worker must comply with unannounced follow-up testing for a year. An arbitrator said the required testing wasn't random because the requirement only applied to individuals who'd given reasonable cause to suspect impairment in the performance of a safety sensitive position or other violations of the policy. Thus, the requirement was reasonable, concluded the arbitrator. However, it added that the wording of this requirement must be amended to indicate that the testing will include the individualized assessment of each employee' situation [*Teamsters Local 879 v. Hotz Environmental*, [2016] CanLII 5563 (ON LA), Feb. 5, 2016].