

Suncor Stunner: Court Bars Enforcement of Random Drug Testing



A case that has commanded national attention seemingly ended in Oct. when the Alberta Court of Appeal ruled that random drug testing of oil sands workers by Suncor Energy was a justifiable safety measure given the history of worker drug abuse at the site. But in a stunning development, the Court of Queen's Bench has barred Suncor from enforcing the policy until the union's appeal is ultimately resolved. Worker privacy counts just as much as safety, the court reasoned. And those privacy rights would be *irreparably* damaged if the policy was enforced. This is the exact opposite of what happened in an earlier Ontario case allowing random drug testing of Toronto Transit Commission workers. If the policy was eventually found illegal, money damages would make up for any privacy harms suffered by the workers, the Ontario court reasoned. But the Alberta court took the opposite view saying that money was inadequate to undo damage to privacy [*Unifor, Local 707A v Suncor Energy Inc*, 2017 ABQB 752 (CanLII), Dec. 7, 2017].