Union Wins Temporary Ban on Random Drug Testing Policy



The union challenged a helicopter transport company's random drug testing of safety-sensitivity employees and asked the arbitrator to bar enforcement of the policy until the case was heard. The Newfoundland arbitrator did just that. The damage to employees' privacy outweighed the safety interests, the arbitrator reasoned, especially since the company could still test on a pre-employment and post-incident basis. And if the policy ultimately was found illegal, money damages wouldn't be enough to undo the privacy harms suffered by randomly tested employees [*Office and Professional Employees International Union v Cougar Helicopters*, 2019 CanLII 66726 (NL LA), July 12, 2019].