

PSAC Wins Drug Testing Grievance

TORONTO- Random workplace drug testing is intrusive and an unreasonable exercise of management rights an arbitrator ruled on June 28. The policy grievance against the Greater Toronto Airports Authority (GTAA) was launched by PSAC for Local 00004 in February 2001.

The GTAA's Drug and Alcohol Testing Policy, which was developed and implemented without union input, cast a wide net and called for provocative measures such as random drug testing involving urine samples, pre-appointment testing and the imposition of discipline upon a positive test. Noting that a positive drug test does not indicate impairment, the Arbitrator also rejected employer arguments that positive tests legitimately alert the employer to increased safety risks.

Highlighting the disconnect between drug test results, impairment and safety, the Arbitrator pointed to the Supreme Court of Canada decision in Meiorin and ruled that the employer could not justify the discriminatory aspects of the policy because the testing could not be shown to be reasonably necessary for the accomplishment of a work-related purpose.

The ruling follows on several years of persistent work by PSAC local union representatives supported by union staff and union legal counsel.

"This is a step forward for the rights of workers at GTAA and at every other airport across Canada. Management crossed the line with the imposition of these tests. The arbitrator's decision sends a clear message that our members have the right to work in dignity against invasive examinations that violate their personal privacy," said Gerry Halabecki, Regional Executive Vice-president for the PSAC in Ontario.

PSAC Local 00004 represents 720 administrative, maintenance, safety and trades workers at the GTAA.