Case In Point

Majority of SCC Finds Employer Exceeded its Management Rights in Implementing Random Alcohol Testing Policy

Date: June 14, 2013

Today, a majority of the Supreme Court of Canada upheld an arbitration award which concluded that a random alcohol testing policy for use in a safety sensitive workplace was not justified. In the absence of evidence of an existing workplace alcohol use problem, it concluded that a dangerous workplace was not, on its own, reason to implement such a policy. The employer had therefore exceeded its management rights under the collective agreement.

The dissenting justices concluded that there was evidence of an alcohol use problem in the workplace. By elevating that threshold of evidence to a “significant” problem, the board’s decision was not reasonable.

The Court was unanimous that the appropriate standard of review to be used in this decision was one of reasonableness.

Our *FTR Now* on this decision, “ The Supreme Court of Canada Strikes Down Random Alcohol Testing Policy” is now available.

Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd., 2013 SCC 34