

Suncor Implements Random Drug and Alcohol Testing

After a seven-year-long legal battle with its union, Suncor will finally commence random drug and alcohol testing in early 2019 at its oil sands worksites. On November 29, 2018, contractors were notified by Suncor that they will be required to conduct random drug tests on workers on designated work sites. The decision to move forward with testing arose out of an agreement with the union and was not based upon a court/arbitration decision.

During the litigation predating this agreement, Suncor presented the union with substantial evidence demonstrating a problem with drug and alcohol use at its workplaces. Namely, there was evidence of more than 2,200 incidents that involved drugs or alcohol. Evidence of a substantial issue has been considered by the courts to be a necessary precondition before an employer can establish that implementing random testing programs is a necessary safety precaution.

While not a binding decision, this agreement opens the door for other employers who have evidence of significant substance abuse issues at their workplaces to approach their unions seeking a mutual agreement for random testing in the interests of employee safety. It is assumed, based upon the recent legalization of marijuana, that drug testing in the workplace, especially those that are safety sensitive, is going to be an even more important issue. In general, drug testing, whether random, post-incident, or reasonable suspicion testing, raises several different legal considerations and therefore if you are considering testing, we strongly urge that you contact us to speak with an e2r® Advisor.