

City draws fire for pre-employment drug testing

MANISHA KRISHNAN
CALGARY HERALD

A mandatory drug-testing policy being adopted by the City of Calgary is ineffective at best and discriminatory at worst, argue critics.

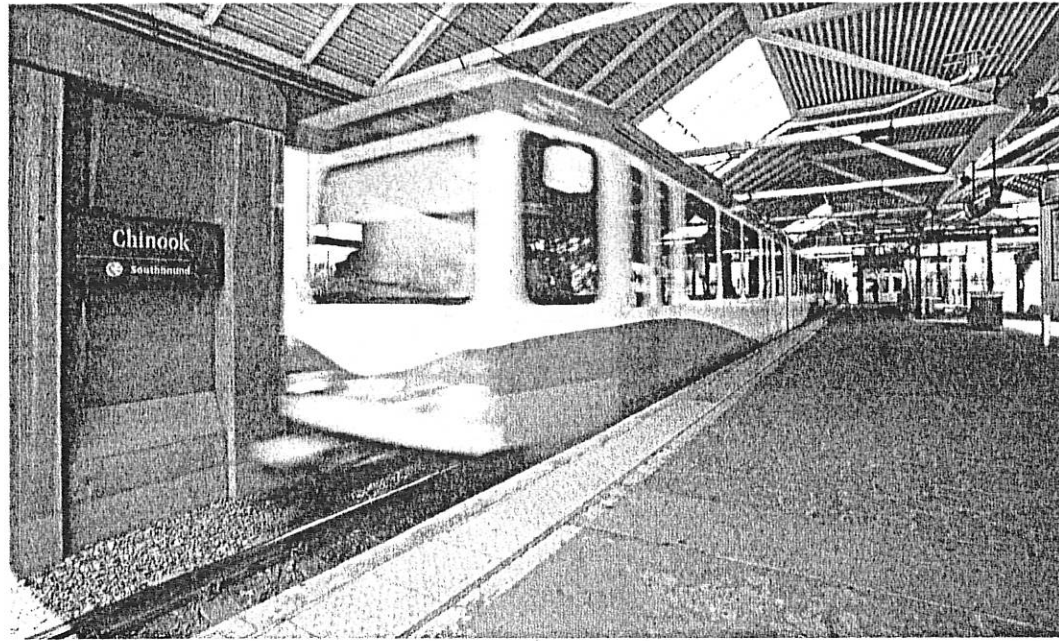
The program, which would see applicants for "safety sensitive" jobs subjected to pre-employment testing for marijuana and cocaine, was approved by top administrators after a lengthy discussion Tuesday, a city spokeswoman confirmed. The city did not respond further.

Virtually unprecedented in Alberta's public sector, the policy will extend to prospective transit drivers, operators of heavy machinery and water treatment plant workers, taking effect in 2015. Its creation was not prompted by any substance-abuse-related incidents among city employees, which is partially why Gil McGowan, president of the Alberta Federation of Labour, deemed it completely unnecessary.

"As far as I know, there's not even a single incident involving a city employee who was found to be either drunk or impaired on the job.

"It begs the question: Where is this coming from?"

According to McGowan, there's no evidence that employee drug-testing policies increase workplace safety; they do not identify on-the-job impairment but rather past drug



Calgary Herald/Files

Prospective City of Calgary transit drivers are among the "safety sensitive" employees who will be subjected to testing for marijuana and cocaine use prior to being offered employment.

As far as I know, there's not even a single incident involving a city employee who was found to be either drunk or impaired on the job

GIL MCGOWAN

use, which he believes is irrelevant. Furthermore, he said, they're an infringement of privacy rights.

"If an employer is going to violate the privacy rights of its employees, then they better damn well have a

good reason to do so."

Legally, however, the city is within its rights.

Recently, the Alberta Arbitration Board denounced energy giant Suncor's random drug and

alcohol testing policy because there was insufficient proof of a substance-abuse culture in the oil-sands. Random drug testing tends to be more legally questionable because it invades the rights of

current employees, said Eric Adams, an associate professor of law at the University of Alberta, who specializes in labour issues.

Those rights, however, don't apply to job applicants who aren't protected by a union. And, unlike addicts, casual drug users would have a hard time proving a discrimination case.

"Human-rights law has difficulty applying to you because it's not clear you're being turned away because of a drug addiction, rather it's that you failed a drug test," said Adams.

Rick Ratcliff, president of the Amalgamated Transit Union, said he has concerns about the policy but his hands are tied.

"If we had the language in the contract that allowed for us to intervene, I'm sure we would," he said. While he agreed that workers should be accountable for their job performance, "What I do on my own time is my business."

Mayor Naheed Nenshi previously expressed support for the program, calling it "good organizational hygiene."

"It's good for Calgarians to know that the people who are operating the heavy equipment are doing it in full control."

A pilot project among seasonal workers in the city's roads department took place last spring, with four of 63 applicants testing positive for drugs.

WITH FILES FROM JASON MARKUSOFF