

Canadian Union of Public Employees,  
Air Canada Component

**GRIEVANCE FORM**

**GRIEVANCE NUMBER:** CHQ-19-32 (POLICY)

**SUBJECT:** Procedure for intoxicating substance testing

**DEPARTMENT:** Mr. Giuseppe Morello, Director, Air Canada Labour Relations - IFS

**NATURE OF THE GRIEVANCE:**

Air Canada's "Policy on Alcohol and Drugs" provides for "Intoxicating Substance Testing" of employees in three circumstances: (1) reasonable cause testing, (2) post-incident testing, and (3) testing upon return to work after treatment for addiction.

In applying this aspect of its policy, Air Canada's procedure is to test each employee by breathalyzer, saliva, and urine testing. Further, its procedure is to test for a variety of drugs, including alcohol, cannabis, heroin, ecstasy, and more, regardless of the basis for requesting testing.

Air Canada's drug testing procedures do not provide adequate consideration to balancing employees' privacy interests and are therefore in breach of the collective agreement, an unreasonable exercise of management rights, and in breach of the *Personal Information Protection and Electronic Documents Act (PIPEDA)* and any other relevant legislation.

**SETTLEMENT REQUESTED:**

1. A declaration that Air Canada breached the collective agreement, exercised its management rights unreasonably, and that Air Canada breached *PIPEDA* and any other relevant legislation.
2. That Air Canada revise its policies, procedures, and/or guidelines regarding intoxicating substance testing to limit testing to (a) collect only one type of sample, and (b) test for only one drug.
3. That Air Canada destroy all data collected pursuant to its intoxicating substance testing procedures to date and rescind any discipline issued in reliance on such testing.
4. That Air Canada pay human rights damages to all affected members.
5. Any other relief deemed appropriate.

**We request a hearing within the contractual time limits and that the Company provide all documentation relied upon in this matter.**

Signature of Employee(s) or Union Officer



Name of Union Officer Originating Grievance: Wesley Lesosky, President, Air Canada Component of CUPE

Date: July 29, 2019