

TTC adopts non-random drug testing

'Struck The Balance'; Outside agency to conduct tests under specific circumstances

Allison Hanes, National Post

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The Toronto Transit Commission yesterday adopted a watered down fitness-for-duty policy that stops short of subjecting employees to random drug testing.

But the leader of the union threatened that members will still refuse to submit to testing unless the specifics of the new measures get his seal of approval after discussions with TTC management.

"We will not enter into anything that is arbitrarily rammed down our throats," a fuming Bob Kinnear, president of the Amalgamated Transit Union Local 113, said shortly after the landmark decision was taken.

"Without agreement from the bargaining unit, no, our members will not subject themselves to that invasion of privacy."

Mr. Kinnear, however, backed away from an earlier vow to do "whatever it takes" to fight drug tests, including union members walking off the job.

Under the new policy, drug testing will only be conducted by an outside agency under specific circumstances:

- on new applicants;
- if there is "reasonable cause" to suspect impairment after an incident or accident;
- if the person has a past violation for drug or alcohol use on the job;
- or before an individual who has undergone treatment for addiction returns to work.

The TTC becomes the first transit authority in Canada to conduct drug and alcohol testing on employees, throwing itself into uncharted legal waters even as most commissioners shied away from the more controversial aspect of the proposal.

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"I think the commission struck the balance we were looking to have struck, which was between passenger safety and security and the rights and dignity of our employees," said councillor Adam Giambrone (Davenport) chairman of the TTC.

A total safety overhaul at the TTC was ordered after several employees doing maintenance in a subway tunnel were overcome by carbon monoxide fumes. In April, 2007, Tony Almeida was killed on the job and several other employees hurt when a work cart crashed in a subway tunnel.

Although drug use was not found to be a cause of the fatal accident, an autopsy determined the presence of marijuana in Mr. Almeida's system -- confirming the need for a fitness-for-duty policy that includes testing senior management.

A TTC investigation reported four cases of employees turning up for work under the influence of drugs or alcohol in the first half of this year, plus 35 other incidents of impairment detected since 2006.

"We have to be very thankful there haven't been any safety issues. My goal as the chair is to make sure it stays that way," Mr. Giambrone said. "We have a problem. We don't have a crisis and we'll continue to keep an eye on the situation, because obviously it's a very important safety measure and we have to take it very seriously."

Mr. Kinnear argues the numbers do not justify drug testing. "Not one of our members has seriously injured a passenger due to intoxication --not once," he said. "They are hypocrites. I would ask any of the commissioners who supported the motions to go forward with it, are they willing to pee in a cup?"

Councillor Michael Thompson (Scarborough Centre), who voted in favour of random testing, said bring it on. "I would be the first to offer [myself] for testing," he said.

The exact details of the policy must now be worked out and discussions held with the union, but the first testing could begin in about a year.

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