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The Court of Appeal Rules on the Validity of an Alcohol and Drug Detection Policy in Light of the Charter of Human Rights and Freedoms

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On December 6, 2007, the Quebec Court of Appeal declared that part of Goodyear's alcohol and drug detection policy implemented in its Valleyfield plant in the summer of 2004 was valid. The Court of Appeal's judgement maintained in part a decision rendered on April 21, 2006 by the Superior Court that upheld grievance arbitrator Mtre Denis Tremblay's April 12, 2005 ruling.

To summarize, the Court of Appeal ruled on the validity of detection testing where an employer has reasonable and probable grounds to believe that an employee's faculties are impaired, or where there has been an accident or an absence related to alcohol or drug consumption.

The Court did not definitively rule on the validity of the provisions of the policy under consideration regarding job applicants and new employees.

Only the provisions on random testing without notice of employees in high-risk jobs were struck from the policy by the Court of Appeal. However, it did not entirely rule out the possibility that such tests could be part of a detection policy where the employer can show that its business is of a dangerous nature that necessitates special protection measures, or if there are problems related to drug or alcohol use that affect the incidence of accidents in the workplace.

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