



BULLETIN

TRANSPORTATION DISTRICT 140
DISTRICT DES TRANSPORTS 140

International Association of Machinists and Aerospace Workers
Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale

TO ALL IAMAW AIR CANADA MEMBERS

AIR CANADA REVISED

DRUG AND ALCOHOL POLICY

Dear Brothers and Sisters,

The IAM has been working in collaboration with the AC Council of Unions (ACPA CUPE, Unifor and CALDA) in response to Air Canada's Drug and Alcohol Policy. We have significant concerns regarding the Policy, its expectations and obligations as well as the authorities granted to the Employer contained within this Policy. We further believe that the Policy, as released, is unreasonable, overly broad, vague, contrary to current practice, and fails to meet the Company's legal obligations towards its employees.

The Council of Unions wrote to Air Canada and raised a wide spectrum of concerns and issues of contention in regards to this Policy. These items were brought forth well in advance of Air Canada distributing their Policy to our Members. **Please see the attached letter sent on behalf of the AC Council of Unions to Air Canada.**

Although the Council of Unions requested to meet with Air Canada Representatives to discuss a comprehensive list concerns in regards to this Policy, Air Canada seemed to have a sense of urgency to issue the Policy without meeting and discussing the AC Council of Unions concerns.

Unilaterally imposing this Policy is unreasonable and we believe that the introduction will only lead to many years of litigation. However, we are expecting to meet with the Company in the near future to discuss this Policy.

Undoubtedly, more questions and scenarios will arise in the near future, and as more information becomes available, it will be communicated.

Fred Hospes
President and
Directing General Chairperson
Transportation District 140, IAMAW

Keith Aiken
General Chairperson
Western Region
Transportation District 140, IAMAW

Dave Freeman
General Chairperson
Central Region
Transportation District 140, IAMAW

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Encl.

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Air Canada Pilots Association
Association des pilotes d'Air Canada

Sent via email

September 13, 2018

Ms. Arielle Meloul-Wechsler
Senior Vice President People, & Culture Communications
Air Canada

Dear Ms. Meloul-Wechsler,

Re: Policy on Alcohol and Drugs

Further to our letter dated August 29, 2018, we have now had the opportunity to review in more detail the Company's draft Policy on Alcohol and Drugs ("the Policy"). In summary, we continue to have significant concerns with the Policy as drafted. We believe that the Policy is unreasonable, overly broad, vague, contrary to current practice and fails to meet the Company's legal obligations toward its employees.

We understand that drafting a policy to address the legalization of cannabis is complex. At the outset, we note that many issues could have been addressed and/or avoided if the Company had consulted its various unions prior to drafting a policy.

Notwithstanding the lack of consultation, and to move forward in a constructive manner, we request that the Company meet with the Council of Unions, as soon as possible, to discuss our concerns. It is our hope that these discussions will lead to an appropriate and reasonable policy being finalized in the near future. To provide additional context in advance of such a meeting, please find below our preliminary, non-exhaustive, list of concerns for your consideration:

1. The definitions and distinctions contained within the Policy are unreasonable, overbroad and vague. Without limiting the foregoing:
 - a. The definition of "intoxicating substances" has the effect of prohibiting almost every substance, including those which have already been approved by Transport Canada, Air Canada Occupational Health Services (OHS) or personal physicians for employees who work at Air Canada;
 - b. The definition of "reasonable cause" is unreasonable and overly broad; and
 - c. The distinction between safety-sensitive work and safety critical work has the effect of capturing virtually all Air Canada employees, is not recognized in law, and the definitions are vague and arbitrary.

2. The Policy applies to "all employees". That is drug and alcohol testing is not limited to those employees working in safety-sensitive jobs.
3. The investigation procedures set out in the Policy are unreasonable, overreaching and an invasion of privacy rights. Without limiting the foregoing:
 - a. We strongly object to any suggestion that the Company has the right to the search a person and/or search and seize their personal property under this or any similar policy;
 - b. Mandating that the OHS staff participate in the investigation of alleged misconduct, and report to management, including but not limited to reporting inconclusive test results, is improper and potentially runs afoul of their professional and ethical obligations as physicians;
 - c. It is unreasonable and improper to mandate that employees report every medication prescribed by their personal physician to OHS. This could reveal an employee's diagnosis which is outside the Employer's purview. Further, employees are entitled to be under the care of a qualified physician of their choosing and not one stipulated by their Employer.
4. The restrictions imposed on the use of cannabis for Air Canada employees, including but not limited to the outright ban for many, is arbitrary, unreasonable, not based on science and falls outside of management's right to promulgate workplace rules.
5. The Policy's concentration on disciplinary consequences is particularly unreasonable, draconian and heavy handed. Specifically, but without limiting the foregoing:
 - a. We object to the attempt to impose disciplinary consequences for failing to report a suspected co-worker;
 - b. We object to the attempt to automatically impose discipline for failure to participate in substance testing without just cause; and
 - c. We object to the attempt to automatically impose discipline for failure to disclose an addiction. As Air Canada is aware, a common barrier to overcoming an addiction is denial and the lack of acceptance. Based on the proposed language, the Council is concerned that the fear of discipline will lead to a culture of fear which will prevent individuals from seeking and obtaining the help they may need – which could lead to even more dire consequences.
6. The Policy is regressive in nature and ignores the existing policy and practice that has developed at Air Canada to address addiction and substance issues in the workplace in an open and collaborative manner with a shared focus on both safety and human rights.
7. In addition, we are concerned about the absence of any language describing the training and implementation process that will be required, particularly with respect to the roles for supervisors and managers under the policy.

8. Overall, the Council submits that the Policy falls far short of Air Canada's duty to accommodate up to the point of undue hardship in accordance with the *Canadian Human Rights Act*.

Based on all of the above reasons, and others, the undersigned members of the Council of Unions submit that the unilaterally imposed Policy is unreasonable and must be reconsidered. Failing that, we believe that the introduction of this Policy will only lead to uncertainty, fear, and many years of litigation.

Accordingly, we ask that you and your representatives agree to meet with representatives from Council of Unions at ACPA's office's on October 1st, or alternatively October 2nd, so that we can discuss our concerns in more detail.

Thank you for your time and understanding. We look forward to hearing from you.

Regards,



Captain Matt Hogan
ACPA MEC Chair



Ms. Marie-Hélène
Major, President – Air Canada
Component of CUPE



Mr. Richard Yeates
Local Council Chairman
Canadian Airline Dispatchers Association



Mr. Fred Hospes
President & Directing General
Chairperson,
Transportation District 140, IAMAW



Ms. Euila Leonard, President Unifor Local
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CC: Mr. Mike Abbott, Managing Director, Labour Relations, Air Canada
Mr. Milt Isaacs, CEO, ACPA
Mr. Brad Ridge, Senior Director Labour Relations, ACPA
Captain Ed Wall, OHS Chair, ACPA
Mr. Jordan Bray-Stone, Health & Safety Committee Chairperson – Air Canada
Component of CUPE