



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 MEMBERS

AIR TRANSAT

REVISED ALCOHOL, DRUGS AND MEDICATIONS POLICY

Dear Brothers and Sisters:

The IAM has consulted legal in response to the distribution and implementation of Drug and Alcohol Policy at Air Transat. 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.

We have notified the Company we object to the contents of the policy and raised a wide spectrum of concerns and issues of contention. **Please see the attached letter sent on behalf of the IAMAW Members at Air Transat.**

Unilaterally imposing this Policy is unreasonable and we believe that the introduction will only lead to many years of litigation. We are reaching out to the Company in the near future with intention to discuss the Policy.

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

In solidarity,

David Freeman
General Chairperson
Central Region

Peter Tsoukalas
General Chairperson
Eastern Region

DF\mdr



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Ms. Marisa Ribero,
Labour Relations Manager
Air Transat
959, boul, de la Cote-Vertu
Montreal, Quebec
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Dear Ms. Ribero,

Re: Policy on Alcohol, Drugs and Medications

We have now had the opportunity to review in more detail the Company's Policy on Alcohol, Drugs and Medications ("the Policy"). In summary, we 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 IAMAW, 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 "medications and drugs" and "Products derived from drugs, alcohol and/or medication" has the effect of prohibiting almost every substance, including those which have already been approved by Transport Canada, Air Transat Occupational Health Services or personal physicians for employees who work at Air Transat;
 - b. The definition of "Reasonable motives, objective evidence and effects connected with impaired" is unreasonable and overly broad; and
 - c. The distinction of safety-sensitive work has the effect of capturing virtually all Air Transat employees, is not recognized in law, and the definitions are vague and arbitrary.
2. The investigation procedures set out in the Policy are unreasonable, overreaching and an invasion of privacy rights. Without limiting the foregoing:
 - a. Mandating that the HR 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;
 - b. It is unreasonable and improper to mandate that employees report every medication prescribed by their personal physician to HR. This could reveal an employee's diagnosis which is outside the Employer's purview. Further, employees are entitled to be under the care of qualified physician of their choosing and not one stipulated by their Employer.

3. The restrictions imposed on the use of cannabis for Air Transat 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.
4. 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 Transat is aware, a common barrier to overcoming an addiction is denial and the lack of acceptance. Based on the proposed language, the Union 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.
5. The Policy is regressive in nature and ignores the existing policy and practice that has developed at Air Transat 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.
6. 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.
7. Overall, the Union submits that the Policy falls far short of Air Transat'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 submits 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 IAMAW on the first available date 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,



David Freeman,
General Chairperson
Tech Ops, Logistic and Supply
Central Region
Cell: 416-254-5577



Fred Hospes
President and
Directing General Chairperson