Does Legalized Marijuana Provide More Leeway for Random Drug Testing?



The union contended that unannounced random urine drug testing of safety-sensitive public airport workers, in this case a firefighter, was an undue invasion of privacy. While acknowledging that case law has weighed heavily against random drug testing in the past, the airport noted that those cases were decided before marijuana legalization. The situation has changed dramatically since then, the airport argued. In a potentially significant ruling that may signal relaxation of restrictions on random drug testing in response to legalization, the federal arbitrator agreed and upheld the policy as an essential safety measure and deterrent even though its urine and saliva testing methods were highly intrusive [*Ottawa Macdonald-Cartier International Airport Authority v Ottawa Airport Professional Aviation Fire Fighters Association,* 2021 CanLII 44861 (CA LA), May 18, 2021].