

Near Miss Is Justification for Post- Incident Drug Testing



After a Self-Propelled Modular Transporter (SPMT) collided with a set of scaffold stairs erected at the end of the dock against a barge, the manager at the site ordered the worker serving as spotter to undergo drug/alcohol testing. The union claimed that the incident wasn't a "Significant Event" justifying post-incident testing under the employer's testing policy because there were no injuries and only minimal property damage. But the BC arbitrator disagreed, finding that a near miss did, in fact, meet the policy definition of "Significant Event"—and rightly so, given the serious potential for significant injury and damage. Other key factors for rejecting the grievance: The manager followed the correct investigation procedures and SPMT crashes are rare events supporting the suspicion of impairment [[Vancouver Shipyards Co. Ltd v Marine and Shipbuilders](#), Local 506, 2020 CanLII 103785 (BC LA), December 29, 2020].