



**CANADIAN NUCLEAR WORKERS COUNCIL SUBMISSION**

**TO**

**THE CANADIAN NUCLEAR SAFETY COMMISSION**

**IN REGARDS TO**

**FITNESS FOR DUTY – REGDOC - 2.2.4.**

March 7, 2016

The Canadian Nuclear Workers Council (CNWC) is an organization that is comprised of Unions that represent workers in Canada's Nuclear Industry. Appendix 1 attached includes a list of the Unions that are our members.

The CNWC submitted comments on the CNSC discussion paper DIS - !2 – 03 in 2012. Many of the issues we raised at that time are still contained in the current draft regulation.

The CNWC has reviewed the Draft Fitness for Duty Reg Doc 2.2.5. We have discussed the contents of this document with our member unions at the Nuclear Power Plants as well as our member unions in other licensed facilities.

Several of our member unions have also made submissions for this regulation and we are in full support of their views and concerns.

We have serious issues with the following areas of the draft regulation:

### **3.0 Programmatic Elements Applicable to the Broad Population**

#### **3.2 Fitness-for-duty program**

#### **3.4 General fitness-for-duty process**

#### **3.6 Behavioral observation**

##### **3.6.2 Supervisory awareness program**

It is our opinion that most of these measures are already in place in licensed facilities. Most of the programs that employers have in place in this regard have the support of the workplace unions. Unions support these programs and in most cases play a role in administering them.

#### **4.6.2 For-cause alcohol and drug testing**

**Licensees shall require all workers in safety-sensitive positions to submit to for-cause testing under reasonable grounds and post-incident circumstances.**

The work place Unions must be consulted in regards to which positions are designated as safety sensitive. Also some consistency must be established between licensees.

**Under reasonable grounds testing, workers in safety-sensitive positions shall be required to submit to for-cause testing when there is reasonable cause to believe, through observed behaviour, physical condition or after receiving credible information, that the individual for for-cause testing shall be independently verified by at least two is unfit to perform his or her duties, due to the adverse effects of alcohol or drug use. The grounds people (one of whom is the supervisor).**

For “for cause testing” very strong guidelines will be required which must be agreed to by the on - site Unions.

**Under post-incident testing, workers in safety-sensitive positions shall be required to submit to for-cause testing as soon as practical after a significant incident where a human act or omission by the worker may have caused or contributed to the event.**

In regards to post accident / incident testing where the worker or workers have not met the criteria for “for cause testing”. What will this accomplish? Workers will be reluctant to report accidents and or incidents because they know that they will be subject to D&A testing. Why is this? It is not that they are impaired but it is because they do not trust the test. The workers do not want to submit to this invasion of their privacy or the stigma associated with such testing.

#### **4.6.4 Random alcohol and drug testing**

**Licensees shall require all workers holding safety-sensitive positions to submit to random alcohol and drug testing. Licensees' sampling process used to select workers for random testing shall ensure that the number of random tests performed annually is equal to at least 25 percent of the safety-sensitive position population.**

Random drug testing is not necessary and will result in a deterioration of safety culture.

Random testing is not required as any issues will be handled by peers.

Workers in a nuclear power plant come into contact with many other workers prior to getting to their actual job position. For example, a worker will have contact with colleagues in the parking lot where he/she parks their vehicle. Many workers utilize a car pool program. In some incidences worker arrive at work in company buses. The point here is that any indication of impairment will be detected by co-workers who have received training in this regard. In addition, workers in general have sensitivities to altered behavior of their co-workers and even if not trained will be able to identify impairment.

The next step on the journey to work is the security process where workers are observed by a minimum of three Nuclear Security Officers. These Officers are trained to observe any inappropriate behaviors in this regard.

Finally the next step is a pre job briefing with their supervisor or a face to face during shift turnover. Again, another close contact with a trained worker.

The above presents many barriers. Workers believe that you are your brother's keeper. Workers do not want to have unfit workers on the job. The above process and personal contact is a very good human barrier. If random drug testing were introduced the above barriers, we suggest will be weakened as workers will believe that they do not have to be as vigilant in this area as the random D&A test will look after the issue.

NPPs have been operating in Canada for over 40 years why all of a sudden is this type of program required?

The Supreme Court of Canada has ruled that Random Drug and Alcohol testing is illegal in Canada in Communications, Energy, & Paper Workers Local 30 vs Irving Pulp & Paper Ltd – 2013 – 2 SCA 458.

We strongly encourage the CNSC to take the issues that we and other Unions have raised into consideration prior to finalizing the Fitness for Duty Regulation 2. 2. 4.

Respectfully submitted

David Shier

President CNWC

## **APPENDIX 1**

### **Canadian Nuclear Workers' Council Member Unions**

**International Association of Firefighters  
Local 160**

**International Association of Machinist & Aerospace Workers  
Local 608**

**International Brotherhood of Electrical Workers  
Local 37**

**Power Workers Union**

**Professional Institute of the Public Service of Canada (PIPS)  
CRPEG & WRPEG**

**United Steel Workers  
Locals 8914, 7806, 14193, 13713, 8562, 4096, 1568**

**Society of Energy Professionals**

**Society of Professional Engineers & Associates (Candu Inc)**

**Ontario Building & Construction trades Council**

**Grey Bruce Labour Council**

**Durham Region Labour Council**

**Northumberland Labour Council**

**International Union of Operating Engineers  
Local 776**

**International Union of Professional & Technical Employees Union  
Local 164**

**UNIFOR  
Locals 252- O, 599 -O, 48 - S, 524 - O**