



Canadian Union of Public Employees
Local 2

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Gaetano Franco
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John Melo
Secretary Treasurer
David Lamanna
Health & Safety

April 23, 2020

Dr. Eileen de Villa
Medical Officer of Health
Toronto Public Health
277 Victoria Street
Toronto, ON M5B 1W2

[Via Email \(publichealth@toronto.ca\)](mailto:publichealth@toronto.ca)

Dear Dr. de Villa

Re: Toronto Transit Commission Random Drug & Alcohol Testing Procedures and COVID-19

I write as the President of CUPE Local 2, which represents Cable and Telephone Technicians, Relay and Instrumentation Technicians, Radio Technicians, SCADA Technicians, CIS Technicians, Transit Control Technicians, Overhead Linepersons, Signal Technicians, Electricians, Substation Electricians, Power System Controllers, Assistants, and Senior Storepersons and Assistants employed by the Toronto Transit Commission.

As you are aware, numerous TTC workers have tested positive for COVID-19, including at least one member of CUPE Local 2. We remain concerned about the health and safety of our members as they continue to work and ensure the proper functioning of public transit in Toronto.

I am writing to you to raise an urgent concern about the TTC's decision to continue with random drug and alcohol testing of TTC employees, notwithstanding the dangers posed by COVID-19.

The TTC maintains a fitness for duty policy related to the impact of alcohol and drugs in the workplace. In addition to mandating drug and alcohol testing following safety incidents, or where actual impairment of a worker is suspected, the policy also includes random testing of all TTC employees.

CUPE Local 2 has heard reports from members that, notwithstanding the current COVID-19 pandemic, the TTC has decided to continue with random drug and alcohol testing, notwithstanding that such testing is contrary to statements from you and public health experts about the need to respect social distancing in order to decrease the risk of COVID-19 transmission.

Moreover, CUPE Local 2 has received information from members who have been subject to testing that the procedures currently being employed by the TTC are woefully inadequate from a public health perspective.

For example, between March 20th and April 15th, CUPE Local 2 members have experienced the following when required to submit to random drug and alcohol testing:

- A member who was located at the Mount Dennis garage was required to go to the TTC Hillcrest Complex (where there has already been a COVID-19 outbreak) for testing. She was transported in a van with two other TTC employees, which did not allow for social distancing.
- Testing in the Hillcrest complex has taken place in rooms that can only be accessed through narrow, busy corridors, which again does not allow for social distancing. One member reported passing by 5 other works in close quarters as they walked to the testing room.
- Testing frequently occurs in small rooms where it is not possible to practice social distancing with the official performing/supervising the test. Workers frequently reported standing less than 6 feet away from the tester for sustained periods of time. One worker reported having to stand less than one foot away.
- Workers are required to directly hand over oral fluid testing samples to test takers, as opposed to placing them in a receptacle and then stepping away before the test taker collects them.
- There have been a variety of troubling incidents related to the use of the breathalyzer test procedure. Some members had the instrument handled by the tester before being handed directly to the worker to hold while taking the test. The instrument was not disinfected at any point during the testing procedure, meaning that members had to handle equipment that the tester had already been handling.
- In another incident, the tester held the breathalyzer throughout the testing procedure. The result was that the member had to stand closer than one arm's length away from the tester for the entire procedure and place their mouth close to the tester's hand.
- In another incident, a member had difficulty installing the single-use mouthpiece into the breathalyzer. The tester took the mouthpiece from the member, installed it herself, and then handed it back to the member to use. As a result, the member was required to place her mouth directly on a tube that was no longer sterile as it had been handled directly by the tester.
- Similarly, one member reported that the tester opened the sealed packaging containing the single-use mouthpiece and handed it to the member. This again rendered the mouthpiece non-sterile.
- While some workers have been given an opportunity to wash their hands prior to starting the test procedure, several workers reported that they were directed into the testing room directly and did not have a chance to wash their hands with soap and water prior to testing.
- The level of PPE being worn by testers appears inconsistent. One worker reported that, in March, the tester was not wearing any PPE whatsoever.

We find these kinds of stories to be deeply troubling. In the context of a global pandemic, where social distancing is being urged on all members of the public, it is unacceptable for the TTC to require this kind of testing in circumstances where there is absolutely no basis to suspect any impairment on the part of workers. Even with a well-designed and adhered-to testing protocol, it appears that basic social distancing is not possible.

CUPE Local 2 members continue to work, rather than self-isolate at home. They know that this brings with it risks to themselves, their families and the broader public. They continue to work because of the critical role that they play in the continued operations of the TTC. Without the TTC, critical front-line workers like nurses would be unable to reach their own places of work.

While some risk is inherent in performing their duties, there is no possible justification for increasing the risk that CUPE Local 2 members face by exposing them to the problematic procedures used in random drug and alcohol testing. There is no justification for the kinds of procedures detailed above.

I therefore call upon you in your role as Medical Officer of Health for Toronto to advise the TTC to suspend its random testing program during the duration of the COVID-19 emergency.

Further, I call upon you to look into the TTC's testing protocols and how they have been implemented in practice. Your office should make it clear that the kinds of incidents detailed above are unacceptable and cannot be allowed to continue.

I look forward to your prompt response.

I also wish to take this opportunity on behalf of CUPE Local 2 members to thank you and your staff for their tireless efforts in responding to the current emergency.

Sincerely,

A handwritten signature in cursive script that reads "Gaetano Franco".

Gaetano Franco
President, Canadian Union of Public Employees, Local 2