



**For Action
with Confidential Attachment**

Fitness For Duty Grievance Update

Date: July 22, 2026
To: TTC Board
From: General Counsel

Reason for Confidential Information

This report is about litigation or potential litigation, including matters before administrative tribunals.

This report contains advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and/or litigation privilege.

Recommendations

It is recommended that the TTC Board:

1. Approve the Confidential Recommendation as set out in the Confidential Attachment 1; and
2. Authorize that the information provided in Confidential Attachment 1 is to remain confidential in its entirety as it contains advice which is subject to client-solicitor privilege.

Summary

On July 13, 2026, Arbitrator Trachuk released her decision allowing ATU Local 113's policy grievance that challenged the TTC's implementation of random drug and alcohol testing under the TTC's Fitness for Duty Policy. In addition to the policy grievance there were eight test cases and Arbitrator Trachuk ordered the reinstatement of all eight grievors.

Background and Analysis

This report provides update and impact based on the Arbitration Decision.

In 2010, the TTC implemented a Fitness for Duty Policy that included testing for reasonable cause, post-incent, certification and monitoring. The 2010 Fitness for Duty Policy expressly reserved the right for the TTC to introduce a program for random drug and alcohol testing

In 2016, Staff brought a further report to the Board recommending introduction of the random testing of the Fitness for Duty Policy. The random testing program was adopted by the TTC Board in 2016 as a key component of the TTC's Fitness for Duty Policy and commitment to workplace and public safety. Random testing commenced in May 2017.

The TTC has been engaged in a grievance arbitration with ATU Local 113 regarding the Fitness for Duty Policy since 2011. The Union initially took the position that the TTC did not have a right to introduce any drug or alcohol testing for employees, and the matter was referred to grievance arbitration in the normal course. Issues relating to random testing were added to the grievance.

As a result of an illness of the initial arbitrator appointed to hear the grievance, in 2019, the parties agreed on re-starting the hearing with a new arbitrator. Many of the initial issues raised in the grievance were resolved by the parties, with the exception of the use of random testing, the use of oral fluid testing, the cut-of levels with respect to random, post-incident and reasonable cause testing and safety flags for blood alcohol readings between 0.02% and 0.039%.

On July 13, 2026, Arbitrator Trachuk issued her decision allowing ATU Local 113's policy grievance that challenged the TTC's implementation of random drug and alcohol testing under the TTC Fitness for Duty Policy.

Additional information, including potential next steps, is set out in the Confidential Attachment 1.

Diversity, Equity and Inclusion Matters

There are no accessibility or equity issues associated with this report.

Financial Impact

Additional financial details have been included in Confidential Attachment 1.

The Interim Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Contact

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Attachments

Attachment 1 – Confidential Attachment