



For Action with Confidential Attachment

Fitness For Duty Grievance Update

Date: August 5, 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.

This report provides an update on the Arbitration Decision and next steps.

Background and Analysis

This report provides additional information following the July 22, 2026 Board meeting regarding TTC's Fitness for Duty Policy and the recent arbitration decision.

The TTC implemented its Fitness for Duty Policy in 2010, establishing drug and alcohol testing for reasonable cause, post-incident, certification, and monitoring, while expressly reserving the right to introduce a program for random drug and alcohol testing. In 2016,

staff recommended the addition of random testing as a further measure to support the TTC's commitment to workplace and public safety, and the Board approved the program. Random testing commenced in May 2017.

Since 2011, the TTC has been involved in a grievance arbitration with ATU Local 113 regarding the Fitness for Duty Policy and the TTC's authority to conduct drug and alcohol testing. Following the appointment of a new arbitrator in 2019, the parties resolved many of the original issues, leaving outstanding matters related to random testing, oral fluid testing, testing cut-off levels, and safety flags for certain blood alcohol readings. On July 13, 2026, Arbitrator Trachuk issued a decision allowing the Union's policy grievance challenging the TTC's implementation of random drug and alcohol testing.

Additional details on the decision and potential next steps are provided in 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