

5.4 DRUG TESTING

An obvious instance of the pressure for policy harmonization is demonstrated by the application of U.S. drug testing laws in Canada. The United States has instituted mandatory random drug tests for employees in safety-sensitive transportation jobs. These include rail, truck and bus drivers; airport and airline maintenance workers and pilots; and people in the marine and pipeline industries.

Many Canadians view such mandatory testing as a threat to their basic human rights, and Canada has not instituted such programmes. However, open borders for transportation workers and maintenance personnel means that Canadian companies wanting to do work in the United States, or to do work for U.S. transport companies operating in Canada, will have to subject their Canadian personnel to the testing programmes.

For example, in May, 1989 U.S.-based Northwest Airlines notified Air Canada, which performs maintenance work for Northwest in Winnipeg, "that failure to comply with the regulations will mean that Northwest Airlines will no longer be able to use your services to perform maintenance work after June 29, 1989"¹²⁹. While this matter has been referred to the Commission for resolution, the regulations were slated to be enforced beginning January 1, 1990.

Even though there has been some resistance to enforcing these new regulations in the United States itself, Canadian firms which do not make themselves subject to the new rules will clearly lose business. While Canadians still will have a right not to subject themselves to U.S. drug testing laws, they may also be prevented from operating commercial transport vehicles and pipelines in the United States and performing maintenance work on U.S. vehicles and aircraft.

There always has been pressure on companies interested in doing business outside their own country to adopt the practices and procedures of their customers. However, as the Canadian economy becomes more and more closely integrated with that of the United States, pressures to harmonize policies and procedures will also increase. If companies, countries, or people wish to continue to do business in this highly integrated setting -- on this single playing field -- the question to be answered is not whether to harmonize, but how.

¹²⁹ Cited in CLC, *Tradewatch*, 1(2) May 1989.