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**From:** [personal information redacted]  
**Sent:** July 2, 2020 10:06 AM  
**To:Subject:** Consultation (CNSC/CCSN)  
**Attachments:** Submission on feedback for RegDoc 2.2.4 v. II  
PWU\_ CNSC\_ PWU Submissions on feedback to RegDoc 2.2.4 v II\_ Jul 2 2020.pdf

Dear CNSC:

I enclose the Power Workers' Union's submissions on the feedback received by the CNSC in respect of RegDoc 2.2.4, vol II. Thank you.

**Emily C. Lawrence**

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## **SUBMISSIONS OF THE POWER WORKERS' UNION ON THE FEEDBACK RECEIVED BY THE CANADIAN NUCLEAR SAFETY COMMISSION ON THE DRAFT REGULATORY DOCUMENT 2.2.4 VOL II**

**July 2, 2020**

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## **FURTHER SUBMISSIONS OF THE POWER WORKERS' UNION**

The Power Workers' Union ("PWU") has reviewed the feedback received by the CNSC from Ontario Power Generation, Bruce Power, Canadian Nuclear Laboratories and New Brunswick Power (the "Employers"), the Society, and Draeger Safety Canada in respect of the draft revised Regulatory Document 2.2.4 volume II ("RegDoc").

The PWU agrees with the Employers that the Canadian jurisprudence requires that the RegDoc, and the Employers' fitness for duty policies which are to be promulgated pursuant to the RegDoc, be reasonable and constitutional, and in particular, that the testing methodology and cut-off standards found in the RegDoc must strike a reasonable balance between workers' individual rights and a legitimate objective of ensuring safety from an unacceptable risk of impairment in the workplace.

As set out in past submissions, the PWU does not agree that drug testing is necessary, and submits that some aspects of the CNSC's proposed drug testing regime are unconstitutional. Further, for the proposed oral fluid testing, the PWU does not agree that a testing cut-off of 10ng/ml for cannabis will be directly correlated to impairment.

However, the PWU does agree with the Employers that the cut-off levels proposed by the CNSC in the RegDoc are not reasonable, constitutional, or legally defensible, and notes the issues the Employers have raised regarding the use of Health Canada approved-POCT devices. The PWU reiterates that the 25ng/ml threshold as used in Canadian driving offences is the appropriate threshold that should be adopted.



The PWU appreciates the opportunity to respond to the feedback received by the CNSC.