

Process for Investigating and Reviewing Collection Site Complaints

For the purposes of this document:

- a) A Third Party Administrator (“TPA”) is an organization that provides services including alcohol testing and sample collection for drug testing.
- b) A “Business Day” is defined as Monday to Friday, and excludes General Holidays.

Representatives of the BTA and the Coordinating Committee (CC) will confer with union representatives and representatives of collection sites to determine ways in which the possible time requirements and the collection processes, including the “shy bladder process”, can be clearly communicated to workers, prior to them attending at the TPA collection sites, and prior to them checking into collection sites. This will include information on the respect in the workplace policy and the cooperation with the collection process expected of the worker.

1. A worker, for whom a sample collection attempt has been incomplete or determined to be a refusal to test, may register a complaint with his or her Union. The complaint must be registered within one business day of the incomplete collection attempt. The worker shall explain the reasons for the complaint and the worker’s view of the collection attempt experience.	Day 1 Worker contacts Union representative and registers complaint within one business day of incomplete collection.
2. The worker shall, at the time he or she registers the complaint, complete a consent form acceptable to the TPA, (<i>see Step 3 below for contact information</i>) consenting to the release of the documentation prepared by the TPA or its agent pursuant to the <i>Canadian Model v. 5.0</i> , Appendix A, II-10 or III-11 to the representative of the Union and to the representative of the Employer. This may include the Custody and Control Form (CCF) and/or the Memorandum for Record (MFR). The worker shall provide to the Union representative his or her phone number or other information to enable the Union representative to promptly contact the worker while investigating the complaint.	Day 1 Worker requests consent to release of documentation (CCF and/or MFR) form from TPA. Worker provides signed consent form to Union representative.
3. The representative of the Union shall, within one business day, file the consent form with the representative of the TPA and request the documentation referred to in 2 above. The TPA shall within one business day, acknowledge the request and provide the requested documentation to the representative of the Union. a. Cann Amm - Rene Boisvert Phone: 1-800-440-0023 Fax: (780) 413-0525 b. Driver Check – Connor Page Phone: 1-800-463-4310 Fax: (519) 632-9534 c. Surehire – Chelsea Stern Phone: 1-866-944-4473 Fax: 1-888-744-1261	Day 2 Union files worker’s signed consent with the TPA to allow for release of documentation. Day 3 TPA provides requested documentation to Union

4. Upon receipt of the documentation, the union representative shall review the documentation and interview the worker. If the Union representative concludes that there is substance to the worker's complaint, the Union representative shall forward the TPA documentation to the representative of the Employer, within one business day of the receipt of the documentation.	Day 4 If complaint remains unresolved the Union forwards all documentation to Employer representative.
5. The Union and Employer representatives shall discuss the matter and attempt to agree on a mutually satisfactory resolution of the complaint. If they fail to do so within one business day of the receipt of the documentation by the Employer, the Union representative shall notify Warren Fraleigh (780 421-9400) of the BTA (David Estabrooks as alternate) and Joe McFadyen (780 451-5444) of the Coordinating Committee (Neil Tidsbury as alternate) of the complaint and request an independent review.	Day 5 If complaint is unresolved the Union and Employer will notify the CC and BTA representatives requesting independent review.
6. The BTA and Coordinating Committee representatives shall, within one business day, refer the complaint to a reviewer, selected from a list of agreed independent reviewers (see Schedule 1), who shall promptly inquire into the matter. In addition to reviewing the documentation, the inquiry may include interviewing the worker, and interviewing a representative of the TPA (<i>as per contact information in Step 3 above</i>), and such other investigation as the reviewer deems appropriate.	Day 6 CC and BTA representatives select independent reviewer from list of independent reviewers.
7. The independent reviewer shall, within one business day of receiving the complaint reference, report to the Union representative and the Employer representative the results of the inquiry and the resolution recommended by the reviewer. The reviewer may recommend that a determination of a refusal be confirmed, or that the worker forthwith submit to another drug test. The reviewer may make other recommendations respecting resolution of the matter.	Day 7 Independent reviewer releases report to Employer and Union representatives, report outlines recommendation to Employer.
8. A copy of the reviewer's report, with identification of any person including the complainant redacted, shall be filed with the designated representatives of the BTA and of the Coordinating Committee.	Day 7 Reviewer also files report with CC and BTA representative.
9. Through this process, complaints respecting the interactions between the worker and personnel at the TPA collection site may be reviewed. Determinations by the TPA personnel respecting sample authenticity (odor, colour, appearance, temperature) and sample quantity are not reviewable.	
10. The independent reviewer's account, including fees agreed with the BTA and Coordinating Committee and expenses incurred in the conduct of the inquiry, will be equally borne by the BTA and the REO of the subject Employer.	

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| <p>11. Each Union shall maintain records in respect to every complaint received (including complaints respecting sample authenticity and quantity determinations as well as collection site interactions). The date of each complaint, the reason for or subject of the complaint, the name of the TPA service provider and the location shall be documented. The BTA shall survey the Unions quarterly for such information, and representatives of the BTA and of the Coordinating Committee shall jointly review this information promptly after each quarterly survey.</p> |
| <p>12. This process shall be implemented on a date mutually agreed between the BTA and the Coordinating Committee, and shall be continued as a pilot for 6 months. Representatives of the BTA and of the Coordinating Committee shall monitor the process, and shall then determine whether the process shall be continued, modified, or discontinued thereafter.</p> |