

CANADIAN HUMAN RIGHTS TRIBUNAL TRIBUNAL CANADIEN DES
DROITS DE LA PERSONNE

PETER OPDENVELDE,

KATHERINE MAYHEW

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

BREWSTER TRANSPORT COMPANY LIMITED

- and -

AMALGAMATED TRANSIT UNION, LOCAL 1374

Respondents

RULING ON COMPLAINTS
PURSUANT TO SECTIONS 7, 9 AND 10

MEMBER: Michel Doucet

2004 CHRT 25

2004/07/20

[1] The complaint of Peter Opdenvelde dated August 10, 2001, pursuant to section 7 of the Canadian Human Rights Act, against Brewster Transport Company Limited is adjourned *sine die*.

[2] The complaint of Katherine Mayhew dated June 1, 2002, pursuant to section 7 of the Act, against Brewster Transport Company Limited and the complaint of Katherine Mayhew, dated June 1, 2002, pursuant to section 9 of the Act against the Amalgamated Transit Union, Local 1374, are adjourned *sine die*.

[3] It is admitted by all of the parties that there is a *prima facie* case of discrimination in relation to the section 10 complaints of Peter Opdenvelde, dated August 10, 2001, against Brewster Transport Company Limited and of Katherine Mayhew against Brewster Transport Company Limited and against the Amalgamated Transit Union, Local 1374.

[4] It is admitted by all the parties that the Alcohol and Drug Use Policy of Brewster Transport Company Limited with the attached addendum containing amendments to the Policy represents a *bona fide* occupational requirement under section 15(1)a) of the Act.

[5] It is therefore the opinion of this Tribunal that, under these circumstances, the Alcohol and Drug Use Policy of Brewster Transport Company Limited with the attached addendum containing amendments to the policy complies with the Canadian Human Rights Act.

Signed by

Michel Doucet

OTTAWA, Ontario

July 20, 2004

PARTIES OF RECORD

TRIBUNAL FILES NOS.:	T837/8703, T872/12203, T873/12303
STYLE OF CAUSE:	Peter Opdenvelde v. Brewster Transport Company Limited Katherine Mayhew v. Brewster Transport Company Limited Katherine Mayhew v. Amalgamated Transit Union, Local 1374
DATE AND PLACE OF HEARING:	July 15, 2004 Ottawa, Ontario Toronto, Ontario (via videoconference) Calgary, Alberta (via videoconference)
RULING OF THE TRIBUNAL DATED:	July 20, 2004
APPEARANCES:	
Peter Opdenvelde	On his own behalf
Katherine Mayhew	On her own behalf
R. Daniel Pagowski	Counsel for the Canadian Human Rights Commission
Heather Treacy	Counsel for Brewster Transport Company Limited
Sylvia Davis	Counsel for the Amalgamated Transit Union, Local 1374