

ICBC, union at odds over ban on lunchtime drinking

BY RANDY SHORE, VANCOUVER SUN MARCH 23, 2010

The Insurance Corp. of B.C. has banned its employees from using alcohol during working hours, but the union representing many of ICBC's workers is defending their right to a pint with lunch.

The provincial Crown corporation has issued a directive to all employees forbidding the consumption of alcohol on the job, even during unpaid meal breaks. But that's where the Canadian Office and Professional Employees local 378 draws the line.

"We don't object to ensuring that [union] members aren't under the influence at work. We've worked with ICBC and other employers on vigilance around alcohol in the past" COPE 378 spokesman Mike Bruce said.

"It's a concern that the policy intrudes on employees' private time."

Because unionized employees do not get paid for their lunch breaks, COPE 378 considers that the company "should have no jurisdiction or interest" over private time, says the union response, issued last Friday.

"We don't want anyone to get blasted at lunch and go back to work - - that's deserving of discipline -- but on a Friday afternoon some people might want to have a beer with lunch," Bruce said. "We are concerned that this gives [the company] a bit too much arbitrary

authority."

The rules added to the ICBC corporate policy guide specifically prohibits employees from drinking on their lunch hours, bans the purchase of alcohol at the company's expense unless authorized by a company vice-president, and directs employees to either abstain from alcohol or drink responsibly at events sponsored by the corporation. ICBC provides free taxi vouchers to employees who drink at its corporately sponsored events.

ICBC spokesman Mark Jan Vrem called the directive a "clarification" of existing policy to answer employee questions concerning expectations for their conduct in the office and at sponsored events.

"The policy removes any ambiguity concerning the consumption of alcohol during the workday and that includes paid or unpaid breaks," Jan Vrem said. "I think our customers have an expectation that our employees will be clear-headed and not under the influence of alcohol. We take the position that any amount of alcohol will not improve an employee's judgment."

Violations of the policy would be treated as a disciplinary matter, likely resulting warning.

COPE is concerned that the directive includes ICBC-sponsored events, "which could include a barbecue on the weekend," Bruce said.

The union has instructed its members to use the grievance process if they believe their rights are infringed by company action.

Employment lawyer Simon Kent said he has never come across a

company with an absolute ban on alcohol consumption during office hours and expressed doubt about the enforceability of such a ban, "especially when alcohol is legal."

"I think there is an implied agreement between employees and employers that you won't be intoxicated in the workplace," he said. "The better question is, what happens if I drink one beer? There is a big difference between what one drink will do to a 95-pound woman and a 300-pound man. One may be intoxicated, the other not."

"The policy may be well-meaning but I'm not sure how enforceable and how fair it is," Kent said. "I don't think it would stand up in court as a for-cause dismissal."

Employees of BC Hydro, also a Crown corporation, are banned from consuming alcohol during the workday.

rshore@vancouver.sun.com

© Copyright (c) The Vancouver Sun