Circumstantial Evidence Enough to Prove Worker Smoked Pot at Work



If you don't think drug testing is important for enforcing a substance abuse policy, consider this case involving a grocery worker accused of smoking pot in a meat freezer while on break. Since there was no testing, the crucial question was whether or not she actually did it. The employer relied on circumstantial evidence: The worker was in the meat freezer even though she didn't belong there. And when she left, the freezer smelled of pot, which wasn't the case before she entered. But thin as it was, this evidence was enough to persuade the Saskatchewan arbitrator that the employer had just cause for discipline. And the 10-day suspension it handed down was a reasonable penalty for the offence, the arbitrator concluded [*United Food and Commercial Workers, Local 1400 v Saskatoon Co-operative Association Limited*, 2020 CanLII 78470 (SK LA), October 15, 2020].