

# Complaint Against Union over Drug Test Dismissed Due to Filing Delay



A foreman asked a worker to take a drug test after smelling marijuana on him. The worker took the test, which was positive for marijuana, codeine and morphine, and was suspended for three months and later fired. He told his union rep he wanted to challenge the drug test because he had a prescription for medical marijuana. Given that several people said they smelled marijuana on the worker that morning, the union refused to challenge the test. So the worker claimed the union failed to fairly represent him. The Labour Relations Board explained that the worker had 30 days to file his complaint against the union. But he waited over five months to do so. Because there was no extenuating circumstances justifying this delay, the Board dismissed his complaint [[\*Complainant v. International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local Lodge No. 146\*](#), [2014] CanLII 2050 (AB LRB), Jan. 20, 2014].