

# Employer Couldn't Prove Worker Was Responsible for Pot Smell in Office



A foreman entered the dock office of a bulk terminal and smelled marijuana. The only person inside was a deep sea labourer. After the head foreman confirmed the smell, the labourer was fired and suspended from working for the BC Maritime Employers Association for 30 days. The arbitrator accepted the foremen's belief that the office smelled of marijuana. But the labourer denied smoking pot at or before he got to work and wasn't acting suspiciously. And no one searched him or his car for drugs or paraphernalia. So the arbitrator ruled that the evidence failed to prove that pot smell was attributable to the labourer and rescinded the discipline [[BC Maritime Employers Association v. International Longshore and Warehouse Union, Canada](#), [2012] CanLII 5484 (BC LA), Jan. 23, 2012].