

Excessive to Fire Worker for Positive Drug Test after Minor Safety Incident



A worker slipped and fell into a trench and onto a co-worker. Neither was injured. The worker was told to take a post-incident drug test, which came back positive for marijuana. His supervisor and a committee recommended a five-day suspension, but the company CEO fired the worker. The union filed a grievance. An arbitrator found that the company's drug and alcohol policy was reasonable and it was justified in asking the worker to be tested after the minor incident. The positive test result violated that policy. But the worker admitted using marijuana recreationally and took responsibility for his conduct. The arbitrator concluded that automatic termination for a positive result due to recreational drug use was unreasonable and inappropriate in these circumstances. So it ruled that although discipline was justified, termination was excessive [*EPCOR Utilities Inc. v. Canadian Union of Public Employees, Local 30*, [2016] CanLII 66181 (AB GAA), Sept. 5, 2016].