

# Failed Drug Test ? Grounds to Fire since Post-Incident Testing Was Unwarranted



A Helicopter Landing Officer on an offshore platform was fired for failing a post-incident alcohol and drug test. The union cried foul. The union had negotiated and thus accepted the policy of testing employees after a 'significant safety incident;' nor did the union object to management's discretion in determining what constituted a 'significant safety incident' triggering post-incident. Its contention was that management abused its discretion by testing after everything, essentially turning the for-cause into a random testing policy. The arbitrator agreed and reinstated the Officer. The appeals court found the arbitrator's ruling reasonable and refused to overturn it [[\*Hibernia Platform Employers' Organization v. Communications, Energy and Paperworkers Union of Canada\*](#), Local 2121, 2018 CanLII 35 (NL SCTD), Jan. 3, 2018].