

# Failing Drug Test Isn't Just Cause to Terminate but Cheating on Test Is



A truck driver with a penchant for speeding took a corner too fast, lost control of her vehicle and drove into a ditch. The for-cause drug test she had to take as a result came back positive for marijuana. After confirming that she wasn't an addict, the company fired her. The arbitrator upheld the decision. The positive test didn't prove the driver was impaired *at the time of testing*. But the nail in the coffin wasn't the test results but the evidence that the driver got a substitute urine sample. And cheating on the drug test was just cause to terminate, the arbitrator ruled [*Gilbert and D & D Energy Services Ltd., Re*, 2017 CarswellNat 2499 (Can. Lab. Code Adj.)].