

# Fired Engineer with Alcohol Dependency Gets His Job Back



An engineer tested positive for alcohol after his locomotive collided with a vehicle. The union didn't deny the engineer was impaired on the job but claimed that termination was too harsh and violated his right to accommodations under human rights laws. Dismiss the case, the employer urged, but the arbitrator refused finding that the union had produced enough evidence to make out a preliminary, i.e., *prima facie* case for discrimination. The engineer had a disability 'alcohol addiction' and that disability factored into the decision to fire him. So, the arbitrator reinstated the engineer, provided that he promised to stay clean, submit to drug and alcohol testing and get clearance from the employer's doctor before returning 'preferably to a non-safety-sensitive position [[Canadian Pacific Railway v Teamsters Canada Rail Conference](#), 2019 CanLII 8545 (CA LA), Feb. 15, 2019].