

# Firing of Allegedly Drunk Worker Without Full Investigation Was Excessive



A lead hand and forklift driver was fired for being drunk at work. He'd previously been disciplined for being intoxicated on the job. The union challenged the discipline as excessive. The arbitrator noted that the worker's position was clearly safety sensitive and the employer's policy said proven workplace drug or alcohol use will result in termination. But although there was clear evidence that the worker had been drunk the first time he was disciplined, the evidence was lacking as to his intoxication the second time. The employer didn't conduct a full and fair investigation of his condition before firing him. So the arbitrator ordered the employer to reinstate the worker [*Chep Canada Inc. v. Communications, Energy & Paperworkers Union, Local 2003 (Nagra Grievance)*, [2012] O.L.A.A. No. 449, Sept. 4, 2012].