Firing of Truck Driver for Refusing Post-Incident Drug/Alcohol Test Upheld



A truck driver was fired after refusing to submit to a drug and alcohol test after a safety incident involving his truck. He sued for wrongful dismissal. An arbitrator found that the driver's position was a safety-sensitive one. He was aware of the company's drug and alcohol policies, which provided for termination upon refusal of a test. And after several recent incidents, the company had held a meeting that stressed the need for safety and warned that incidents would result in drug and alcohol testing. After the driver's incident, it was 'reasonable and prudent' for the company to ask him to be tested, said the arbitrator. But he refused and didn't indicate why. As there were no extenuating circumstances that would justify his refusal, the arbitrator concluded that termination was warranted [*Mielke v. Entrec Corp.*, [2015] C.L.A.D. No. 272, Nov. 30, 2015].