

Labourer's Conduct as to Drug & Alcohol Test Justified His Firing



A labourer was careless in moving a heavy and expensive toolbox with a forklift. The toolbox fell and was destroyed. The employer told the labourer that he had to submit to a drug and alcohol test. He initially refused but then agreed to take it the next day. At the lab, he was obnoxious, obscene, belligerent and aggressive, causing the lab workers to fear for their welfare. And he tried to sabotage the tests. So he was fired. The arbitrator upheld his termination. The labourer's conduct was so offensive, an embarrassment to the employer's representatives who were with him at the lab and detrimental to the employer's image, that the employment relationship couldn't be restored. In short, no employer should have to tolerate the kind of conduct he displayed, concluded the arbitrator [*Finning (Canada) v. International Association of Machinists and Aerospace Workers, Local Lodge 99*, [2012] CanLII 12066 (AB GAA), March 3, 2012].