

# No Proof Bartender's Firing Was Due to His Alleged Use of Medical Marijuana



A bartender claimed that he was fired after he was caught smoking marijuana while on shift. He said that he used the medical marijuana to deal with chronic pain and thus his firing was disability discrimination. The bar claimed that he was fired for poor work performance and attitude, irreconcilable conflicts and inappropriate conduct toward female employees. The Human Rights Tribunal found that there wasn't a link between the bartender's alleged chronic pain and his use of marijuana. In fact, the evidence showed that the degenerative disc disease that was the cause of his pain was diagnosed only two days *after* his termination. Moreover, the bar wasn't aware he had such a disease or chronic pain condition or that he used marijuana as a medical necessity to manage pain arising out of his alleged disability. So the Tribunal dismissed the lawsuit, ruling that the bartender had no reasonable prospect of proving a nexus between his alleged disability and his firing [[\*Burton v. Tugboat Annie's Pub\*](#), [2016] BCHRT 78 (CanLII), June 24, 2016].