

OK Not to File a Grievance after Worker Fired for Not Giving Urine Sample



An apprentice millwright was driving co-workers and tools at a job site when he drove around a fuel truck in his path, hitting it with the vehicle's beacon. A foreman told him to write up a statement about the incident. He was also asked to provide a urine sample for drug and alcohol testing, but he refused. So he was fired. When the union refused to file a grievance on his behalf, the millwright filed a complaint against it. The Labour Relations Board found that the union's decision wasn't arbitrary or made in bad faith. The union had reasonably concluded that a grievance would fail because the employer's policy was clear that refusing to provide a urine sample after an incident or near miss would result in termination [*PCL Energy Inc. (Re)*, [2014] S.L.R.B.D. No. 26, Oct. 10, 2014].