

OK to Fire Driver for Concealing Sleep Disorder and Cannabis Use



A bus driver who fell asleep at the wheel was fired for not disclosing his sleep problems and the fact he smoked pot to treat them on his pre-employment medical questionnaire. While not denying the allegation, the union grieved claiming the termination letter was too vague as to the reasons for firing. The federal arbitrator pooh-poohed the argument, finding the termination letter adequate. And even if it wasn't, the driver's concealment of his sleep and drug issues was grounds for finding that he was hired under false pretenses and that his employment contract was null and void [*Outaouais Transportation Corporation (STO) c United Transportation Union (Unit 591)*, 2019 CanLII 49260 (CA SA), May 31, 2019].