OK to Fire Engineer for Using Cocaine While Operating Train



An engineer had to take a drug test after driving his train off the rails. The test came back positive for cocaine and the engineer was fired. A long legal battle ensued with the union contending that the engineer had a drug dependency and that the railroad violated his right to accommodation by firing him. But the federal arbitrator didn't buy it. The medical evidence of dependence, namely, a doctor's note referring to the engineer's 'problem,' was thin and suggested that he was actually a casual user. As a result, the case was a disciplinary rather than disability discrimination matter and the engineer's operating a train while impaired by cocaine was just cause to terminate [*Teamsters Canada Rail Conference v Canadian Pacific Railway,* 2019 CanLII 89682 (CA LA), September 22, 2019].