

# OK to Fire Worker for Using Company Equipment to Buy Pot while Working



A worker was arrested on the job for possessing marijuana. During the employer's investigation, the worker admitted smoking marijuana daily during work hours and said he'd used a city truck to go to the location where he'd bought the pot. He also claimed he was addicted to marijuana. The city fired him. The union argued disability discrimination. The arbitrator concluded that, based on all of the evidence, the worker didn't prove that he had a drug addiction. And given that he was purchasing drugs while working and had been operating the employer's equipment while apparently under the influence of marijuana—thus endangering his coworkers and the public—termination was justified [*City of Ottawa v. Ottawa-Carleton Public Employees Union, Local 503 (Lavoie Grievance)*, [2011] O.L.A.A. No. 582, Dec. 7, 2011].