

OK to Fire Worker Who Caused Accident While under Influence of Cocaine



A worker for a coal mine, a safety-sensitive workplace, got into an accident while operating a vehicle on a work site. He admitted being sleepy at the time due to his use of cocaine the previous night. His employer fired him. The worker claimed disability discrimination based on his cocaine addiction. The court noted that the worker didn't inform the employer of his alleged drug addiction until *after* the accident. In fact, there was no proof the worker was actually addicted to cocaine. The court rejected the argument that the worker was in 'denial' about his addiction, which excused his failure to seek assistance from the employer, adding that this excuse 'amounts to a suggestion that even an employee in a highly safety sensitive position who knows precisely what he is doing can unilaterally and in a secretive manner disregard the profound safety obligations of his employment.' In short, the employer fired the worker not because of his addiction but because he violated its drug and alcohol policy by being involved in a 'significant event' while under the influence of drugs on the job. Thus, the court upheld the worker's termination [*Stewart v Elk Valley Coal Corp.*, [2015] ABCA 225 (CanLII), June 30, 2015].