

# OK to Require Medical Exam of Marijuana User's Fitness for Safety-Sensitive Job



An energy company required safety-sensitive workers to pass pre-assignment drug testing before letting them work at the refinery. The company learned that a journeyman electrician the union sent to the site used medical marijuana. So, it asked him to see a company doctor to determine his fitness to perform safety-sensitive work. At the union's insistence, he refused. Fine, then you can't take the pre-assignment drug test, the company responded. The company's position violated neither the collective agreement nor human rights laws, the Saskatchewan arbitrator ruled. The electrician's marijuana use gave the company 'reasonable and probable grounds' to suspect he was unfit for the job and require a medical assessment, noted the arbitrator, citing its 'overarching statutory [and collective agreement] obligation' to ensure the health and safety of all its workers [*International Brotherhood of Electrical Workers, Local 2038 v PCL Intracon Power Inc.*, 2021 CanLII 86790 (SK LA), August 31, 2021].