

# Smell of Pot in Truck Wasn't Enough to Require Laborer to Take a Drug Test



A supervisor thought he smelled marijuana in a city truck in which a laborer was the passenger. He asked the laborer to take a drug test. The laborer refused, saying he smoked pot outside of work. As a result, the city suspended and then fired him. An arbitrator ruled that the city didn't have just cause to fire the laborer and ordered it to reinstate him, so the city appealed. The court noted that city policy permitted drug tests when a supervisor had reasonable cause to believe a worker was using drugs. Here, the supervisor merely thought he smelled pot in the truck and that observation alone wasn't enough to justify a request for a drug test [[\*Halifax \(Regional Municipality\) v. Canadian Union of Public Employees, Local 108\*](#), [2013] NSSC 164 (CanLII), May 28, 2013].