

Worker Fired for Absences and Pot Possession Reinstated with Conditions



An employer fired a worker for excessive absences and violating a last chance agreement regarding his drug use. A week later, the employer found a bag of marijuana in the employer's work locker and issued him a second termination letter. The union challenged both terminations. An arbitrator found that the employer failed to investigate whether it could accommodate the worker's disability, i.e., his drug addiction. As to the marijuana, the arbitrator accepted the worker's claim that it'd been in his locker for three years and he'd forgotten about it. The arbitrator ordered the worker to be reinstated subject to a two-month suspension for the marijuana possession, ongoing consultations and drug screenings, and accommodation of the worker's methadone treatment [*United Steelworkers, Local 7085 v. Glencore Canada Corp.*, [2015] CanLII 66238 (NB LA), Oct. 15, 2015].