

Workers Fired for Having Marijuana Plants at Work Are Reinstated



Two workers for a production facility left the building and went to the parking lot, which is on company property. One worker removed a bag containing two marijuana plants from his car and gave them to the other worker. Both returned to the facility, where the worker with the bag concealed it in an area that wasn't in use. A supervisor discovered the plants. After viewing security tapes, the company fired both workers for violating policy that barred employees from possessing illegal substances on company property. The union filed a grievance. The arbitrator acknowledged that workplace use or possession of any intoxicant or mind altering substance can and should be prohibited. But the workers weren't high and, in fact, the marijuana plants weren't in a consumable form at the time. So the arbitrator ordered the workers' reinstatement on the condition that if either was found in possession of illegal drugs in the workplace within the 24 months following reinstatement, he may be automatically terminated [[THK Rhythm Automotive Canada Limited v. Thompson Products Employees' Association](#), [2016] CanLII 34688 (ON LA), June 8, 2016].