

Hi-Rail Truck Incident Doesn't Justify Reasonable Cause Drug Testing



A railway fired a driver for refusing to take a reasonable cause drug test after running his hi-rail truck through a switch. The union claimed that the railway didn't have grounds for testing since the driver was just following the foreman's orders to proceed and wasn't at fault. It demanded reinstatement, \$50,000 in damages and an apology. The federal arbitrator said yes to the first demand. The incident wasn't serious enough to justify testing since there were no fatalities, serious injuries, significant loss or damage to equipment or environmental implications. And since there were no grounds for testing, there were no grounds for disciplining the driver for refusing the test. However, the arbitrator declined to award the driver damages or order the railway to issue a written apology [[IBEW, System Council No. 11 v Canadian Pacific Kansas City Railway](#), 2024 CanLII 60992 (CA LA), July 3, 2024].

Action Point: Find out [how to create a legally sound drug testing policy](#) at your workplace