No Duty to Accommodate Drug Addiction that Employer Didn’t Know About



The employer knew a railway worker was struggling with personal issues and undergoing counseling via the company’s employee assistance program. But it didn’t know about his substance addiction until he actually tested positive for cocaine after his admitted impaired driving caused him to run his on-track hi-rail pickup truck into an excavator. At least that’s the version of events the federal arbitrator believed in upholding a 30-day suspension for the incident. And because the employer didn’t know of his drug addiction at the time of the suspension, it had no duty to accommodate him [*Canadian Pacific Railway v Teamsters Canada Rail Conference –Maintenance of Way Employees Division*, 2022 CanLII 34402 (CA LA), April 28, 2022].