OK to Apply Zero-Tolerance Policy to Legal Use of Medical Marijuana



An air ambulance provider unilaterally adopted a zero-tolerance policy for cannabis use by safety-sensitive employees. What irked the union wasn't so much the policy itself, but the employer's insistence on applying it to an aircraft maintenance engineer who legally used medical marijuana for his anxiety disorder. The federal arbitrator ruled that the policy and its application to the engineer was reasonable and nixed the grievance. Zero tolerance wasn't intended to punish but ensure that the highly safety-sensitive work be done "with the highest possible level of competence, skill, and attention." The arbitrator also noted that the policy included provisions to encourage and help employees who came forward to voluntarily disclose their problems with drugs and alcohol [*Ornge Air v Office and Professional Employees International Union*, 2021 CanLII 126376 (CA LA), December 7, 2021].