OK to Fire Worker for Using Cocaine & Marijuana



The operator of a loader had to submit to post-incident drug testing after getting into a minor accident at work. The test came back positive for cocaine. The operator admitted to prior crystal meth and marijuana use and to using cocaine on his days off. But he claimed he was an addict; and since addiction is a “disability” under human rights laws, he challenged his termination as discrimination. But the Tribunal threw out the case. The operator made rational choices about his drug use and wasn’t an addict, it found. So firing him for violating the company drug policy was okay [*Bish v. Elk Valley Coal Corp.*, [2012] AHRC 7 (CanLII), June 15, 2012].

See the HRInsider DRUGS & ALCOHOL HOT TOPIC CENTRE for more.

More Help on Alcohol & Drug Testing

- The legal limits of testing policies
- Model Drugs & Alcohol Testing Policy