

Truck Driver Fired for Not Disclosing Medical Marijuana Use



Why did the concrete trucking company fire a safety-sensitive driver who legally used medical marijuana? The driver claimed he disclosed his marijuana use before undergoing post-incident testing and got fired for testing positive for marijuana. So, he sued the company for disability discrimination and failure to accommodate. The company claimed he was fired not for the positive test result but because he never disclosed his medical marijuana use as required by the company's drug policy. The Alberta Human Rights Commission sided with the company after finding no evidence that the driver ever mentioned or that the company ever knew about his medical marijuana use until after the lawsuit. And since failure to disclose was the real violation, the actual test results were irrelevant [[Bird v Lafarge Canada Inc.](#), 2021 AHRC 50 (CanLII), February 23, 2021].