Hearing Required on Worker’s Firing for Use of Medical Marijuana at Work Site



A worker employed by a construction company was working on a project at an aluminum smelter. He had chronic back pain, for which he was legally allowed to use medical marijuana to manage. The worker smoked in designated smoking areas before going to bed, didn’t hide his medical marijuana use and regularly discussed his prescription with co-workers. But after a crew supervisor saw him smoking marijuana at the site, he was fired and so filed a disability discrimination complaint. The Human Rights Tribunal refused to dismiss the complaint. The worker’s firing was related to his use of medical marijuana at a work site. And he’d told his supervisor that he had a permit to use medical marijuana. So the worker had a reasonable prospect of proving that his firing was discriminatory and thus a hearing was required, concluded the Tribunal.

[Brown v. Bechtel Canada, [2016] BCHRT 170 (CanLII), Nov. 1, 2016]