

# Alberta Court of Appeal ruling upholds construction workplace drug testing



Jan 2 04:23 PM US/Eastern  
THE CANADIAN PRESS

EDMONTON - Construction and energy companies are praising an Alberta court ruling that upholds the right of employers to test workers in safety-sensitive jobs for drugs.

The Alberta Court of Appeal has overturned an earlier judgment that said Kellogg, Brown & Root Company (KBR) discriminated against a man when it fired him from an oilsands project near Fort McMurray after he tested positive for marijuana.

The employee, who admitted to being a recreational pot smoker, filed a complaint with the Alberta Human Rights Commission, which ruled against him.

A Court of Queen's Bench justice then ruled in his favour, saying he shouldn't have been fired because he should have been treated the same as someone with a drug addiction, which is considered a disability in human rights case law.

In their ruling the appeal court judges said extending human rights protection to situations that place the lives of others at risk flies in the face of logic.

KBR and groups representing construction contractors say workplace safety is their top priority.

The Canadian Press, 2008