Cannabis in the workplace – for employees



Attitudes towards the medicinal – and recreational – use of cannabis have changed dramatically over the past decades. An effective treatment for a growing number of medical issues, including glaucoma, chronic pain, seizures, muscle spasms, and nausea resulting from chemotherapy, the medical use of cannabis has already been legalized in Canada. Canada will become the first G7 country to legalize non-medical cannabis use**.** However, many employers and employees are unsure of their rights and responsibilities regarding the recreational use of cannabis. Will legalization mean people can freely and openly use cannabis in the workplace? In a word -- no.

Reflecting changing attitudes

Canada's upcoming legislative changes regarding the sale, possession and use of recreational cannabis include the following points:

- Sales will be restricted to those 19 and older (18 in Alberta and Quebec), although provinces will have the jurisdiction to increase their minimum age.
- Adults can publicly possess up to 30 grams of dried cannabis, or its equivalent in non-dried form, and produce legal cannabis products, such as food or drinks, for personal use at home.
- Cannabis will be available through a regulated retail system, which will vary by province.
- At first, sales will involve only fresh and dried cannabis, cannabis oils and seeds, and in most provinces, plants for cultivation. Sales of edibles will come later once regulations for production and sale are developed.
- People entering Canada will still be subject to inspections for prohibited goods, including cannabis.
- Drivers found to be driving high will face fines and/or imprisonment. Provinces and municipalities are updating and expanding sobriety tests and introducing new laws and penalties in anticipation of impending legalization of recreational cannabis.

What this means for employees

The legalization of recreational cannabis will not give people the right to freely use it in the workplace. Most companies, especially those in safety-sensitive industries such as construction, transportation, and health care, already have strict health and safety guidelines that include zero tolerance for impairment due to alcohol or drugs in the workplace.

Cannabis is known to have the following effects:

- Short-term memory problems
- Impaired thinking
- Loss of balance and coordination
- Decreased concentration
- Changes in sensory perception
- Impaired ability to perform complex tasks
- Decreased alertness
- Decreased reaction time

Using alcohol or drugs in the workplace can have an impact on the health and safety – and productivity -- of everyone. Therefore, employees are expected to show up for work sober, stay sober and perform their work duties to expectations. Employees can expect to be disciplined if they do not.

However, most jurisdictions have specific human rights legislation regarding an employer's duty to accommodate employees with medical conditions for which their doctor has prescribed cannabis as part of their treatment. Accommodations will vary depending on the jurisdiction, employer and job duties, but can

include moving the employee out of a safety-sensitive position, providing more frequent breaks, implementing alternative scheduling, or altering the employee's duties.

To better understand the use of medical or recreational cannabis in your workplace, review:

- Your province's health and safety guidelines
- Your company's health and safety guidelines
- Your company's policies regarding the use of legal or illegal substances
- Your company's duty of accommodate policies

If you are unsure of your rights or the rights of your employer, talk to your HR representative.