

Weed in the Workplace: Key Takeaways

A workshop on legalized marijuana

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Employers already deal with potential impairment at work from alcohol, prescription drugs, and a variety of other sources. Impairment from marijuana should be treated like impairment from any other substance in the workplace.

What are the effects of marijuana?

- Marijuana impacts motor skills, spatial awareness, and cognitive ability including time perception, memory, concentration and decision making.
- Impairment duration and intensity varies between individuals and is related to the amount consumed, the route of administration, personal tolerance and the time elapsed since use.
- While there is still a lack of clarity on exactly what level of marijuana in the system constitutes being "impaired", it is generally accepted that significant effects last for 2-4 hours, and that impairment can last for up to 8 to 12 hours.

Policy Development

- Employers' should have a policy that clearly indicates the organization's position regarding employee use, possession, or being under the influence of substances while at work.
- General concepts such as "impairment" or "under the influence" will be relevant to all sources of impairment, not just cannabis.
- Employers have a right to enforce policy through progressive discipline, and/or termination, provided there is no medical authorization or addiction.
- Once legalized, employers should ensure their drug and alcohol policy is updated to include specific reference to marijuana if current policy lists alcohol and illegal drugs, as there will be a gap.
- Policy should clearly define "reasonable cause" or "post incident " criteria for drug testing, and be followed.
- Communicate policy to workers to ensure understanding and aid in prevention.

Managing Impairment at Work

- Provide training to managers and supervisors to prepare them to deal with situations of suspected impairment, including having difficult conversations and sample scripts for how to bring up impairment concerns.
- When dealing with suspected impairment at work, document, document, document!
- There are third party resources available to employers in NL to conduct reasonable cause or post incident drug and alcohol testing, as well as functional screenings of physical capability and cognitive ability to determine impairment as related to job requirements.

Medical Marijuana/ Human Rights Concerns

- Human Rights legislation prevents discrimination based on a disability. A drug addiction will constitute a disability. As well, the use of medical marijuana may indicate that there is an underlying disability. If a worker is found to be impaired, it is important to determine if they have a medical authorization for use or claim to be addicted. If so, the employer will likely have to further investigate and determine whether they are obliged to accommodate the employee and the extent of any such accommodation.
- Employers' should encourage employees to disclose use of *any* prescription drug that may cause impairment (ensuring privacy and lack of stigma) - in particular in safety sensitive positions.
- Some people using medical cannabis for treatment of chronic conditions may function with less impairment while using the drug than non-experienced users.

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