



Clearing the Haze:
The Impacts of Marijuana in the Workplace Panel

WORKPLACE FOCUS

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71%

of employers feel they
are not well prepared

70%

have employees in
safety-sensitive jobs

76%

Believe legalization
will have a great or
moderate impact

10%

do drug
testing

ARE YOU PREPARED?

Nearly 1/3 of employers surveyed are concerned about attendance, work performance or erratic behaviour following legalization.

WORKPLACE CONCERNS



IMPAIRMENT AT WORK

As a result of “social normalization” of Cannabis once the Cannabis Act is passed



SAFETY SENSITIVE JOBS

A safety sensitive job is a job in which is one in which incapacity due to drug or alcohol impairment could result in direct and significant risk of injury to the employee, others or the environment.

WHAT I DO IN MY OWN TIME...

As individuals, we may hold varying opinions about the use, and the personal or societal impact of alcohol and drugs, and make our own lifestyle choices... **However, regardless of personal opinion, the fact is that the alcohol and drugs can adversely affect an individuals mental and physical abilities.** This fact represents an obvious and real concern for companies that are committed to providing employees with a safe workplace.”

(Enform Alcohol and Drug Policy Model)



POLICY TYPES



Zero Tolerance

- No amount of THC is acceptable
- Bonafide occupational requirement
- Safety Sensitive Positions
- Duty to accommodate

Per Se Law

- Determine upper limit of impairment
- Current practice is to use urine tests
- There are alternatives to testing

Two-Tier

- Used when there are safety sensitive and non safety sensitive jobs in the workplace

ZERO **TOLERANCE**



In order to enact a
zero tolerance
policy employers
need to establish
that sobriety is a
bona fide
occupational
requirement.

PER SE **LAW**



Limits of impairment
are defined.

Employees who
appear to be
impaired should be
assessed.

WHAT THE LITERATURE SAYS ABOUT DRUG TESTING

- Research suggests that the presence of a workplace drug testing program observed a reduced rate of injuries (~51% - construction industry)
- Has to align with Ontario Human Rights Code Requirements
- However, drug testing does not provide a quantitative level of impairment similar to a breathalyzer
- It can be unreliable

A UK based study found that urine samples for THC would likely test positive up to

- **4 days** after last cannabis use for an occasional or first time user
- **10 days** after last cannabis use for a frequent user
- **1-2 months** after last cannabis use for a very heavy user

ALTERNATIVES TO DRUG TESTING

*“The Commission supports the use of methods other than drug testing for dealing with employee impairment. **Awareness, education, rehabilitation and effective interventions such as enhanced employee supervision and monitoring** are the most effective ways of ensuring that performance issues with alcohol and drug use are detected and resolved.”*

- Canadian Human Rights Commission

- Performance tests for cognitive or psychomotor impairment related to integral parts of the job
- Training supervisors on identifying behaviors and physical indicators of employees that can affect workplace safety
- Planned or random observation and audits, peer or supervisor monitoring
- Drug education and health promotion programs in the workplace

WORKPLACE ACCOMMODATION

Employers have an obligation to take steps to adjust rules, policies or practices that have a negative impact on individuals, or groups of individuals, based on prohibited grounds of discrimination.

Accommodation must be individualized.
To the point of undue hardship.



5 TIPS FOR **POLICY** DEVELOPMENT



1. Focus on detection of impairment and providing a safe workplace
2. Identify safety sensitive positions
3. Provide programs that emphasize awareness, education, and training with respect to drug use
4. Focus on rehabilitation vs. punishment
5. **SEEK LEGAL COUNSEL** when developing policies related to medical and recreational use of cannabis

NEW RESEARCH



Dr. Peter Smith @ the Institute for Work and Health has received funding from the Canadian Institute for Health Research (CIHR) to “advance knowledge regarding the impacts of the proposed cannabis legislation.”

We will be examining:

- Consumption patterns and views of legalization across different market segments, safety sensitive roles
- Workplace norms and risk behaviours
- Perceptions about employee rights

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Thank you for your time,
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