Evaluating the hazards of marijuana in the workplace

A GROWING concern

With the legalization of marijuana on the horizon in Canada, there’s a lot of information floating around concerning the topic of marijuana use and how it relates to the workplace. However, it can be hard to separate fact from fiction.

Norm Keith, Senior Partner with Fasken Martineau, was recently invited to IHSA’s Annual General Meeting to inform workers of their rights regarding medical marijuana and to clear up some of the misinformation surrounding recreational use and the passing of Bill C-45. He also spoke to employers about how they can adapt their policies and procedures to address the upcoming changes to their work environments and prepare their organizations to face this upcoming challenge.

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We need to talk about the reality of the risk that marijuana in the workplace creates for all of you. It doesn’t matter if you’re a worker or in management, if you’re committed to workplace health and safety, if you’re committed to getting everyone home healthy and whole at the end of the day, which I hope you are. This subject concerns you.

Substance abuse

Going over some of the statistics related to the topic revealed that 93% of all businesses are affected by substance abuse in places where marijuana has been made legal. Marijuana is the most commonly used and abused drug in the world and, according to the World Health Organization (WHO), Canada is the highest user or consumer per capita.

These statistics become a direct concern when looking at the toxicology reports that are released after a workplace incident. They reveal that 38 to 50% of compensated claims from the last year involved substance abuse.

So with a problem that is already apparent in the workplace today, while the substance is illegal, we need to seek ways to prevent it from escalating into a larger problem when the new legislation comes into effect.
Misconceptions

One of the first steps in developing better policies surrounding the subject of marijuana is to clarify some of the misconceptions about marijuana use.

According to Dan Demers of CannAmm Occupational Testing Services:

*Marijuana is not a prescription. It’s an authorization, it’s a legal access to possess, which is much different than a prescription.*

*It’s going to become much easier to access and there’s going to be less cultural stigma towards it, and so we’re going to see it more frequently on our roadways, and more frequently in our worksites.*

Health and safety

Some of the statistics to support Demers’ claims come out of Colorado where marijuana has been legal since 2012. The data has shown that motor vehicle incidents (MVIs) causing death increased by 48% from 2013 to 2015.

This is a subject that everyone needs to be proactive with and understand how it will directly affect occupational health and safety. Employers should be looking to protect the interests of everyone in their organization by adopting a safe-for-duty or fit-for-duty standard.

Policies and best practices

According to a study done by Faskin Martineau in 2017 with 358 businesses polled, it was discovered that 79% of them didn’t even have a simple drug and alcohol policy in place. As Norman Keith explains:

*While some of those workplaces might be lower-risk environments without safety-sensitive positions, this will still be an issue for them, and not having a policy will make it an even bigger issue.*

But with a focus on removing the risk of marijuana in the workplace, and by doing everything reasonable to keep the workers employed, policies can be developed in a manner that maintains business as usual while avoiding all of the conflicting battles that are currently underway in Canadian courtrooms.

Although there are a lot of hot-button issues surrounding some of the many facets of medicinal and recreational marijuana use, going about developing a fit-for-duty (FFD) benchmark is a positive approach to protecting your workers and your business. It’s an effective and preventative policy to have since it doesn’t simply cover substance abuse but it also covers physical and mental conditions.

Some of the best practices involved in the implementation of a FFD policy would include:

- Application of the policy
- Responsibilities of the workers
- Ensuring workplace standards
- Educating and training on detection and deterrence
- Accommodation
- Discipline.

According to Keith:

*This is a health and safety focus. Not a blame focus, not a catch people doing it so you can fire them focus. We don’t want to see some of the terrible, predictable, and obvious consequences that are coming our way by not getting in front of this and being proactive about it.*

"Marijuana and dangerous activities, or safety-sensitive duties, can’t mix."

—Dan Demers, CannAmm Occupational Testing Services