

Cannabis in Canada:

Acclimatizing Your Workplace to Marijuana Legalization



01 Evaluating the Stakes

Since Canada enacted its historic marijuana legalization policy, discussions on how workplaces will be impacted by this regulation have only increased. What if employees ingest cannabis on their way to work or step out to buy some during a coffee break? If they do, how will this affect workplace productivity and health and safety (H&S)?

Of course, opinions will vary, but there's no denying that cannabis legalization has challenged existing workplace policies in Canada. The nation has one of the highest rates of cannabis consumption in the world, with nearly a million citizens spending over \$250 on marijuana over a period of three months.ⁱ

Consider millennials who are poised to become the single largest generation in the workforce going forward – and we see higher receptivity.ⁱⁱ The National Cannabis Survey reveals that 15 to 24 year-olds (33%) use cannabis two-and-a-half times more than those who are 25 years or older (13%).ⁱⁱⁱ If you look at non-medical use, the statistic's three times higher (18% to 6%).^{iv}

That doesn't mean millennials have no concerns about legalization. As many as 39% of millennials believe that use of cannabis may lead to poor performance in work.^v

Yet, employers are far from drafting a comprehensive drug policy that incorporates cannabis usage in workplace, since the regulations don't establish a level for "safe" use. A study by the Human Resources Professional Association last year found that 71% of HR professionals felt their organizations were not prepared for the implications of legalized marijuana.^{vi}



02 Drafting Organizational Policies

The legal and social acceptance of cannabis raises thorny questions about safety, impairment, and use on premises. Such concerns are more pressing for jobs like commercial drivers and operators of heavy machinery, which require a high degree of cognitive response. But there are no accepted measures of impairment, which makes drafting organizational policy tricky.^{vii} Most organizations have refined their policies on drugs and alcohol over time to demarcate the black from the white, the “don’ts” from the “dos”. However, the addition of marijuana to the list of legal substances adds a shade of grey to these regulations.

Many organizations have employees undertake drug tests that analyze urine for traces of a psychoactive compound found in cannabis called tetrahydrocannabinol (THC). Unfortunately, these tests are deficient because a positive result may merely indicate the presence of the drug and not impairment. Additionally, due to the fat-soluble nature of the drug, traces of Cannabis can be found in the body for extended periods of time.

- **Until more standard measures become available, organizations need to develop their own parameters based on their safety requirements.**

The legalization of cannabis is an opportunity for Canadian employers to set firm policies around non-medical usage of marijuana in the workplace, similar to workplace alcohol regulations. Employers can prohibit the use of cannabis at work or prohibit employees from attending work if they are impaired.

Taking these legislations into account, the most obvious options for your internal policy are to mandate a THC limit (say, a whole blood THC level of 5 ng/mL)^{viii} and conduct regular drug tests or to prohibit marijuana consumption on the job. Alcohol is an easy analogy here: while drinking is legal, you don’t expect your employees to show up drunk. However, what complicates this analogy is

the use of cannabis for medicinal purposes and the unavailability of standard tests to gauge impairment. How do you accommodate employees or contractual workers who need medical marijuana while still ensuring they are able to function productively without posing a danger to themselves or others?

- **Even after complete legalization, the right of employees to use marijuana does not override the right of an employer to maintain a safe and drug-free work environment.**



■ **The duty to accommodate, as required by federal and provincial human rights legislation, extends to employees who use medical marijuana.**

These employees need the same level of accommodation as any employee with disabilities who uses prescribed medication.^{ix}

Finding the right balance between protecting the rights of employees and maintaining safety and productivity at work might seem difficult. Fortunately, new technologies can help companies strike the right balance and make up for existing limitations in testing methods. For instance, a Vancouver-based company has successfully developed an advanced marijuana breathalyzer that uses mass spectrometry technology to detect cannabis impairment. The company claims that the device can identify THC molecules in a user's breath.^x

But until such technologies are tested, refined, and released in the market, companies will have to rely on restrictive guidelines and existing testing methodologies to ensure that safety is a priority. In fact, you need to review your practices for impairment testing to avoid being overly punitive, such as prohibiting off-duty cannabis use that does not lead to impairment in the workplace.

03 Know Where Your Suppliers Stand

Once you've defined a policy for your workplace, and set processes in place to enforce it, there's still the question of whether your suppliers conform to your expectations.

- Even if your organization is compliant, you may still be at risk of violating the law, and of increasing the likelihood of safety incidents.

This is where Avetta comes in.

Our experts can help you verify your suppliers and contractors have comprehensive drug and alcohol policies in place, and to make sure these policies align with your own code. With 15 years of experience working with the world's largest companies, we understand the implications of this new change on your existing supply chain.

One way we can do this is through supplier audits. We review your suppliers' safety and employee manuals, identify gaps, and offer recommendations. We also perform implementation audits and field audits to ensure that the mandated practices are actually being followed.

All of these will be tailored to your actual needs, based on the provinces your organization and your suppliers operate in, the risks of impairment among workers, and your organization's stance on the issue.

Learn more about how Avetta's **supplier auditing services** can help you minimize risk in your supply chain.



References

ⁱ **Source:** National Cannabis Survey, Second Quarter 2018;

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ⁱⁱⁱ **Source:** National Cannabis Survey, Second Quarter 2018;

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^{iv} **Source:** Source: National Cannabis Survey, Fourth Quarter 2018;

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^v **Source:** Report – Canadian Millennials are Hungry for Cannabis Edibles;

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^{vi} **Source:** Source: Companies Should Assess Their Marijuana Policies Before Legalization;

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Source: Cannabis In The Workplace – We Need An Accurate Measure Of Improvement;

^{vii} <http://theconversation.com/cannabis-in-the-workplace-we-need-an-accurate-measure-of-impairment-89142>

Source: Journal of Occupational and Environmental Medicine;

^{viii} <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4410963/>

Source: Marijuana At Work: Six Things Employers Should Know;

^{ix} <https://www.go2hr.ca/legal/marijuana-at-work-six-things-employers-should-know>

Source: Cannabix Technologies Provides Update on Marijuana Breathalyzer Development;

^x <https://www.globenewswire.com/news-release/2019/03/14/1753193/0/en/Cannabix-Technologies-Provides-Update-on-Marijuana-Breathalyzer-Development.html>



About Avetta

Avetta connects leading global organizations with more than 85,000 qualified suppliers, contractors, and vendors across 100+ countries. We support the sustainable growth of supply chains through our trusted contractor prequalification, supplier audits, insurance monitoring, robust analytics and more. With real results in helping companies reduce TRIR, our highly configurable solutions elevate safety and sustainability in workplaces around the world—helping workers get home to their families each night.