

Cannabis in the workplace: A high-level view

Ottawa Board of Trade

October 30, 2018



Karen Brownrigg, CHRL, CEC

Karen is an accomplished certified human resources leader, certified executive coach and business strategist with more than two decades of experience leading transformational, mission-critical, security-sensitive and crisis management issues and initiatives. Over the years, she has worked in the legal, telecommunications and not-for-profit health care sectors, with the Ottawa Police Service, and for a Federal Crown Corporation in the financial sector.

In 2016, Karen refocused her passion for “human resourcefulness” by launching iHR Advisory Services— providing HR and “people solutions” for growing businesses. Karen’s HR Team is located in Ottawa and they and their agile team of executive coaches and business experts collaborate to customize HR programs for their clients across Canada.

Karen is a frequent guest speaker on the Rick Gibbon’s 1310 NEWS radio show, Rogers TV Daytime Ottawa, Kiss FM and CTV News on a variety of HR topics including Cannabis in the Workplace. www.ihradvisoryservices.ca



Agenda

1. Quick overview of the legislation
2. Cannabis: THC & CBD
3. THC vs Alcohol
4. Cannabis and Human Rights
5. Drug testing
6. Employer Best Practices
7. Discussion

The Legislation

As per the *Ontario Cannabis Act, 2017*, cannabis is now legal for recreational use in Ontario.

People must be 19 years or older to purchase or use Cannabis.

Cannabis may not be used or stored in a vehicle or boat that is in operation.

Cannabis may be used anywhere that people may smoke tobacco.

THC & CBD

Different cannabis products contain varying levels of different types of cannabinoids.

“**THC**” is a cannabinoid that has been proven to be the primary chemical that gives people the “high” or “intoxicated” feeling from cannabis.

There are other cannabinoids in cannabis whose effects are not yet fully understood.

“**CBD**” is also a cannabinoid but does not produce a “high” or “intoxicated” state. Its purpose is for medicinal or health use. *“CBD” is not considered an illegal substance in Canada. It is permitted in the workplace.*

THC vs Alcohol



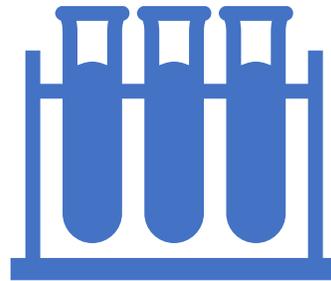
- Alcohol has been legal since 1920; its impairing effects are well researched and understood.
- Alcohol's acute impairment is easier to measure and its effects last for periods of time that are shorter and predictable. There currently exists training such as "Smart Serve" that can consistently predict impairment levels for alcohol consumption.
- THC's impairing effects are difficult to measure, not yet fully understood, and can have an acute impairment for up to 8 hours and residual impairment lasting from 24 hours to 28 days.

Accessibility



- *The Accessibility for Ontarians with Disabilities Act, 2005* requires that employers offer accommodations to employees with a disability.
- Both a medical requirement to use cannabis and addiction would be considered disabilities under the *Ontario Human Rights Code, 1990*.
- Employees must work with employers to find the most suitable accommodation.
- There are alternatives in frequency/time of use, form, THC levels, or alternate drugs that can be considered.

Drug Testing



- Drug Testing in the workplace is not yet legal in Canada unless there has been a safety incident or serious risk of a safety incident.
- Testing the active level of THC is difficult because it remains in the body for up to 28 days.
- Recommendation is to focus on signs of impairment including: glassy eyes, unusual talkativeness, slow reaction, inattention, lethargy, unsteady walking, poor coordination, and anxiety.
- If signs of impairment are noticed, employers should send employees for medical attention and request medical documentation that the employee can resume their duties safely and effectively prior to returning to work.

Employer Best Practices



- Assess which jobs are safety-based in your organization.
- Ensure you have an updated Smoking, Drug and Alcohol Policy.
- Ensure you have a policy on how medical disabilities are accommodated in your workplace.
- Understand your Group Benefits Program and what services are available to support medical accommodations.
- Engage your team to get input on the design of your policies.
- Meet with your team to role play various scenarios that will help them develop a deeper understanding of your policies.
- Continuously update your procedures and train your team as the landscape evolves.

Discussion



- What if your employee or clients bring products made with, or derived from, cannabis to your workplace?
- How will your leadership team handle the complex conversations around accommodating a medical requirement for cannabis?
- What should your employment policies say about smoking, drugs, and alcohol in your workplace or at work-related events?
- What will you do if you suspect an employee is impaired?
- Does your organization qualify as a “safety-based” organization and will you be able to conduct drug testing in your workplace?