

## Marijuana in the Workplace

Bill C-45, an Act respecting cannabis (the Cannabis Act) was introduced in the House of Commons on April 13, 2017. The bill to legalize marijuana is expected to come into effect in July 2018. Stakeholders have questions about how the legalization of marijuana may impact the workplace and how to deal with this issue.

Under OHS legislation, the employer is responsible for the health and safety of persons at or near the workplace. There is no specific OHS regulation that governs the use of drugs or alcohol in the workplace, as long as the worker is competent to complete the tasks assigned in a manner that does not endanger himself or others. If the activity of the person in question poses a risk to the health or safety of co-workers or clients, then it is the employer's responsibility to remedy the situation.

Two main pieces of legislation are relevant for workplace health and safety; *Occupational Health and Safety Act* and *Smoke Free Places Act*. Nova Scotia's Occupational Health and Safety Act is based on the Internal Responsibility System where everyone at the workplace has direct responsibility for health and safety as an essential part of their job. The Smoke Free Places Act applies specifically to smoking in the workplace and provides limits on where any smoking may occur.

In cases where an employee has authorization to use medical marijuana, employers are required to accommodate the worker just as they would for a worker using any other prescribed medication. However, being allowed to use marijuana for a medical purpose does not mean the worker can be impaired at work and put themselves or others at risk. Similarly, other medications warn about effects on driving or operating heavy machinery and the same precautions need to be applied to medical marijuana.

Employers are encouraged to develop drug and alcohol policies, and ensure employees understand the policies, as part of their occupational health and safety program. Employers are already dealing with impairment as a health and safety issue at the workplace, and many employers have drug and alcohol policies in place.

Rules around working while impaired from any substance still apply. While it may be legal to purchase marijuana, it is still unsafe to work while impaired from it or any substance.

### Resources:

#### **Nova Scotia**

Occupational Health and Safety Act

<https://novascotia.ca/lae/healthandsafety/legislation.asp>

Smoke Free Places Act

<https://novascotia.ca/dhw/healthy-communities/smoke-free-places-act.asp>

#### **Bill C-45**

<http://www.parl.ca/LegisInfo/BillDetails.aspx?billId=8886269&Language=E&Mode=1>

## **CCOHS**

Substance Use in the Workplace

<https://www.ccohs.ca/oshanswers/psychosocial/substance.html>

White Paper - Workplace Strategies: Risk of Impairment from Cannabis

[http://www.ccohs.ca/newsroom/news\\_releases/CannabisWhitePaper\\_5July2017.html](http://www.ccohs.ca/newsroom/news_releases/CannabisWhitePaper_5July2017.html)

## **Health Canada**

Information for Health Care Professionals: Cannabis (marihuana, marijuana) and the cannabinoids  
[Health Canada, 2013]

<https://www.canada.ca/en/health-canada/services/drugs-health-products/medical-use-marijuana/information-medical-practitioners/information-health-care-professionals-cannabis-marihuana-marijuana-cannabinoids.html>