

Cannabis & Workplace Safety



Quick Facts

Cannabis, also known as marijuana, weed, or pot, is a drug that is used recreationally or in some cases as a medical treatment. The effects of cannabis can differ from person to person.

Cannabis may be consumed in different ways, such as:

- inhalation of smoke (on its own or mixed with tobacco) or vapour;
- ingestion (pill or mixed with other edible products); and
- absorption through the skin (patches, creams, or salves).

The Effects

Impairment from cannabis use can change a person's physical and mental abilities. If a worker is impaired at work, it affects their ability to work safely, putting them and their co-workers at risk of injury, and can include the following:

- impaired judgment, thinking, and decision making;
- decreased coordination, reaction time, and uses of senses, such as sight, smell and touch; and
- psychological or stress related effects, such as mood swings or personality changes.

The effects and length of impairment can differ from person to person, and depends on several other variables, including how the cannabis was consumed, and the amount of THC content (the chemical that causes the high) in the cannabis.

Recognize the Signs

Impairment at work can be the result of using various substances, including the use of legal and illegal drugs, or alcohol. Impairment can also be caused by fatigue, medical conditions, some prescription medications, and unresolved conflict (personal or work-related).

While it varies from one individual to another, some general observations for impairment can include:

- erratic behaviour, increased conflict, and overreaction to feedback or during interactions;
- ignoring safety procedures or taking risks;
- poor coordination or working in an unsafe manner;
- reduced productivity or work quality;
- smell of alcohol or drugs, red eyes, or slurred speech.

Displaying some or all of the signs of impairment does not necessarily indicate substance use or substance abuse. Employers and supervisors should not make assumptions about causes of impairment. It is appropriate to ask the worker what is going on. However, there are limitations to the employer's right to ask for or access worker's personal health information.

Employer Responsibilities

Under the *Occupational Health and Safety Act*, employers are responsible for ensuring their workers are able to perform work safely. Employers should address a variety of impairments at the workplace, which includes cannabis.

Every workplace, regardless of how many employees there are, should have a drug and alcohol policy, as well as a disciplinary policy that is clearly explained to all employees. The policy will assist in:

- ensuring the employer's due diligence with respect to the risk of drug or alcohol impairment in the workplace;
- establishing procedures to minimize the risk;
- identifying roles and responsibilities;
- identifying reporting procedures;
- ensuring supervisors and workers are adequately trained on how to recognize impairment; and
- outlining the consequences of being impaired at work, including disciplinary action.

Employers have the responsibility to ensure that workers understand their drug and alcohol policy.

Human Rights

Employers should state in their drug and alcohol policy what the workplace's position is on using, possessing or being under the influence of substances while at work. If cannabis is an authorized medical treatment for a disabling medical condition, or if the worker has an addiction to cannabis, this is considered a disability under the *PEI Human Rights Act*. The employer is legally required to accommodate the worker up to undue hardship. Visit the PEI Human Rights Commission website to learn more about the employer's responsibilities to reasonable accommodation in the workplace.

Drug Testing

The Canadian Centre for Occupational Health and Safety states that there are currently "limited means to determine impairment from cannabis through testing methods." Testing results can only confirm if a person has used cannabis at some point in recent time, and a positive test result does not necessarily mean there is the risk of impairment.

The law on drug and alcohol testing is complex and evolving, with different legal tests applying to different types of drug and alcohol testing. When an employer is considering adding a section on drug and alcohol testing in their impairment policy, they should seek legal counsel.

For more information, please contact
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