



**Emerging Trends in Employment & Labour Law**

Legal / Medical Cannabis?! – Review of the “must know’s and must do’s” and next level discussion on the more complex issues

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**Basics and Need to Know:**

**Legal Recreational Cannabis:**

- Apply rules and procedure for Alcohol
- Absolutely no duty to accommodate recreational cannabis use
- Cannabis was not allowed in or to affect your workplace before legalization and Employers are entitled and should continue to have an absolute bar/zero tolerance. Legalization does not change that.

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## Basics and Need to Know:

### Medically Prescribed Cannabis:

- Apply same rules and procedures as other impairing prescription medications (i.e. codeine, Percocet, etc.)
- Duty to Accommodate applies
  - **Absolutely does not** extend to allowing impaired performance of safety sensitive work



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## Must Do's

### Communication to your workplace is key!

- All of your employees should receive communication on the preceding basics and need to know points
- Practical explanation to employees is:  
Cannabis = Alcohol = not permitted in the workplace



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## Must Do's

### Drug and Alcohol (Substance Abuse) Policy

A key part of communication to your employees:

- Due diligence for workplace safety
- Acknowledging and facilitating the duty to accommodate employees with substance abuse issues
- Courts will not approve any testing in any circumstances unless it's included in a policy inclusive of the above issues.



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## Next Level Discussion

CBD vs. THC



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## Next Level Discussion

### Impairment and Testing Issues:

- Current science and tech on the testing
- Does science gap limit employer rights?
- Does science gap widen discretion to bar safety sensitive due to lack of impairment test?



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## Next Level Discussion

Absolute bar on any legal recreational consumption even off hours for safety sensitive?

- Air Canada, WestJet, Police, RCMP, etc.



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**QUESTIONS?**

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