Reflection About Cannabis In Workplace

The consumption of Cannabis has been a topic of debate in the last few years, while many believe it should be a banned substance due to its intoxicating effects, others argue that consumption of cannabis has many benefits and should be allowed as long as responsibly consumed. This paper will discuss the laws regarding the consumption of Canada, with specific regard to workplace laws. This will include any exceptions made and off duty conduct. Additionally, both sides of the argument regarding cannabis consumption in the workplace are to be explored.

According to the World Health Organization, Cannabis is extracted from a plant known as Cannabis Sativa that has THC, the active compound that gives it the intoxicating effects its widely known for (WHO, nd). The consumption of Cannabis has soared in the last few decades due to its cheaper cost relative to other drugs, it also has affected every individual differently. According to the Alcohol and Drug Federation, the weight, amount and even expectation of the experience can influence how one experiences the drug. It is also versatile and has many different forms, hashish, hash oil, Marijuana and other forms such as oils or waxes.

Cannabis is still illegal in the majority of the world and until recently, Cannabis was illegal in Canada, in fact the cannabis act in Canada was implemented as of October 17th 2018 (Department of Justice, 2019). Although it is now legal in Canada, there are very strict laws and regulations that are enforced regarding the possession, consumption and selling of Cannabis as well as medicinal use and use in workplace. This paper will discuss these laws and some of their benefits and potential drawbacks.

The Cannabis Act is the legal framework used by Canada to control Cannabis. It controls the production, distribution, sale and possession of cannabis (Department of Justice, 2019). Although this act applies to the entirety of Canada, provinces and territories are able to implement further restrictions. Only legal adults of ages 18 and older are subject to these laws since minors are not legally allowed to access cannabis unless for medical purposes. In fact, anyone providing cannabis to minors are to receive penalties which may include jail time. Additionally, other restrictions such as the type of cannabis and the potency as well as possession limits are defined by this act. The act also allows provinces and territories to limit where cannabis can be consumed and the ability to increase the minimum age of consumption (Department of Justice, 2019).

A reason why cannabis is highly restricted and regulated is because it’s a schedule 2 drug which means it has a “high potential for abuse” (PSHSA, n.d.). However, many argue the freedom of choice, as long as individuals abide by the law, they should be able to use whatever substances they would like especially during off time.

Laws Regarding Cannabis in Workplace

The two main concerns employers share regarding the legalization of cannabis are employees being impaired at work and concern regarding safety in sensitive jobs. The consumption of cannabis may lead to slowed reaction time, dependency and decreased productivity

(Stevenson, 2018). Additionally, the potential psychological risks especially to those with family history of mental illnesses and all of these effects can negatively impact employee productivity and safety.

According, to the criminal code in Canada, driving commercially while impaired is illegal and thus according to this law, individuals whose jobs involve driving are forbidden from consuming any impairment causing substance which includes but is not limited to cannabis. The occupational health and safety act and regulation also has regulations that prohibit impairment. Moreover, employers are able to decide on policies regarding non-medicinal cannabis in the workplace. Policy types may include: zero tolerance and per se policy. The zero-tolerance policy is one most often implemented in safety-sensitive jobs and is where no amount of cannabis consumption is allowed unless medicinal. The per se law is more flexible where in an upper limit is defined and employees may be tested to ensure that limit is maintained (PSHSA, n.d.).

Laws Regarding Off Duty Conduct

Workplaces that are extremely safety sensitive have prohibited off duty cannabis consumption, currently employers have the right to prohibit their employees from consuming a substance that may cause impairment for a period of time. For example, West Jet and Air Canada have both prohibited cannabis use within 28 days of a shift (Lannon, 2018). Other professions such as police forces also have off duty restrictions. However, it is important to note that employers may not ask for total prohibition of consumption as it infringes on an employee’s freedom of choice.

Courts have determined that employees can be disciplined based on their off duty conduct, this is when an employee’s conduct can harm company’s reputation or product, or when it prevents the employee from performing their duties, if it leads to inability of other employees to work with one, if employee becomes guilty of serious breach to criminal code, leading to the reputation of the company or product being damaged (Rudner, 2015). Therefore, if an employee’s off duty conduct negatively impacts the employer, disciplinary action can follow suit. Based on these standards, I agree with the off-duty conduct involving cannabis, especially due to cannabis being a drug that causes impairment, the safety of the individual and those around them are important. As long as the employee is able to consume cannabis within the standards set by law and their employer and in a way that allows them to perform their roles effectively, there should be no reason to restrict their consumption.

These laws discussed above do not apply to medicinal use of cannabis. Employers are required to accommodate those who have use for cannabis in the capacity as it falls under disability according to the human rights legislation. This also includes those who suffer from addiction. However, it is important to note that this does not mean employees are allowed to be impaired during work shifts and that the medicinal use of cannabis should not risk the safety of the employee and others. It also does not allow unexcused absences, late arrival or smoking in the workplace. The purpose of the law is to allow those who have a medicinal prescription to use cannabis while still being able to fulfill their roles. This means that employees who need medicinal cannabis must take precautions to ensure safety.