

Cannabis - Top 5 Employer Concerns

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What does not fall within one of the Top 5 Employer Concerns associated with Marijuana?

- A. Should I have a policy?
- B. What are the signs of marijuana impairment?
- C. Am I allowed to test for marijuana?
- D. How do you measure impairment?
- E. Can I discipline if an employee is impaired at work?
- F. Where is the best place to buy edible marijuana?

Answer:

F. Where is the best place to buy edible marijuana?

Policy

- Employers should have a Policy that is tailored to their workplace
- Policy should contain:
 - Reinforce safe and productive workplace;
 - Prohibition on impairment;
 - Testing protocol (if applicable);
 - Obligation to disclose use of medical cannabis and accommodation protocol.

Signs of Marijuana Impairment

- Smell of marijuana
- A change in dietary habits
- Bloodshot eyes
- Behavior modification – typically more talkative, but if usually talkative, then may cause timidness
- Cognitive and function impairment – memory and problem solving impairment
- Lack of coordination
- Time impairment (tardiness and excessive breaks)

Am I allowed to test for marijuana?

- Definitely yes if safety sensitive environment.
- Risk of human rights violation if you test in non-safety sensitive environment, but may be worth the risk.

How do you measure impairment?

- Impairment measuring devices are evolving – some debate amongst scientists.
- 10 ng/mL oral swab test has been endorsed by Courts and Arbitrators.
- Federal government is suggesting that 2 ng/mL would reflect a safety/crime prevention approach, whereas a 5 ng/mL level of THC could be associated with some impairment.

Can I discipline for impairment?

- Yes, but possibly not if disability (e.g. addiction, medical recommendation)
- Policy should address the consequences of impairment at work

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