

# Cannabis and the workplace: Are you ready?

*TIM PETERSEN THE DAILY GLEANER*

With recreational cannabis legalization quickly approaching, employers have many questions about its impact on the workplace. On behalf of WorkSafeNB, I would like to share our knowledge and guide you on requirements and best practices to manage workplace impairment.

A foundational component of managing workplace impairment is to know your responsibilities. As an employer, you must take every reasonable precaution to ensure your workers' health and safety.

This includes providing a workplace free from impairment, regardless of whether the impairment comes from cannabis, alcohol or over-the-counter, prescription or illegal drugs.

If you suspect impairment in the workplace, you must take steps to ensure it does not risk the safety of the worker suspected of impairment or the safety of others.

Keep in mind, as an employer, you're not responsible to determine if someone is impaired; rather, you are legally obligated to act when you have reasonable suspicion of impairment.

Secondly, your workplace should have an impairment policy that clearly defines impairment, and addresses recreational cannabis use.

This policy should guide managers and supervisors in recognizing and addressing impairment and include how the company will work with employees who may need to be accommodated in their work tasks as well as the disciplinary action that will be taken where appropriate or required.

Having a policy in place is of little value unless that policy is well-known and understood by all employees. Ensure you have a solid plan to communicate the impairment policy and any associated procedures. Post the policy and procedures in a prominent location and share it through staff meetings, e-mail or other communication methods.

Follow up with workers, asking them if they understand the policy, and offer them an opportunity to ask questions confidentially.

As an employer, you have a duty to accommodate workers with a drug or alcohol addiction, which is recognized as a disability under human rights legislation.

Accommodation may include, among other things, keeping a worker employed while they pursue treatment. However, the rules of maintaining an impairment-free workplace still apply. For more information on accommodation, please contact the New Brunswick Human Rights Commission.

Additionally, you must provide managers and anyone in a supervisory role with the knowledge and tools needed to address impairment – to recognize it, assess it and react to it. Since impairment symptoms can vary from person to person, there may be concerns of objectivity when assessing a worker's risk. The policy and the training you provide to your managers and supervisors should address equity and fairness.

Legal responsibilities relative to impairment are not restricted to employers. Employees also have responsibilities – they must conduct themselves to ensure their own health and safety and that of others in, at, or near your workplace. They must also report suspected impairment of a co-worker.

While the legislation, effective October 17, is to legalize recreational cannabis, another issue top of mind is how to manage cannabis in the workplace when it is medical in nature. By law, workers must inform the employer if they are at risk of impairment – from cannabis, other drugs, alcohol or fatigue.

While all medical cannabis can cause impairment if taken in high enough dosages, some varieties that contain very little to no tetrahydrocannabinol (THC), but rather contain cannabidiol (CBD), are less likely to cause impairment because of their chemical compositions.

In these cases, a worker prescribed medical cannabis should inform their employer, highlighting the content of the prescription.

WorkSafeNB has many resources to help employers and employees on impairment. Our free app, NB OHS Guide, provides a wealth of information, including a topic on the subject. Download it from Google Play and the App Store.

Our Annual Health and Safety Conference, being held in Fredericton from Oct. 3-5, will also feature two sessions on impairment by Nadine Wentzell, a workplace drug and alcohol consultant. She'll provide a keynote address, Dealing with Reality: Cannabis and Other Substances of Abuse at Work – What is an Employer to Do?, followed by a workshop on impairment policy development.

Every worker is entitled to a safe and healthy workplace. We all play a critical role in ensuring every New Brunswick-er returns home safely at the end of each work day.

After all, home is where workplace safety matters most.

I encourage New Brunswick employers and workers to take action now to prevent and manage workplace impairment safely, fairly and responsibly.

If you have questions on workplace impairment or conference registration, please call us at 1-800-222-9775 or visit [worksafenb.ca](http://worksafenb.ca).

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