

# Ask The Expert: Asking Workers about their Prescription Drugs



## QUESTION

With legalized marijuana approaching, we were wondering if you can ask employees to disclose if they're using a prescription drug that could impair their ability to work safely'

## ANSWER

It depends on who, how and why you ask and how you use the information.

## EXPLANATION

Normally, asking employees which prescription meds they use, including but not limited to marijuana, is a form of disability discrimination banned by human rights laws. But such questions are okay if:

- They're directly related to job performance;
- The job is safety-sensitive;
- You limit the question to drugs that cause impairment;
- You don't ask for the drug's name or medical condition the employee takes it for; and
- You keep the information private and confidential.

Suggestion: Adopt a fitness for duty policy like the one in SCI

<https://ohsinsider.com/topics/wellness/fitness-duty-substance-abuse-policy-alberta-version> encouraging employees to disclose any impairing drugs they use and offering help rather than discipline to employees who do come forward.