

# Ask The Expert: Do You Have to Accommodate Legal Use of Recreational Marijuana?



## QUESTION

I'm in the process of rewriting my company's Medical Marijuana and Addictions Accommodations Policy so that it covers marijuana that will become legalized on October 17. Can you shed some light on how to do this'

## ANSWER

Put your pen down. There's no need to change your current medical marijuana accommodations policy for legalization.

## EXPLANATION

The Oct. 17 legalization is for *recreational*, not *medical* marijuana, which is already legal. The main difference, though, is that under human rights laws, use of medical marijuana must be accommodated to the point of undue hardship when it's used to treat a 'disability.' Similarly, drug addiction or dependence is also a disability requiring accommodation. By contrast, a worker's casual use of recreational marijuana is NOT a disability and there's no legal duty to accommodate it. Bottom Line: Legalization should have no effect on your current accommodations policy.