

# Guidance on Managing Marijuana Use by Workers Is Published



When workers use illegal drugs such as cocaine and marijuana and show up to work while impaired by these substances, they pose a safety risk to themselves and others. And even the legal use of medical marijuana by workers can raise safety and other issues in the workplace.

In the US, managing the use of marijuana by workers is getting even more complicated as several states have legalized the non-medical use of marijuana. So how are employers supposed to handle all of the issues raised by legal marijuana use, including drug testing, privacy, accommodation and safety issues?

Employers in the US just got some assistance.

The American Association of Occupational Health Nurses and the American College of Occupational and Environmental Medicine published guidance to help employers better understand the implications of marijuana use on the workforce as attitudes toward marijuana and laws restricting it continue to change.

The guidance paper, which focuses on US law:

- Summarizes current evidence regarding marijuana consumption
- Discusses possible side effects, including temporary impairment as it relates to the workplace
- Reviews existing federal and state laws that impact employers
- Suggests various strategies available for monitoring marijuana use among employees.

Although the paper is written from a US perspective, and drug and other laws in the US and Canada are different, Canadian employers can still get some good general advice from it. For example, the guidance paper recommends that employers develop workplace policies specific to medical marijuana use by employees during the work shift and off the job. Such policies should cover:

- Purpose/intent of the program;
- Employees covered by the policy;
- When the policy applies;
- Prohibited behavior;

- Whether employees are required to inform their supervisor of medical marijuana prescription or drug-related convictions;
- Whether the policy covers searches and extent of the search allowed;
- Observable and measurable behaviors indicative of unsafe job performance;
- Referral mechanism for unsafe work performance;
- Requirements for drug testing;
- Consequences for policy violations;
- Whether RTW agreements are needed after an absence related to substance abuse;
- Measures to protect employee confidentiality;
- Measures for policy enforcement;
- Steps to communicate policy to employees, supervisors, OHS professionals, management, union management when applicable, and contractors and their employees; and
- Assistance is available to treat substance use or abuse.

To learn about these issues in a Canadian context and under Canadian law and how, as an employer, to navigate this complicated new world, watch a recording of our webinar on the current framework for medical marijuana in Canada.