

Marijuana and the Workplace : Changing Times

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Presentation Outline

- Current Status of Cannabis
- Some Facts and Statistics
- Summer 2018 Legalization
- Workplace Considerations



1. Current Status

- Possession, production and trafficking of cannabis prohibited under the *Controlled Drugs & Substances Act*
- *Exception* applies to those authorized to possess, consume and produce under the *Access to Cannabis for Medical Purposes Regulations*



Pending Changes

- Anticipated summer 2018 overhaul of federal (and provincial) law dealing with sale, possession, production, consumption, etc... of cannabis:
 - Federal Bill C-45
 - Provincial Bill C-174



2. Some Facts and Statistics

- Many references used for cannabis:
 - Marij(h)uana, weed, pot, ganja, green crack, etc...
- “Cannabis” is the proper botanical name for the plant



What is Cannabis?

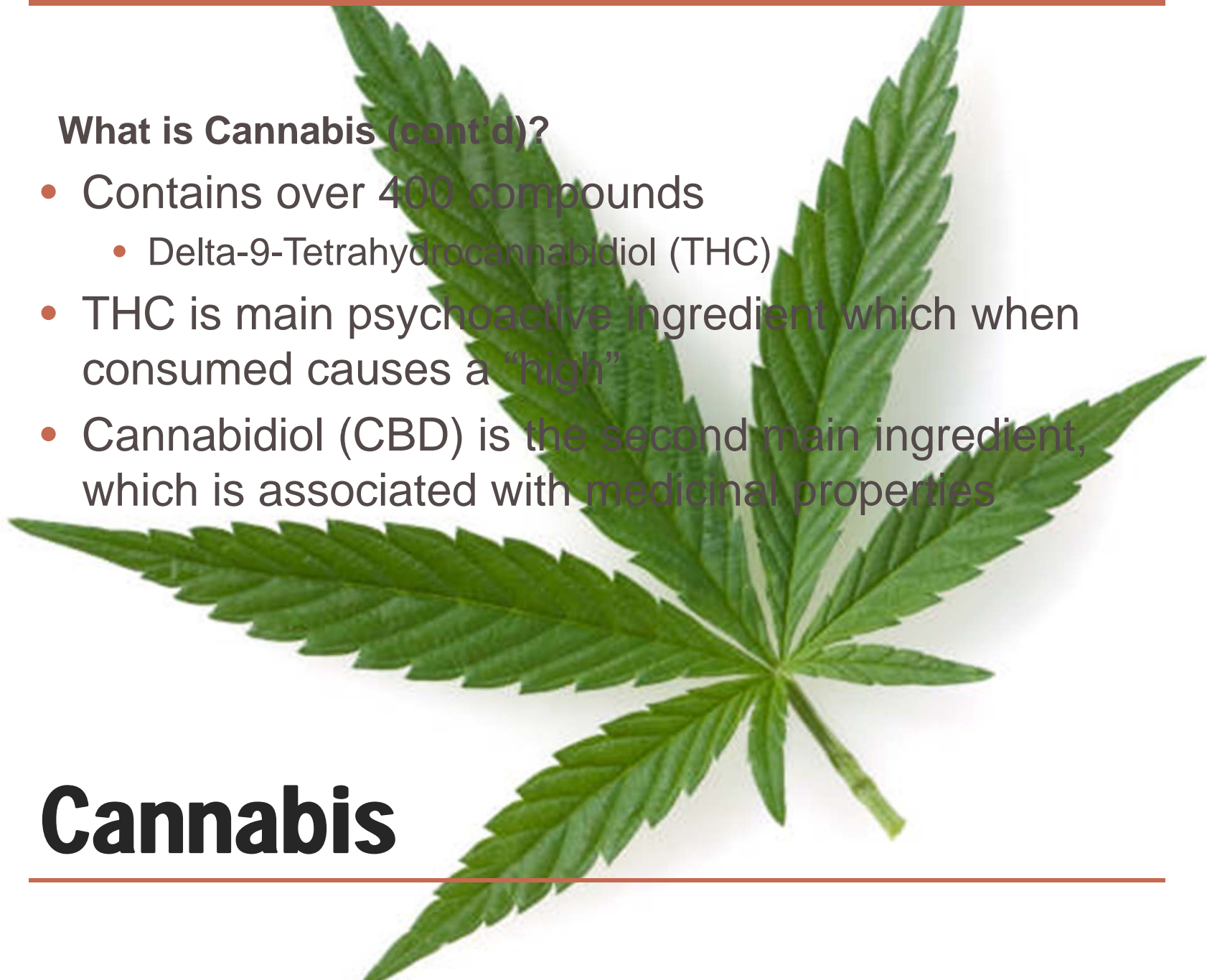
- Cannabis is the flower of the hemp plant
- Products that can be produced from the flower:
 - fresh/dried, hash oil, hash resin, etc...

Cannabis

What is Cannabis (cont'd)?

- Contains over 400 compounds
 - Delta-9-Tetrahydrocannabinol (THC)
- THC is main psychoactive ingredient which when consumed causes a “high”
- Cannabidiol (CBD) is the second main ingredient, which is associated with medicinal properties

Cannabis





Cannabis Over Time

- Over time, THC content has increased (streets of Toronto)
 - 1975: 3%
 - 2017: 25-35%
- Synthetics (K2, Spice)
 - even stronger THC content

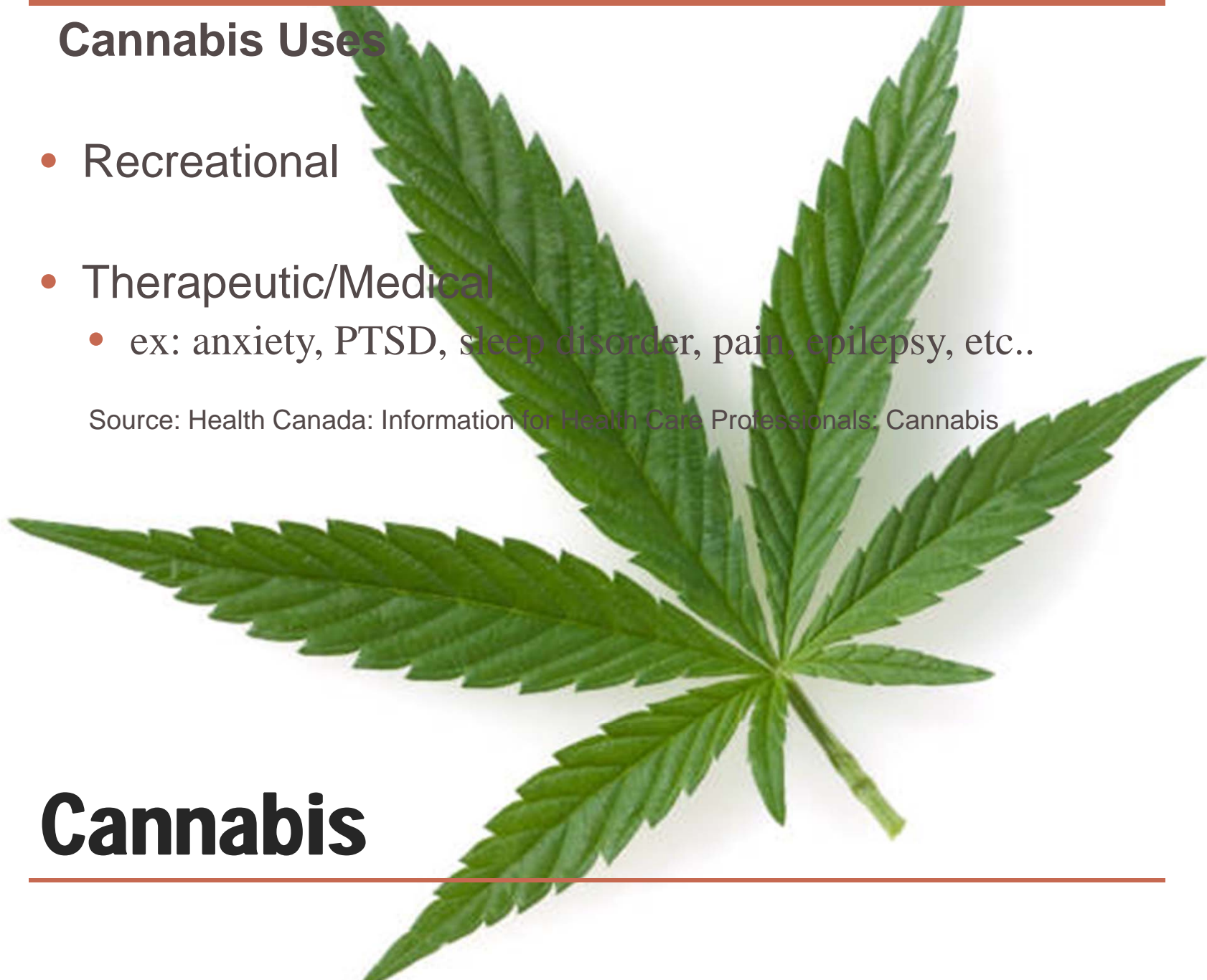
Cannabis

Cannabis Uses

- Recreational
- Therapeutic/Medical
 - ex: anxiety, PTSD, sleep disorder, pain, epilepsy, etc..

Source: Health Canada: Information for Health Care Professionals: Cannabis

Cannabis





Methods of Consumption

- Inhalation (most common)
 - Smoking (burning) / vaporization (heating) of dried flower buds from the cannabis plant
- Oral ingestion
 - Oils, foods, drinks, capsules
 - resin extracted from the flower cluster and top leaves of the plant

Cannabis



Methods of Consumption

- Sativex/Cesamet
 - orally administered, contains synthetic THC dissolved in sesame oil
 - received market authorization

Source: Health Canada: Information for Health Care Professionals: Cannabis

Cannabis



Some Consumption Statistics

- Percentage of population who has used cannabis (at least once)
 - marijuana: approx. 46%
 - cigarettes: 60%
 - alcohol: 80%

Source: Hill, K.P. (2015) *Marijuana: The Unbiased Truth About the World's Most Popular Drug*, Hazelton Press.

Cannabis



Consumption Statistics

- According to the Ontario Public Health Association
 - 3-4 million consumers in the last year (2016)
 - 12% of Canadian population

Cannabis



Consumption Statistics – Medical Cannabis

- 167,000 patients registered under *Access to Cannabis for Medical Purposes Regulations* program as of last quarter of 2016/17
- registrations expected to grow to 450,000 by 2024 given the wider acceptance of pot use (for medical purposes)

source: Health Canada, June 2017, Market Data

Cannabis

- Legalization: Summer 2018
 - increased consumption rates?
 - first timers
 - curiosity, etc...
 - confusion/misunderstanding
 - rules
 - side effects
 - impact in the workplace?
 - intersection/collision between legalization and health and safety and/or performance

Cannabis





Clinical/Side Effects of Consumption

- Psychomotor impairment:
 - disorientation, dizziness, loss of coordination, chest pain
 - low blood pressure
 - feeling faint
 - rapid heartbeat

Cannabis



Clinical/Side Effects of Consumption

- Cognitive impairment:
 - lack of concentration,
 - impaired learning
 - memory changes to thought formation and expression,
 - drowsiness,
 - agitation
 - anxiety
 - hallucinations
 - psychosis

(Source: Health Canada "Access to Canada for Medical Purposes Regulations – Daily Amount Fact Sheet (Dosage)")

Cannabis



Clinical/Side Effects of Consumption

- Dependent on:
 - THC content (the active ingredient in marijuana – volume in weight)
 - Frequency of use
 - other factors such as combined use with alcohol /other drugs.

Cannabis

Onset of Side Effects

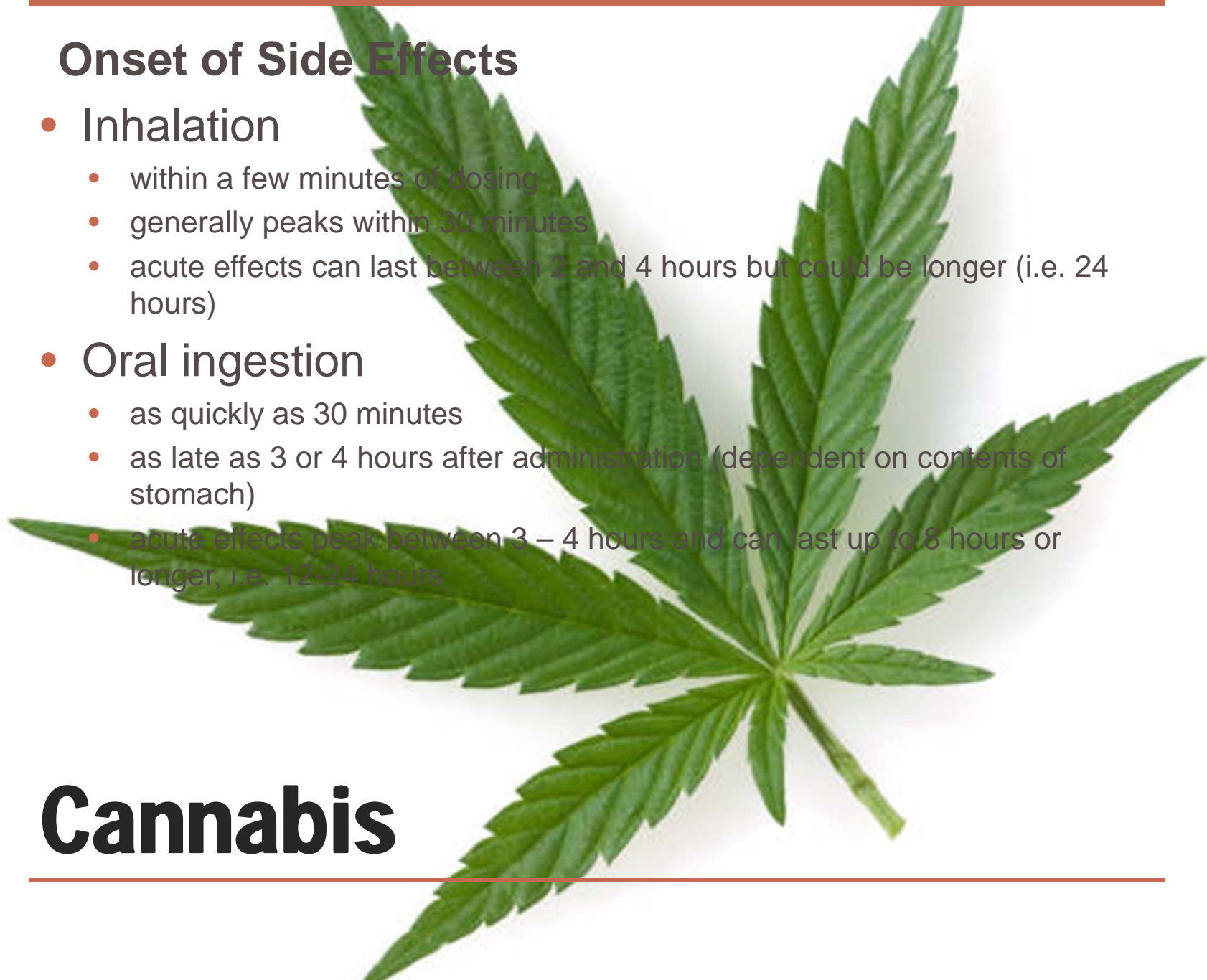
- Inhalation

- within a few minutes of dosing
- generally peaks within 30 minutes
- acute effects can last between 2 and 4 hours but could be longer (i.e. 24 hours)

- Oral ingestion

- as quickly as 30 minutes
- as late as 3 or 4 hours after administration (dependent on contents of stomach)
- acute effects peak between 3 – 4 hours and can last up to 8 hours or longer, i.e. 12-24 hours

Cannabis

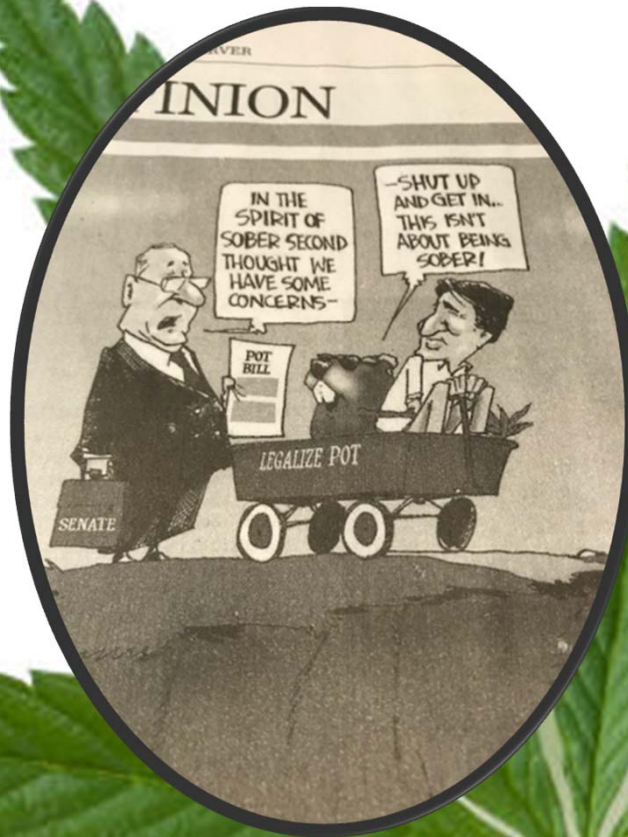




Consequently

- Health Canada:
 - No driving for 4 hours if smoked marijuana
 - No driving for 6 hours if swallowed marijuana
 - No driving for 8 hours if had feelings of euphoria

Cannabis



3. Legalization (Federal and Provincial Legislation)

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- Cannabis legal landscape is shifting quickly and significantly
 - Moving away from a system where the possession and consumption of cannabis for recreational purposes is unlawful to one where, sometime during the summer of 2018, recreational use of cannabis will be legalized.

Medical Cannabis

- Since 1999, *Access to Cannabis for Medical Purposes Regulations* allows:
 - possession/use authorized by medical doctor or nurse practitioner
 - individuals with prescriptions to access quality-controlled cannabis from Health Canada or other licensed providers
 - individuals to produce their own for their own consumption (permit-based)
 - individuals to possess the lesser of (a) 30-day prescription supply and (b) 150 grams
- If not "authorized" under this scheme → **not legal (currently)**





The Landscape is Changing

- **Expected Summer 2018**
 - Federal Law
 - *Cannabis Act*
 - recreational marijuana to be legalized (Bill C-45)
 - Provincial Law
 - *Cannabis Act, 2017*
 - *Smoke-Free Ontario Act, 2017*



Federal *Cannabis Act* (Bill C-45)

- provide adults legal access to cannabis, and controls and regulates its production, distribution and sale



When the Federal *Cannabis Act* (Bill C-45) becomes law:

- adults (those over the age of 18) ***without an authorization***
 - could possess up to 30 grams (dried)
 - equivalency factors will be prescribed for oils, etc.
 - grow up to four (4) cannabis plants per household



Federal *Cannabis Act* – Only Part of the Puzzle

- While Federal Bill C-45 will legalize recreational cannabis, its purchase, possession and consumption will be heavily regulated under provincial law
- Who can possess/consume and where one can possess/consume addressed in provincial law



Provincial Law: Bill 174, *Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017*

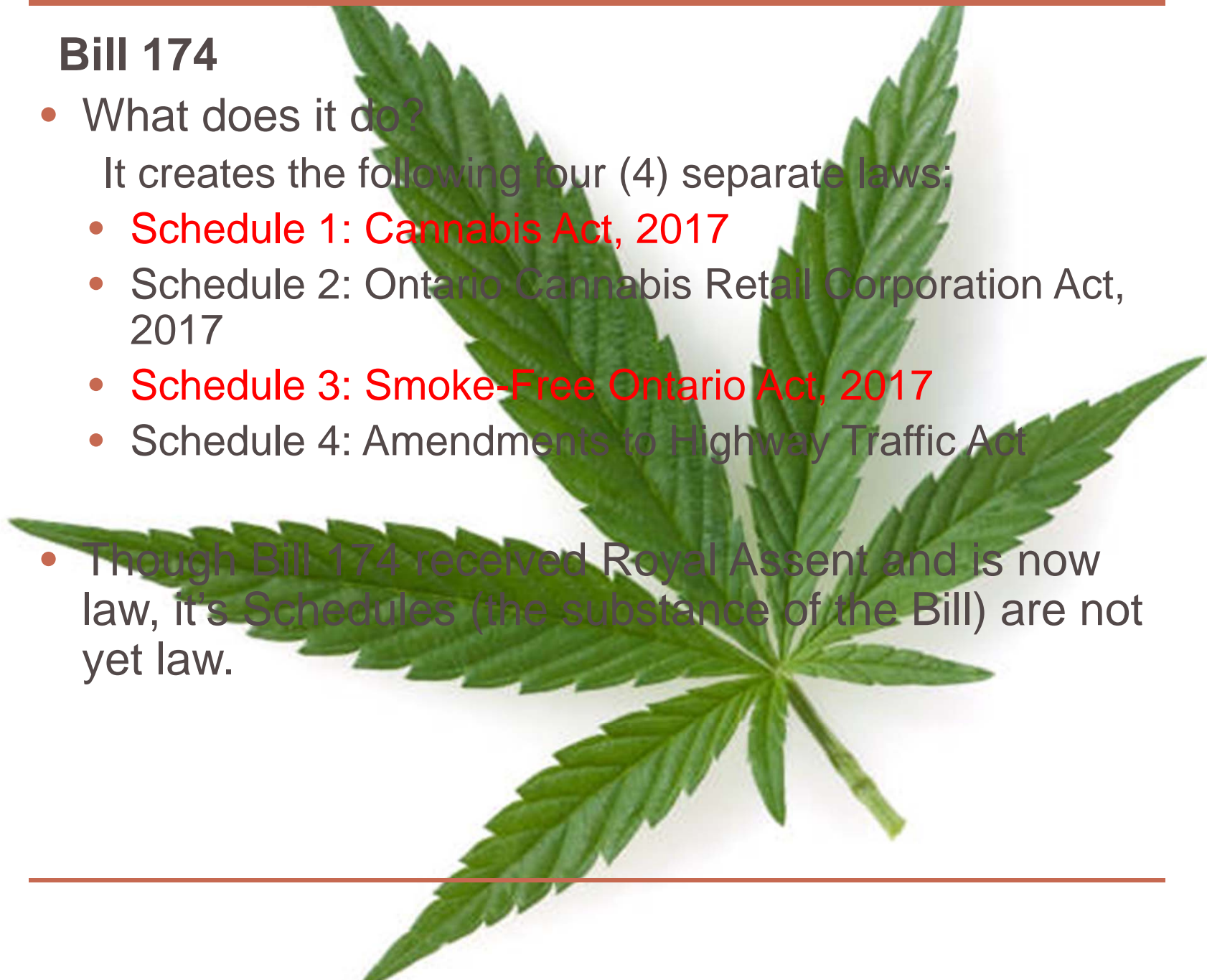
- Ontario's response to Bill C-45 and the legalization of cannabis
- Sets provincial rules in Ontario for, amongst other things, the sale, purchase, possession and consumption of cannabis in Ontario

Bill 174

- What does it do?

It creates the following four (4) separate laws:

- **Schedule 1: Cannabis Act, 2017**
 - Schedule 2: Ontario Cannabis Retail Corporation Act, 2017
 - **Schedule 3: Smoke-Free Ontario Act, 2017**
 - Schedule 4: Amendments to Highway Traffic Act
- Though Bill 174 received Royal Assent and is now law, it's Schedules (the substance of the Bill) are not yet law.





2. Schedules

- From a workplace perspective, the following Schedules are important :
 - **Schedule 1: *Cannabis Act, 2017***
 - **Schedule 3: *Smoke-Free Ontario Act, 2017***



Provincial Cannabis Act (Schedule 1)

- Employers should understand that despite Federal legalization of cannabis, the Provincial *Cannabis Act* (together with the new *Smoke-Free Ontario Act, 2017*) significantly limits where cannabis may be consumed recreationally and/or for medical purposes



Provincial Cannabis Act (Schedule 1)

Place of Use Restrictions

- The Act prohibits any person from consuming recreational cannabis in,
 - a public place
 - a workplace (as defined in the *Occupational Health and Safety Act*)
 - a vehicle or boat
 - any prescribed place

*some exceptions are expected to be prescribed



Place of Use Restrictions

- Exception for Medical Cannabis: The Act allows medical cannabis to be consumed in a prohibited place subject to compliance with the *Smoke-Free Ontario Act, 2017*



Schedule 2 - *Smoke-Free Ontario Act, 2017*

Prohibition:

No person shall smoke or hold lighted tobacco, smoke or hold lighted medical cannabis, use an e-cigarette or consume a prescribed product (regulations to be developed) in:

- a. an enclosed public space,
- b. an enclosed workplace,

...

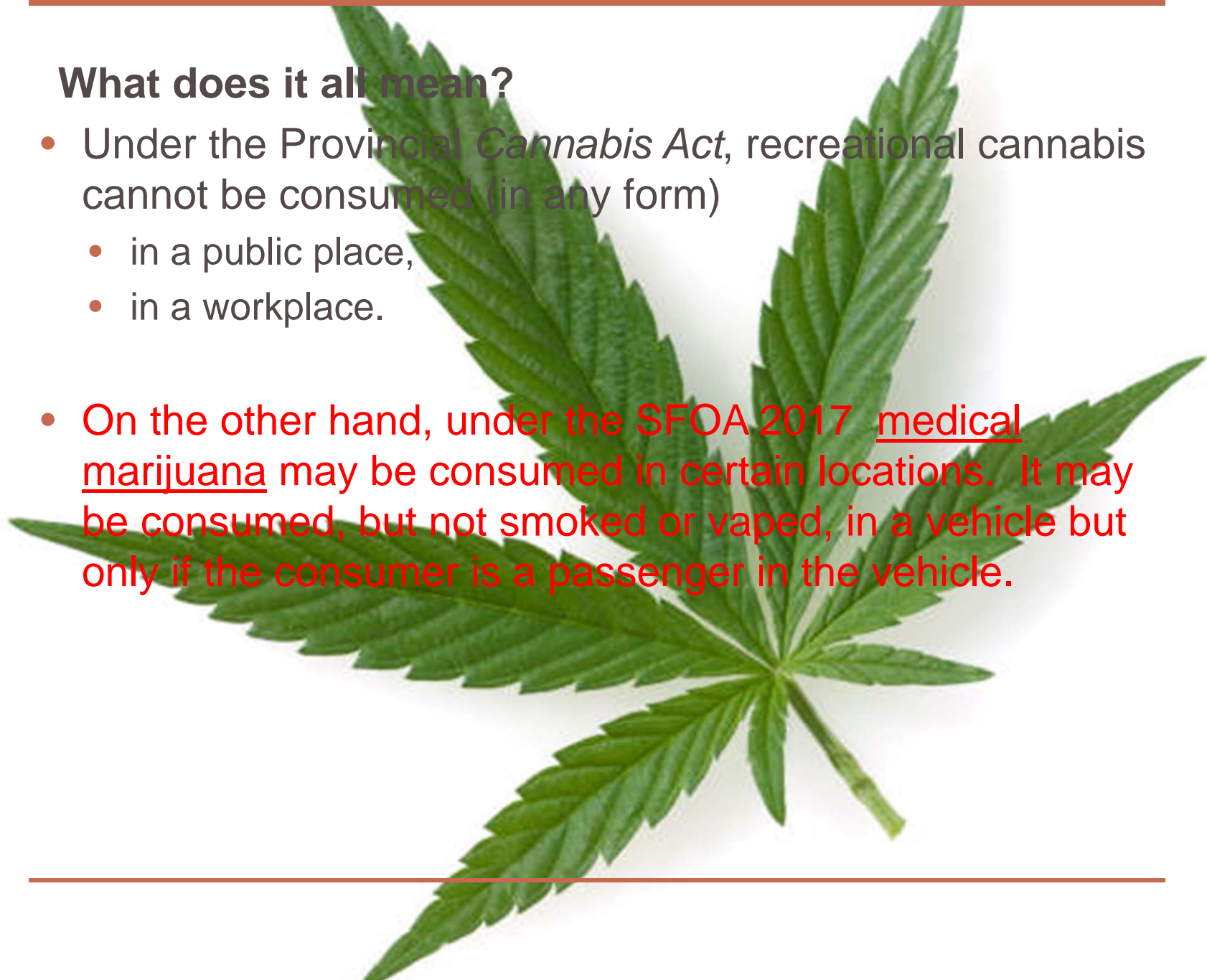


Schedule 2 - *Smoke-Free Ontario Act, 2017* Obligations

- Employer Obligations (**enclosed workplaces**):
 - ensure compliance with prohibitions
 - post notices/signs
 - remove offending individuals

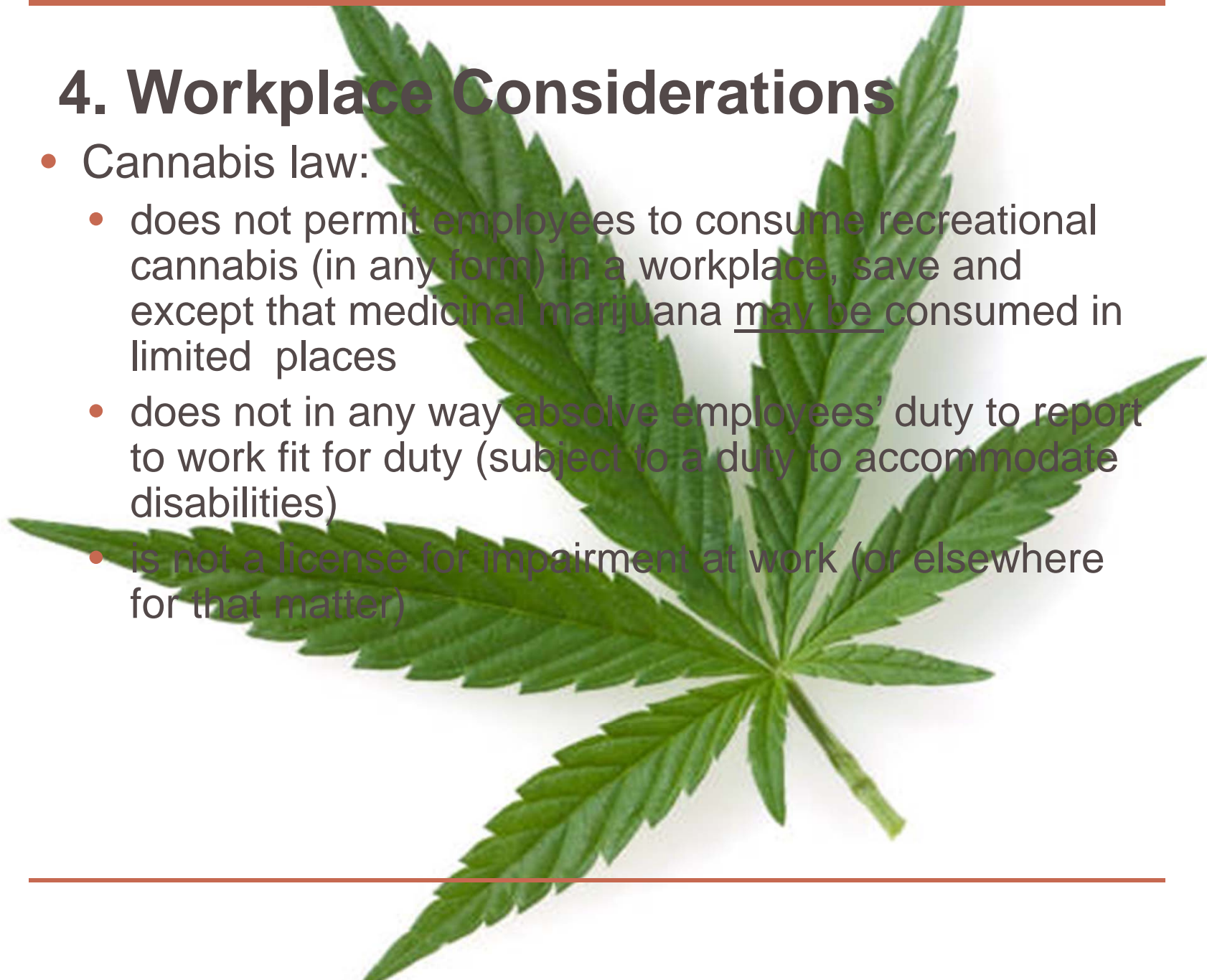
What does it all mean?

- Under the Provincial *Cannabis Act*, recreational cannabis cannot be consumed (in any form)
 - in a public place,
 - in a workplace.
- On the other hand, under the SFOA 2017 medical marijuana may be consumed in certain locations. It may be consumed, but not smoked or vaped, in a vehicle but only if the consumer is a passenger in the vehicle.



4. Workplace Considerations

- Cannabis law:
 - does not permit employees to consume recreational cannabis (in any form) in a workplace, save and except that medicinal marijuana may be consumed in limited places
 - does not in any way absolve employees' duty to report to work fit for duty (subject to a duty to accommodate disabilities)
 - is not a license for impairment at work (or elsewhere for that matter)



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- With legalization, potential higher cannabis consumption rates with potential impairment and/or performance issues creeping into the workplace
 - Possible new challenge for employers between:
 - protecting health and safety and other legitimate interests
 - monitoring impairment
 - accommodating disabilities
 - complying with *Cannabis Act* and *SFOA, 2017* place of consumption prohibitions
-



What are employers to do?

Potential Workplace Implications



a. Remember your health and safety obligations

Potential Workplace Implications



What are employers to do?

b. Conduct risk assessment / environmental scan

Recommendations for Employers



What are employers to do?

c. Communicate with employees about pending legalization and workplace considerations

d. Review Policies

- treat cannabis like alcohol, illicit drugs, tobacco in the workplace
- review, update current Policies (substance abuse, etc..)

Recommendations for Employers



What are employers to do?

d. Consider Fit for Duty Policy

- Elements of Policy
- Policy Development/Consultation/Communications

Recommendations for Employers



What are employers to do?

e. Accommodation

- Substance Abuse
- Medical Cannabis (as a component of an illness/injury treatment plan)

Recommendations for Employers



What are employers to do?

f. Health Plans

- Legalization may lead to normalization, which in turn may lead to increase in cannabis consumption for medical purposes
- Increase in use for medical purposes may lead to increased demands from employees/unions for benefit coverage
 - Cannabis treats various ailments, possibly at lower costs

Recommendations for Employers



What are employers to do?

f. Health Plans (cont'd)

- Not an approved drug under *Food and Drugs Act*
- Marketplace increasing
 - See Sun Life decision of February 2018 to offer non-drug coverage for specific conditions including cancer related nausea, rheumatoid arthritis pain, and palliative care
- Though not approved drug for drug plans, medicinal cannabis may be eligible for reimbursement under HCSA
- Speak to your benefits consultant

- The End.

Questions

