Acting on the Cannabis Act
Workplace Policy Approaches to Cannabis
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Key Findings

• Seventy-six per cent of employers have adjusted their alcohol and drug policies to reflect the new legal status of cannabis and they are supporting these changes through education and communication initiatives.

• Seventy per cent of employers have implemented a fit-for-duty policy whereby employees are expected to come to work unimpaired and able to perform their jobs safely and effectively.

• Concerns persist among employers about the impacts of cannabis on the workplace. They are particularly concerned about workplace safety increased risk of accidents, impairment at work, and employee mental health.

• Workplace accommodations, drug testing, and educating employees are seen as the most challenging aspects of cannabis legalization going forward.
Introduction

More than a year after receiving royal assent, the ripple effects of the *Cannabis Act* are still being felt. With the world watching, and without clear direction, Canadian businesses are leading the way forward by taking an active approach to managing the implications of cannabis on the workplace. It is too early to tell what the long-term effects will be, but what is clear is that Canada’s citizens, employers, and policy-makers are breaking new ground and setting the example for the rest of the world.

The legalization of cannabis in Canada is a contentious topic but is far from a new debate. For more than 40 years, political interest in legalizing cannabis has ebbed and flowed, grabbing headlines and stirring up debate in boardrooms and at dinner tables across the nation. Some believe there will be serious negative consequences and some maintain legalization will help create a more just, equitable, and prosperous society.

This report examines the results of a survey of Canadian employers exploring the effects of the legalization of cannabis on the workplace. Included are the policy approaches organizations have taken considering cannabis legalization, concerns around the impacts of cannabis on the workplace, problematic substance use, challenges that organizations have faced after legalization, and workplace education related to cannabis use.

Medical cannabis use and alcohol and drug (A&D) testing in the workplace will be addressed in companion research, to be released in the coming months.
Since the federal election of 2015, Canadian citizens and their employers have been discussing what the reality of legal cannabis would look like. The lengthy legislative process gave organizations time to consider how legalization would affect their operations and employees. It also provided an opportunity to put policies and procedures in place to mitigate foreseeable consequences. Some guidance could be drawn from the experiences of employers in American jurisdictions that had previously legalized cannabis. But because cannabis is still prohibited under U.S. federal law, their approach would not map perfectly into a Canadian context.

Lacking clear guidance, and despite the challenges of anticipating the effects of an unprecedented legislative landscape, our survey findings show that 68 per cent of respondent organizations were prepared for cannabis legalization.

While employers may have lacked the evidence to make informed decisions, many took active steps to prepare and put policies and procedures in place. A cluster analysis was used to explore the levels of preparedness and identify structures within the survey data. Based on responses to a series of survey questions, employers were segmented into two groups—low and high preparedness. (See Chart 1.)
These survey questions asked respondents to indicate the extent to which they agree with statements about their policies and procedures to manage the impacts of cannabis legalization on their organization.

The high-preparedness group agreed more strongly with statements that reflected deliberate precaution prior to legalization to enhance or maintain a safety-minded workplace culture. The group also agreed with reinforcing resources to help lessen the risks of cannabis use on their workplace.

The organizations that were considered prepared also more frequently had updated A&D policies, had implemented fit-for-duty policies, and had clearly defined consequences for non-adherence to related policies. (See Chart 2.)

**Organizational policies about cannabis**

A Human Resources Professional Association (HRPA) survey completed six months before legalization found that 45 per cent of respondent companies did not believe that their existing workplace policies addressed potential new issues that might arise with the legalization of cannabis.¹

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¹ Human Resources Professional Association, Clearing the Haze.
Updating existing policies
The most common policy approach for managing the legalization of cannabis in the workplace was updating A&D policies to address cannabis use during work hours. Before the legalization of cannabis, slightly more than three-quarters (76 per cent) of organizations updated their policies relating to the use of legal substances that are impairing during work hours. Fewer organizations reported updating policies that govern the use of legal substances during off-work hours—only 43 per cent of organizations indicated that they had updated these policies to address cannabis.

To build awareness and support policy changes, most organizations (57 per cent) say they provide education on substance use policies, including cannabis testing policies.

Fit for duty
Fit for duty is commonplace for our survey respondents—70 per cent of respondent organizations indicate that they have a fit-for-duty policy regarding the use of cannabis. To examine the effect of safety sensitivity on the approach taken to manage cannabis in the workplace, survey respondents were classified into two categories of safety sensitivity. Workplaces with 25 per cent or more of the workforce in safety-sensitive roles were classified as highly safety-sensitive, while those with less than 25 per cent of roles were classified as low safety-sensitive. Fit-for-duty policies are prevalent across all industries and highly safety-sensitive industries report the highest frequency of these types of policies.

Definition of fit for duty
The Public Service Health and Safety Association defines fit for duty as “[A] worker is able to safely and/or acceptably perform assigned duties without any limitations resulting from, but not limited to the use or after-effects of illicit drugs, alcohol, and/or medications; the misuse of and/or failure to take prescribed medications; and/or extreme fatigue/stress. It is a condition where a worker is physically, physiologically, and psychologically capable and competent of performing their [sic] task safely.”

Source: Public Service Health and Safety Association.
Zero tolerance

Employers have the right to set rules for use of cannabis in their workplace in much the same way that they can currently set rules for use of alcohol.

Employers are obligated to ensure the safety of their workplaces and can completely prohibit impairment on the job. Defining and assessing impairment is especially challenging in the case of cannabis. Research tends to support the increased likelihood of impairment when the blood concentration of THC (tetrahydrocannabinol, the most prevalent psychoactive component in cannabis) is above five ng/ml (nanograms per milligram). There is no established limit on the blood concentration of THC that reliably results in impairment, unlike established legal limits for blood alcohol concentrations. How employers define and test for impairment due to cannabis use remains challenging. The government has established per se limits on THC blood concentrations for driving, but state: “Unlike alcohol, the effects of THC do not correlate well with THC blood concentrations,” and “Establishing a drug per se limit does not imply all drivers below this limit are not impaired and all drivers above this limit are impaired.” To the average person, the government’s legal THC limits are meaningless. Toxicology results from blood tests can show the presence of cannabinoids in the system, but that simply proves the substance is present, not that there was impairment at the time of testing. THC quickly leaves the bloodstream, and research has shown that while occasional consumers can be impaired for six to eight hours, their blood THC concentrations can be effectively zero after 2.5 hours.

3 Ibid.
4 Cell Press, “Developing a Roadside Test for Marijuana Intoxication Isn’t as Easy as It Sounds.”
5 A per se limit refers to a specified threshold, or maximum limit, of a concentration of alcohol or drugs in the body that, if exceeded, is considered unacceptable. Canadian Centre on Substance Use and Addiction, Drug Per Se Laws.
6 Department of Justice, Legislative Background.
7 Huestis and Smith, “Cannabinoid Markers in Biological Fluids and Tissues.”
However, THC can accumulate in the tissues of the body and slowly release over time. This means that frequent consumers of cannabis, like those who consume cannabis daily for medical purposes, can test positive for cannabis even after 30 days of abstinence.\(^8\) Cognitive and behavioural tests of impairment conducted by well-trained personnel are favourable to detect impairment.

The HRPA report states that a zero-tolerance workplace cannabis policy could be problematic because it could result in discrimination against employees who use medical cannabis to treat or relieve the symptoms of an ailment or a disability and may not withstand legal scrutiny.\(^9\) Despite this, 40 per cent of respondents to our post-legalization survey said that they have a zero-tolerance policy in effect and under all circumstances—it is forbidden for employees to have any cannabis in their systems.

Safety-sensitive workplaces often have bona fide occupational requirements that would necessitate employees to be unimpaired at work. (See “Safety-sensitive positions.”) Slightly more than half (52 per cent) of highly safety-sensitive organizations report that they have introduced zero-tolerance cannabis policies. (See Chart 3.)

**Chart 3**

Zero-tolerance cannabis policies in place among high and low safety-sensitive organizations

(percentage of organizations; n = 148)

<table>
<thead>
<tr>
<th>Low proportion of safety-sensitive positions</th>
<th>High proportion of safety-sensitive positions</th>
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<tbody>
<tr>
<td>28</td>
<td>52</td>
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</tbody>
</table>

Source: The Conference Board of Canada.

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\(^8\) Cell Press, “Developing a Roadside Test for Marijuana Intoxication Isn’t as Easy as It Sounds.”

\(^9\) Human Resources Professional Association, *Clearing the Haze.*
Safety-sensitive positions

The Canadian Human Rights Commission defines a safety-sensitive position as one which “if not performed in a safe manner, can cause direct and significant damage to property, and/or injury to the employee, others around them, the public and/or the immediate environment.”

Source: Canadian Centre for Occupational Health and Safety.

Respondents in the transportation and warehousing, construction and manufacturing, and natural resources industries have the highest incidence of safety-sensitive roles. (See Appendix C.) Accordingly, these industries also have higher rates of zero-tolerance cannabis policies. (See Chart 4.)

**Chart 4**

**Highly safety-sensitive industries have the highest rate of zero tolerance for cannabis**

(percentage of organizations; n = 154)

<table>
<thead>
<tr>
<th>Industry</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Transportation and warehousing</td>
<td>67</td>
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<tr>
<td>Construction and manufacturing</td>
<td>59</td>
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<tr>
<td>Natural resources</td>
<td>46</td>
</tr>
<tr>
<td>Overall</td>
<td>40</td>
</tr>
</tbody>
</table>

Source: The Conference Board of Canada.
Proponents of zero-tolerance cannabis policies cite the risks associated with cannabis use and the implications for safety-sensitive work environments to support their prohibition of cannabis use before and during work hours. Nearly half (48 per cent) of private and not-for-profit organizations reported that they have adopted a zero-tolerance policy, while only 29 per cent of public organizations have done the same.

While zero-tolerance cannabis policies are not recommended for all workplaces, there may be a place for them in workplaces where safety is a critical priority.

Clear consequences
A work environment where employees are accountable for performance is the bedrock on which effective organizations are built. Foundational to this is setting clear expectations and applying appropriate consequences. Implementing carefully crafted policies that address cannabis is a crucial first step, but the consequences that govern violations of those policies need to be clear. A clear majority (84 per cent) of organizations said that they are either in the process of developing, or have in place, clearly defined consequences for not abiding by policies that address cannabis.

Social media
A study conducted by Ryerson University’s Social Media Lab found that in 2017, 94 per cent of Canadian Internet users had at least one social media account. This overwhelming majority of Canadians and the global adoption of new technologies to connect cannot be overlooked by policy-makers. Organizations have similarly adopted these platforms to promote their brands, to communicate, and to market their goods and services directly to consumers. But with this unprecedented access to consumers comes unprecedented risk. Individuals are sharing their lives online more and more, and how employees conduct themselves during their off-hours can reflect on their employers.

Will consuming cannabis become as normalized as drinking a beer? Few hesitate to post a picture of friends toasting champagne on New Year’s Eve or share a picture of a romantic dinner that included a bottle of wine. But negative stigma around consuming cannabis persists, and many organizations believe that an association with cannabis would reflect negatively on their brand. In fact, nearly half of organizations (44 per cent) say they are concerned about the optics of their employees using cannabis.

Organizations and industries that have built their reputation on safety-minded values are more likely to have developed guidelines and policies that address employees’ and the organization’s social media coverage of cannabis. (See Table 1.)

10 CBC News, “Looming Marijuana Legislation Concerns Oil and Gas Safety Watchdog.”
11 Gruzd and others, The State of Social Media in Canada.
The majority of organizations reported that they are in the process of developing (or already have in place) consequences for not abiding by policies.
Despite the low rate of instituting social media policies governing coverage of cannabis, organizations are concerned about how cannabis use by employees will be perceived externally by customers and other stakeholders. Organizations are not yet prepared to challenge the negative stigma associated with consuming cannabis. Therefore, it can be expected that image-conscious organizations will adopt more regulations to manage how their brand is perceived by the public. (See “Can you smoke cannabis at work?”)

Table 1
Prevalence of guidelines that address social media coverage of recreational cannabis (percentage of organizations)

<table>
<thead>
<tr>
<th>Industry</th>
<th>n</th>
<th>Personal social media</th>
<th>Organization's social media</th>
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<tbody>
<tr>
<td>Overall</td>
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<td>16</td>
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<tr>
<td>Power and utilities</td>
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<tr>
<td>Construction and manufacturing</td>
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<td>25</td>
<td>19</td>
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<tr>
<td>Retail and wholesale</td>
<td>10</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Communications, telecommunications, media, high-tech, and professional services</td>
<td>10</td>
<td>20</td>
<td>11</td>
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<tr>
<td>Government</td>
<td>30</td>
<td>13</td>
<td>14</td>
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<tr>
<td>Not-for-profit</td>
<td>12</td>
<td>8</td>
<td>17</td>
</tr>
<tr>
<td>Finance, insurance, and real estate</td>
<td>18</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Education and health care</td>
<td>17</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Natural resources (including oil and gas)</td>
<td>14</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Accommodation, entertainment, food services, and recreation</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: The Conference Board of Canada.

Can you smoke cannabis at work?

Unambiguously, no.

Before the legalization of cannabis, all provincial governments have enacted laws that prohibit smoking or vaping in workplaces and other enclosed public spaces. These regulations extend to smoking and vaping cannabis.

Despite the law being clear on the issue, it is nevertheless important that employers have policies that reinforce the prohibition of cannabis in the workplace.

Employers should confirm in writing and ensure that employees understand:

• what the expectation is about cannabis in the workplace
• steps the employer will take to monitor and control workplace use
• disciplinary actions that will occur if the policy is breached
Problematic substance use

Canadian organizations believe they are well-equipped to help employees manage problematic substance use.

While one in five organizations says they are concerned about problematic substance use in the workplace (6 per cent being extremely concerned), 60 per cent of organizations say they are not concerned. (See Chart 5.)

Attitudes toward problematic substance use differ regionally across Canada. Ontario and Quebec report the lowest level of concern about problematic substance use at work (18 per cent said that they are concerned). Meanwhile, Atlantic Canada (30 per cent) and British Columbia and the territories (29 per cent) reported considerably higher levels of concern.

Despite overall concern being quite low, large organizations with more than 5,000 employees are nearly three times as likely to be concerned about problematic substance use: 58 per cent of these organizations say they are concerned. (See “Duty to accommodate.”)
Duty to accommodate

Substance dependence is a form of disability protected under Canadian human rights legislation. Employers have a legal obligation to accommodate these disabilities within their organization, short of undue hardship. The duty to accommodate requires employers to make every reasonable effort to accommodate an employee with a disability within the workplace. It should be noted that the duty to accommodate does not extend to recreational consumers of alcohol or cannabis who do not have a substance use disorder or similar disability.


Supports are in place should they be needed

An explanation for the lack of concern about problematic substance use among employers could be the confidence that should an issue arise there are supports in place to assist employees. Fifty-seven per cent of organizations report that they provide education on supports available for employees for managing problematic substance use and addiction.

The most popular supports available for employees with problematic substance use and addiction are Employee Assistance Programs (EAPs) (94 per cent) and return-to-work support (89 per cent). The most popular accommodation available is placing the employee in a different role (63 per cent).

Around half of organizations also said they have in place:

- long-term treatment (52 per cent)
- outpatient treatment (49 per cent)
- recovery management (48 per cent)
- relapse prevention (44 per cent)
- residential treatment (44 per cent)

Impairment at work

While many organizations remain concerned about impairment at work, it is uncommon for employers to have a specific definition of impairment in place. (See Exhibit 1.)

12 Canadian Human Rights Commission, Impaired at Work
Common passages included in definitions of impairment:

- unfit for duty due to consumption of drugs and alcohol;
- diminished level of alertness, perception, motor coordination, and judgment that results in unfit for duty;
- difficulty completing work safely and may put themselves, their co-workers, and the public in danger.

Costs of substance use in Canada

The Canadian Substance Use Cost and Harms Project found that the cost of substance use in Canada in 2014 was $38.4 billion, which includes the cost of lost workforce productivity, health care costs, and criminal justice. While 70 per cent of the total cost was attributable to alcohol and tobacco, the study found that cannabis use cost Canada $2.8 billion. Note that 62 per cent of costs attributable to cannabis use are due to criminal justice costs. Cannabis use costs in lost productivity and health care are low compared with those of alcohol, tobacco, and opioids. (See Chart 6.)

Chart 6
Costs attributable to cannabis use are comparatively low ($ billions)

Source: Canadian Centre on Substance Use and Addiction.
Concerns and opportunities

Concern about the overall impacts of the legalization of cannabis appears to be decreasing among employers. (See Chart 7.)

Chart 7
Concern about the impact of cannabis on the workplace is decreasing
(percentage of organizations)

Source: The Conference Board of Canada.

The not-for-profit and the finance, insurance, and real estate industries show the least concern about the impacts of legal cannabis in the workplace, with only 13 and 10 per cent of organizations, respectively, indicating that they are concerned. At the opposite end of the spectrum, 78 per cent of organizations in the transportation and warehousing industry indicate that they are concerned or very concerned. (See Chart 8.)
Not surprisingly, organizations that have a high proportion of safety-sensitive positions have an increased level of concern about cannabis than those with fewer safety-sensitive roles. Employers take their obligation to provide a safe workplace seriously, and 48 per cent of highly safety-sensitive organizations indicate that they are concerned about the impact that cannabis will have on the workplace. Organizations where safety is a critical consideration have managed worries related to drug and alcohol impairment and have significant experience nurturing a safety-conscious workplace culture. The new legal status of cannabis has not eased their vigilance in ensuring a safe work environment.

Large organizations (with more than 5,000 employees) are far more likely to be concerned about the impacts of cannabis on the workplace. Sixty-eight per cent of these very large organizations expressed concern, compared with only 27 per cent of organizations with more than 1,500 employees but fewer than 5,000. (See Chart 9.) This increased level of concern could be related to several factors, including that an organization with more employees is likely to have a higher number of cannabis consumers in total. When a single impaired individual could be responsible for a significant safety incident, the sheer number of employees could increase this concern. It is worth noting that most people who consume cannabis do not do so problematically. However, employers should strive to reduce the harms of cannabis in the workplace, especially for people with concurrent mental health problems or problematic use.

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15 Ordre des conseillers en ressources humaines agréés, How to Adapt the Workplace to the Legalization of Cannabis.
Top five concerns

1. Workplace safety

2. Impairment or intoxication at work

3. Employee mental health

4. Increase in workplace accidents or injuries

5. Increased use of cannabis

Source: The Conference Board of Canada.

Workplace safety

Overall concern about the potential impact of cannabis use on workplace safety remains high—one in five employers is extremely concerned that cannabis will have a negative impact on workplace safety. (See Chart 10.) Understandably, organizations with a high proportion of safety-sensitive positions were far more likely to indicate that they were extremely concerned about the impacts on workplace safety (29 per cent) than those with few safety-sensitive positions (9 per cent).

Half of employers are concerned they will see increased use of cannabis and that social normalization will result in higher incidences of impairment in the workplace. Many employers are also concerned that the occurrence of workplace accidents will increase, especially in safety-sensitive industries.

Chart 10

Most organizations are concerned about the potential impact of cannabis on workplace safety
(percentage of organizations; n = 158)

Source: The Conference Board of Canada.
“Our social licence to operate is dependent on operating safely. Cannabis presents a significant challenge to safety without adequate controls over impairment at work.”

HR leader in large, safety-sensitive organization
Employers’ concerns are not unfounded. There is evidence that impairment due to cannabis has negative impacts on memory, attention, concentration, decision-making, and motor skills. But it is yet to be seen which effects, if any, cannabis will have on Canadian workplaces. It will take some time for the forgetful, bumbling, lazy, and unindustrious stereotypes about cannabis consumers, built over nearly a century of prohibition, to dissipate. Employers are rightly cautious but managing this new reality must become business as usual.

**Education and communication**

Employers are increasingly committed to supporting employees’ wellness, acknowledging that spending on workplace wellness initiatives is an investment in the health and productivity of the labour force. Evidence is mounting that health, wellness, and safety programs have strong positive effects that reduce workplace injury, improve productivity, and decrease health care costs. In fact, two-thirds (68 per cent) of employers agree that senior leadership understands the value of investing in education on problematic substance use. Educational programming addressing A&D use is one item in the employer toolbox to help mitigate the risk of problematic substance use and help prevent it altogether. (See “Confidence is high.”)

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To moderate the impacts of cannabis legalization on their organizations, 45 per cent of survey respondents say that they will take a harm reduction approach, raising awareness and increasing education about how to consume cannabis safely.

However, only a third (32 per cent) of organizations say they will directly provide employees with education or educational materials on cannabis use. In fact, only 28 per cent of employers say they have general education on cannabis currently in place to ensure that employees have the knowledge they need to make informed decisions. This relatively low prevalence of cannabis education may be the result of low demand. Only 27 per cent of employers say that their employees have expressed a desire for education or information on cannabis. Desire for this kind of education is likely understated because employees may be uncomfortable expressing interest in cannabis to their employers. Also, employees may not want to risk being associated with the unmotivated, and unproductive stereotypes that have been attributed to cannabis users.

Most employees want to be their best at work and abide by workplace policies, but some may not have the knowledge to do so. The effects of cannabis consumption are broadly misunderstood, vary considerably from person to person, and there is uncertainty surrounding safe cannabis practices. Employee education is one of the most cost-effective and beneficial ways for an organization to help employees understand the risks and to encourage responsible cannabis use. To stay ahead of the curve in engaging the workforce on the topic of cannabis, it is advised that more organizations include cannabis education in their wellness programs.

A deep dive into cannabis education

Who is receiving cannabis education and training?
Most employers (64 per cent) say all their employees receive training. In some cases, organizations indicated that only some employee groups, typically managers, receive training. (See Chart 12.)

Chart 12
Employees receiving training
(percentage of organizations; n = 163)

Source: The Conference Board of Canada.
What are the current offerings of organizations’ cannabis education?

Most organizations (57 per cent) offer information to employees about their substance use policy, including details of organizational cannabis-testing policy and about the supports available to employees concerned about problematic substance use and addiction.

Also common is explicit training on organizations’ substance use policies, guidelines that define impairment due to cannabis, and what constitutes fit-for-duty. Less common is education on harm reduction strategies to promote safer usage and reduce the risk of harm.

How are education and training being delivered?

By far, the most common method being used to educate employees on substance use and cannabis is through EAPs. Eighty-nine per cent of organizations say they use their EAP for education on substance use, and 60 per cent indicated that their EAP has cannabis-specific educational resources. Access to online resources and materials is also popular, with 75 per cent of organizations going online for substance use education and 44 per cent using online resources for cannabis education.

Slightly more than half (53 per cent) of organizations have instituted mandatory training facilitated by internal staff, but only around a fifth (22 per cent) use this method for cannabis education explicitly. (See Chart 13.)
Workplace accommodation

Employers have long had a duty to accommodate an employee’s disability, including the need to use medications at work. This accommodation extends only to medical cannabis and not to recreational cannabis consumption. Employers must balance safety interests with their obligation to accommodate employees. This aspect of legalization may be concerning to organizations because cannabis accommodation requests are so uncommon. Of organizations that track the number of accommodation requests they receive, 67 per cent received no medical cannabis accommodation requests in the last 12 months, and 28 per cent received fewer than five.

Laws around drug testing

Drug-testing programs are generally used to detect people who pose a safety risk because they are impaired by drugs or alcohol. However, drug testing in Canadian workplaces is a legally sensitive area—especially around employers’ human rights obligations and privacy concerns. While some types of A&D testing are more common in safety-sensitive organizations, random testing can be justified only in specific circumstances.

Educating employees

Now that cannabis is legal, Canadians will likely become more cannabis literate. What should employers provide to employees about the use, misuse, and abuse of cannabis? Organizations are unclear about what they should be responsible for and there is concern that employees are not informed about the impacts of their recreational cannabis use.

Organizations that were classified into the low-preparedness group found certain aspects of legalization more challenging than their peers in the high-preparedness group. Predictably, knowing where to start was much more frequently a concern of organizations that were not as prepared for legalization as others. Similarly, getting senior leadership buy-in and securing resources were also more frequently a concern in the low-preparedness group. (See Chart 14.)
Taking action

Have a cannabis or fit-for-duty policy in place

There is no formula for the perfect policy, and each employer is unique. Policies should be tailored to your organization. Here are some elements to consider:

✔ Reiterate that impairment due to alcohol, cannabis, or drugs is unacceptable in the workplace.

✔ Outline steps that will be taken to ensure policy compliance.

✔ Specify the consequences for violating “smoke-free” policies, unsafe equipment use, or any other action that jeopardizes the health and safety of other employees or the public.

✔ In the case of zero tolerance for cannabis and safety-sensitive workplaces, consider what would be a reasonable period of abstinence before an employee returns to work.

✔ Ensure compliance with health and safety legislation, human rights legislation, and collective agreements.

✔ Distinguish medical cannabis from recreational cannabis, since they can be treated differently.

✔ Consider offering training to different groups of employees. Some examples include:
  - Train managers and supervisors on how to detect impairment.
  - Train employees on the policies related to cannabis.

✔ Consider implementing policies about cannabis use at work-related celebrations, off-hours events, international business travel, and social media.
What’s next?

Canadian employers are charting a course through unfamiliar territory. Organizations have a responsibility to ensure the safety of workers and the public and have implemented policies intended to minimize this risk. The Cannabis Act has brought the topic to the forefront, but many of the challenges of legalization are not new to the Canadian workplace. Cannabis has been widely used in Canada for decades, and employers have always been managing issues like impairment at work, problematic substance use, addiction, and workplace safety. The perceived ease of access and availability of cannabis following legalization has renewed concerns on these issues.

Many employers have chosen to tweak policies and procedures slightly to reflect the repeal of cannabis prohibition and maintain the status quo. However, cannabis justifiably remains a banned substance in certain safety-critical organizations.

Regulations that govern impairment, social media, fitness for duty, and substance use will continue to evolve as more becomes known. By removing legal barriers to accessing cannabis, the breadth and richness of scientific knowledge about the drug will grow and our understanding of its properties, applications, and effects will expand. These insights will help to inform the future of cannabis in the workplace in Canada and across the globe.
Appendix A

Bibliography


## Appendix B

### Respondent profile

From November 2018 to January 2019, The Conference Board of Canada surveyed 163 employers to understand how they prepared for the legalization of cannabis. Respondents represent a cross-section of public and private sector organizations and include all major industry categories. However, there is a regional skew to the profile of respondents. Organizations from Ontario are over-represented in this survey. (See Table 1.)

### Table 1

#### Respondent profile

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<table>
<thead>
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<tr>
<td>Government</td>
<td>20</td>
</tr>
<tr>
<td>Not-for-profit</td>
<td>9</td>
</tr>
</tbody>
</table>

(continued ...)

| Table 1 (cont'd)
| Respondent profile
| (total number of responding organizations = 163; percentage of organizations) |
| Industrial classification (cont'd) |  |
| Retail and wholesale              | 7 |
| Transportation and warehousing    | 6 |
| Power and utilities               | 6 |

<table>
<thead>
<tr>
<th>Number of employees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fewer than 100</td>
<td>17</td>
</tr>
<tr>
<td>100 to 250</td>
<td>14</td>
</tr>
<tr>
<td>250 to 500</td>
<td>12</td>
</tr>
<tr>
<td>500 to 1,500</td>
<td>20</td>
</tr>
<tr>
<td>1,500 to 5,000</td>
<td>22</td>
</tr>
<tr>
<td>More than 5,000</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada only</td>
<td>70</td>
</tr>
<tr>
<td>North American</td>
<td>9</td>
</tr>
<tr>
<td>Global</td>
<td>21</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ownership</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Publicly traded</td>
<td>12</td>
</tr>
<tr>
<td>Controlled by Canadian publicly traded company</td>
<td>3</td>
</tr>
<tr>
<td>Controlled by foreign publicly traded company</td>
<td>6</td>
</tr>
<tr>
<td>Privately held</td>
<td>23</td>
</tr>
<tr>
<td>Not applicable</td>
<td>56</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Annual sales/service revenue (Canadian operations)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to $99 million</td>
<td>29</td>
</tr>
<tr>
<td>$100 million to $999 million</td>
<td>22</td>
</tr>
<tr>
<td>$1 billion and over</td>
<td>19</td>
</tr>
<tr>
<td>Not reported</td>
<td>31</td>
</tr>
<tr>
<td>Total number of employees</td>
<td>621,542</td>
</tr>
<tr>
<td>Total non-unionized employees</td>
<td>186,094</td>
</tr>
<tr>
<td>Total unionized employees</td>
<td>435,448</td>
</tr>
</tbody>
</table>

Source: The Conference Board of Canada.

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### Safety-sensitivity profile

#### Table 1

**Safety-sensitive profile**

(total number of responding organizations = 163; percentage of organizations)

<table>
<thead>
<tr>
<th>Majority workforce location</th>
<th>Low safety sensitivity</th>
<th>High safety sensitivity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Ontario and Quebec</td>
<td>48</td>
<td>52</td>
</tr>
<tr>
<td>Prairies</td>
<td>36</td>
<td>64</td>
</tr>
<tr>
<td>British Columbia and territories</td>
<td>43</td>
<td>57</td>
</tr>
<tr>
<td><strong>Sector</strong></td>
<td><strong>Low safety sensitivity</strong></td>
<td><strong>High safety sensitivity</strong></td>
</tr>
<tr>
<td>Private</td>
<td>44</td>
<td>56</td>
</tr>
<tr>
<td>Public</td>
<td>43</td>
<td>57</td>
</tr>
<tr>
<td><strong>Industrial classification</strong></td>
<td><strong>Low safety sensitivity</strong></td>
<td><strong>High safety sensitivity</strong></td>
</tr>
<tr>
<td>Accommodation, entertainment, food services, and recreation</td>
<td>40</td>
<td>60</td>
</tr>
<tr>
<td>Natural resources (including oil and gas)</td>
<td>14</td>
<td>86</td>
</tr>
<tr>
<td>Communications, telecommunication, media, high-tech, and professional services</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>Construction and manufacturing</td>
<td>13</td>
<td>88</td>
</tr>
<tr>
<td>Education and health care</td>
<td>39</td>
<td>61</td>
</tr>
<tr>
<td>Finance, insurance, and real estate</td>
<td>95</td>
<td>5</td>
</tr>
<tr>
<td>Government</td>
<td>45</td>
<td>55</td>
</tr>
<tr>
<td>Not-for-profit</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>Retail and wholesale</td>
<td>64</td>
<td>36</td>
</tr>
<tr>
<td>Transportation and warehousing</td>
<td>0</td>
<td>100</td>
</tr>
<tr>
<td>Power and utilities</td>
<td>22</td>
<td>78</td>
</tr>
</tbody>
</table>

Note: The proportion for low safety represents the percentage of organizations for which 25 per cent or less of the workforce is in safety-sensitive positions. The proportion for high safety sensitive represents the percentage of organizations for which 26 per cent or more of the workforce is in safety-sensitive positions. Note: Total does not add to 100 due to rounding. Source: The Conference Board of Canada.

#### Table 1 (cont’d)

**Safety-sensitive profile**

(total number of responding organizations = 163; percentage of organizations)

<table>
<thead>
<tr>
<th>Number of employees</th>
<th>Low safety sensitivity</th>
<th>High safety sensitivity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fewer than 100</td>
<td>46</td>
<td>54</td>
</tr>
<tr>
<td>100 to 250</td>
<td>44</td>
<td>57</td>
</tr>
<tr>
<td>250 to 500</td>
<td>35</td>
<td>65</td>
</tr>
<tr>
<td>500 to 1,500</td>
<td>42</td>
<td>58</td>
</tr>
<tr>
<td>1,500 to 5,000</td>
<td>62</td>
<td>38</td>
</tr>
<tr>
<td>More than 5,000</td>
<td>26</td>
<td>74</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>44</strong></td>
<td><strong>56</strong></td>
</tr>
</tbody>
</table>

Note: Total does not add to 100 due to rounding.

Source: The Conference Board of Canada.
Acknowledgements

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Via Rail
Workplace Safety & Prevention Services
Where insights meet impact

Acting on the Cannabis Act: Workplace Policy Approaches to Cannabis
Nancy Norton


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