

Legalization One Year Later: What Has Been the Impact on Workplaces and What's Next?

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October 17, 2019

ADP Canada Co. has released the results of a study it commissioned to examine the rate of cannabis use at work in Canada and to survey the extent to which Canadian employers are allowing employees to use cannabis in the workplace. The study, conducted by Ipsos, confirmed what most HR experts have observed on an informal basis: the impact to date has been minimal. Only 5% of Canadians reported consuming recreational cannabis before work and 4% during working hours. Notably, a large majority of Canadians advised that they believed that recreational cannabis had no impact on workplace health and safety, productivity, absenteeism or quality of work. Ipsos also observed a gap between managerial and non-managerial employees in their understanding of workplace policies. 86% of managers reported fully understanding their workplace policies regarding legal recreational cannabis use whereas only 74% of non-managers felt that had a similar level of understanding.

The study also confirmed that most Canadian employers have prohibited the use of recreational cannabis at work. Only 8% of Canadian employees said that they were permitted to use recreational cannabis during working hours. A summary of the Ipsos findings is available on the ADP website.

So what is next? Today, October 17, 2019, is the day that amendments to the Cannabis Regulations under the federal Cannabis Act come into force, which set out the rules for the legal production and sale of three new classes of cannabis: edibles, cannabis extracts, and cannabis topicals. Of these three products, edibles are the ones that cause employers the most concern as they are often indistinguishable from other items regularly consumed in the workplace such as chocolates or candies. There is also concern because many cannabis consumers are unfamiliar with edibles and the level of impairment they can cause, increasing the risk of medical incidents related to consumption. Although these items are not expected to be available for purchase until later in the year, we encourage clients to review their workplace drug and alcohol policies to ensure that they contemplate all forms of cannabis products. It may also be advisable to educate managers and supervisors about this change in the law and to remain vigilant about detecting impairment at work.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.