

Bill C-45 Passes in the Senate, Making Cannabis Legal in Canada

Laurie Jessome

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By way of a 52-29 vote, the Canadian Senate has now passed the federal government's bill legalizing recreational marijuana in Canada. It is now up to the federal government to set a date for formal legalization, with provincial governments receiving an eight to twelve week period to prepare for the sale of the drug within their province. The Bill is expected to receive Royal Assent within a matter of days.

Employers across the country have expressed uncertainty regarding the impact of legalized recreational marijuana on their workplaces, with a particular focus on productivity and safety concerns. In August of 2017, the Human Resources Professional Association (HRPA) published a white paper identifying some of the issues employers may face and making recommendations for both employers and governments. [A link to our discussion of the white paper and the publication itself can be found here](#). To date, none of the issues raised by the HRPA in that white paper have been specifically addressed by the Ontario government.

Although many of the issues presented by legalized recreational marijuana use are similar to those presented by alcohol and prescription drugs, we recommend that employers review their drug and alcohol policies to ensure that they are up to date. We also recommend training supervisors, managers and human resources professionals on identifying impairment in the workplace and responding promptly to potential safety issues arising from impairment. The Canadian Centre for Occupational Health and Safety has recently published a paper entitled, "Workplace Strategies: Risk of Impairment from Cannabis," [a link to which can be found here](#), which contains a helpful discussion of possible means of identifying and reporting employee impairment.

A recent change in Ontario's provincial government may mean changes in how our province intends to respond to the legalization of marijuana and its impact on employers, although the Progressive Conservatives have yet to issue a statement or policy platform addressing the issue.

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