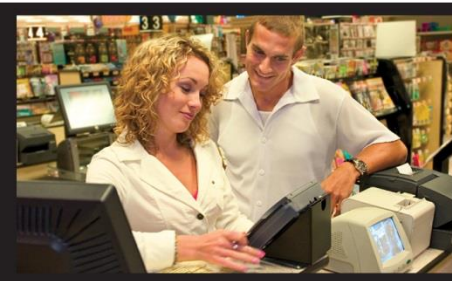


# Impairment (Cannabis) and Workplace Safety: What Employers Can Do

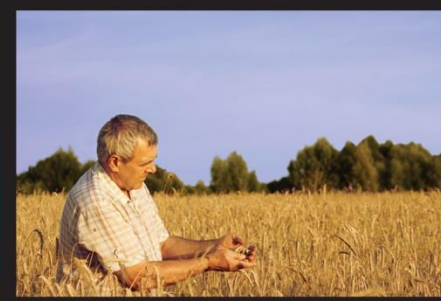
**\*\*\*The information contained in this presentation is not legal advice and should not be relied on as such\*\*\***



# Learning Objectives

- What is impairment? (causes, signs, impact on workplace)
- Characteristics of cannabis impairment
- Employers' responsibilities to provide a safe and healthy workplace
- Safety-sensitive vs. non-safety-sensitive positions
- Best practices – Drug and Alcohol policy
- Knowing the appropriate steps to respond to suspected impairment in the workplace





# Impairment



# What is Impairment?

- A disturbance of the body or mind from any cause that results in an unacceptable risk of a worker being unable to safely perform a task at work.
- It is a state of mind or body that causes the worker to become a hazard to self or others.

Source: *Impairment and Occupational Health and Safety*, Work Safe Alberta.

# Causes of Impairment

- Alcohol and other drugs
- Medical conditions
- Fatigue
- Unresolved conflict (personal or work life)



Source: *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.

# Possible Signs of Impairment\*

- 1) Physical signs
- 2) Psychosocial signs
- 3) Workplace performance signs

\*None of these are necessarily indicators of substance use or substance abuse

Source: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011.

# Possible Signs of Impairment\*

- Physical Signs**
- Significant negative change in appearance
  - Slurred speech
  - Unsteady gait

\*None of these are necessarily indicators of substance use or substance abuse

Source: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011.

# Possible Signs of Impairment\*

- Psychosocial Signs**
- Inappropriate behaviours
  - Extreme irritability
  - Significant confusion or memory lapses
  - Unexplained lack of focus and concentration
  - Isolation
  - Personal and relationship disharmony



\*None of these are necessarily indicators of substance use or substance abuse

Source: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011.



# Possible Signs of Impairment\*

- Workplace** • Attendance issues
- Performance** • Unexplainable errors in judgement
- Signs** • Strong deterioration in performance
- Non-compliance with policies

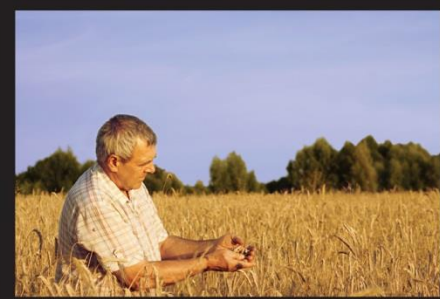
\*None of these are necessarily indicators of substance use or substance abuse

Source: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011.

# Impact of Impairment on the Workplace

Description	Impact
Employee health	<ul style="list-style-type: none"><li>• Increased health benefit usage</li><li>• Absenteeism</li></ul>
Safety	<ul style="list-style-type: none"><li>• More incidents</li><li>• Risk-taking behaviour</li></ul>
Productivity	<ul style="list-style-type: none"><li>• Reduced output</li><li>• Increased errors</li></ul>
Decision making	<ul style="list-style-type: none"><li>• Reduced innovation</li><li>• Reduced creativity</li></ul>
Morale	<ul style="list-style-type: none"><li>• Higher turnover</li><li>• Reduced team effort</li></ul>
Security	<ul style="list-style-type: none"><li>• Theft</li><li>• Law enforcement involvement</li></ul>
Workplace image	<ul style="list-style-type: none"><li>• Reduced trust and confidence</li><li>• Reduced ability to attract good employees</li></ul>

Source: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011.



# Cannabis



# Cannabis

- Also known as marijuana, weed, pot, grass
- Used for thousands of years for food, fibre, fuel, medicine and religious sacraments (India and China)



Source: *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.

# Cannabis Products

- Dried herbal material
- Oil (hash oil)
- Hash (compressed resin)
- Concentrates (shatter)
- Foods and beverages
- Pill form
- Creams, salves or skin patches

Source: *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.



# Chemical Composition of Cannabis

Composed of hundreds of compounds including:

THC\*: Main psychoactive effect or “high.”

CBD\*\*: No psychoactive effect or “high.”

Acts on receptors in brain

\*THC = Delta-9-tetrahydrocannabinol

\*\*CBD = Cannabidiol

Source: *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.

# Cannabis and the Brain



Slowed reaction time

Impaired memory

Impaired co-ordination

Altered thinking, judgement and sensation

Adapted from *The Science of the Endocannabinoid System: How THC Affects the Brain and Body*, Scholastic [cited 2018 February 6]  
Available at <http://headsup.scholastic.com/students/endocannabinoid>

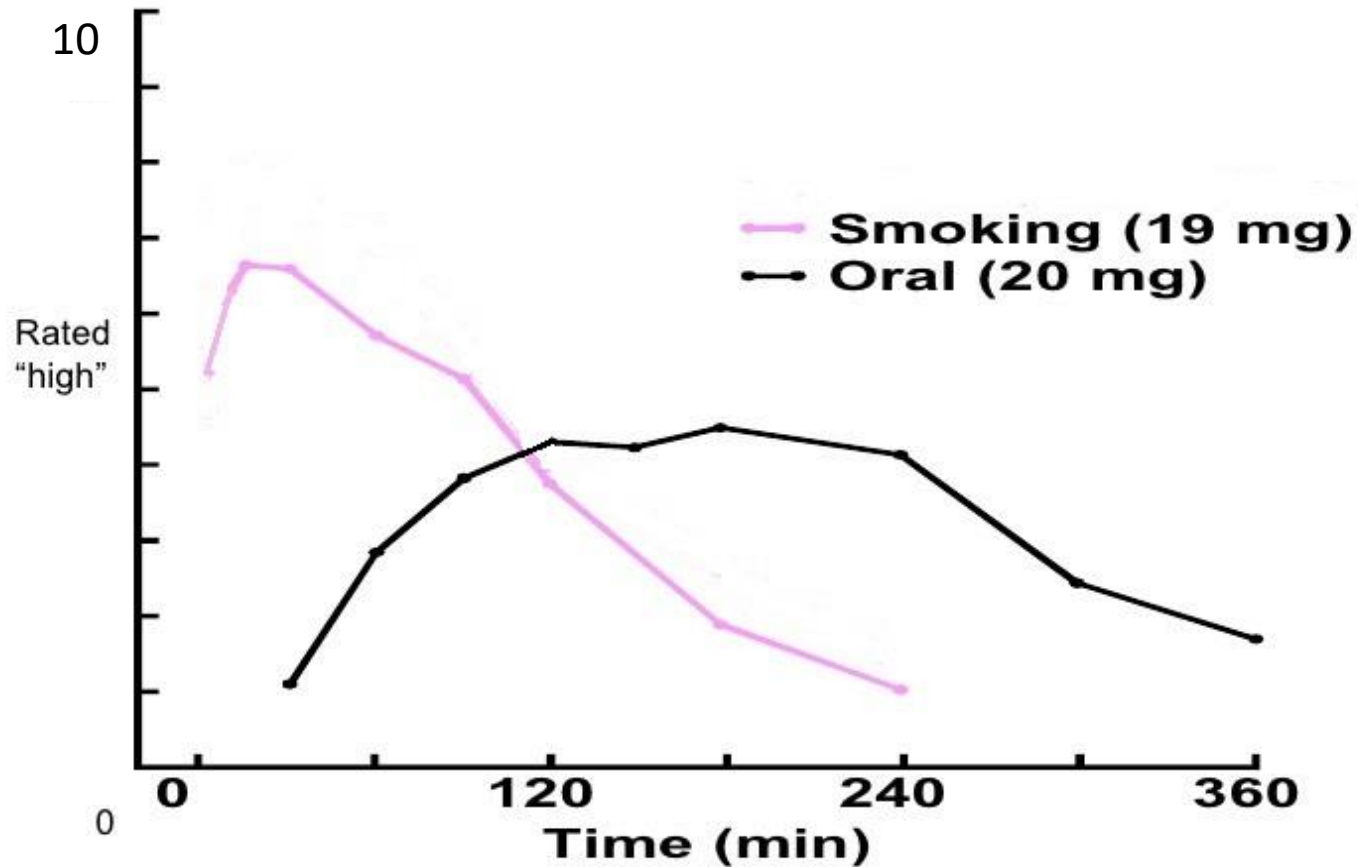
# Routes of Administration

- Inhalation (smoking, vaporizing)
- Oral (oils, foods, capsules)
- Topical
- Oro-mucosal (spray)
- Rectal

Source: *Information for Health Care Professionals: Cannabis (marihuana, marijuana) and the cannabinoids*, Health Canada, 2013.



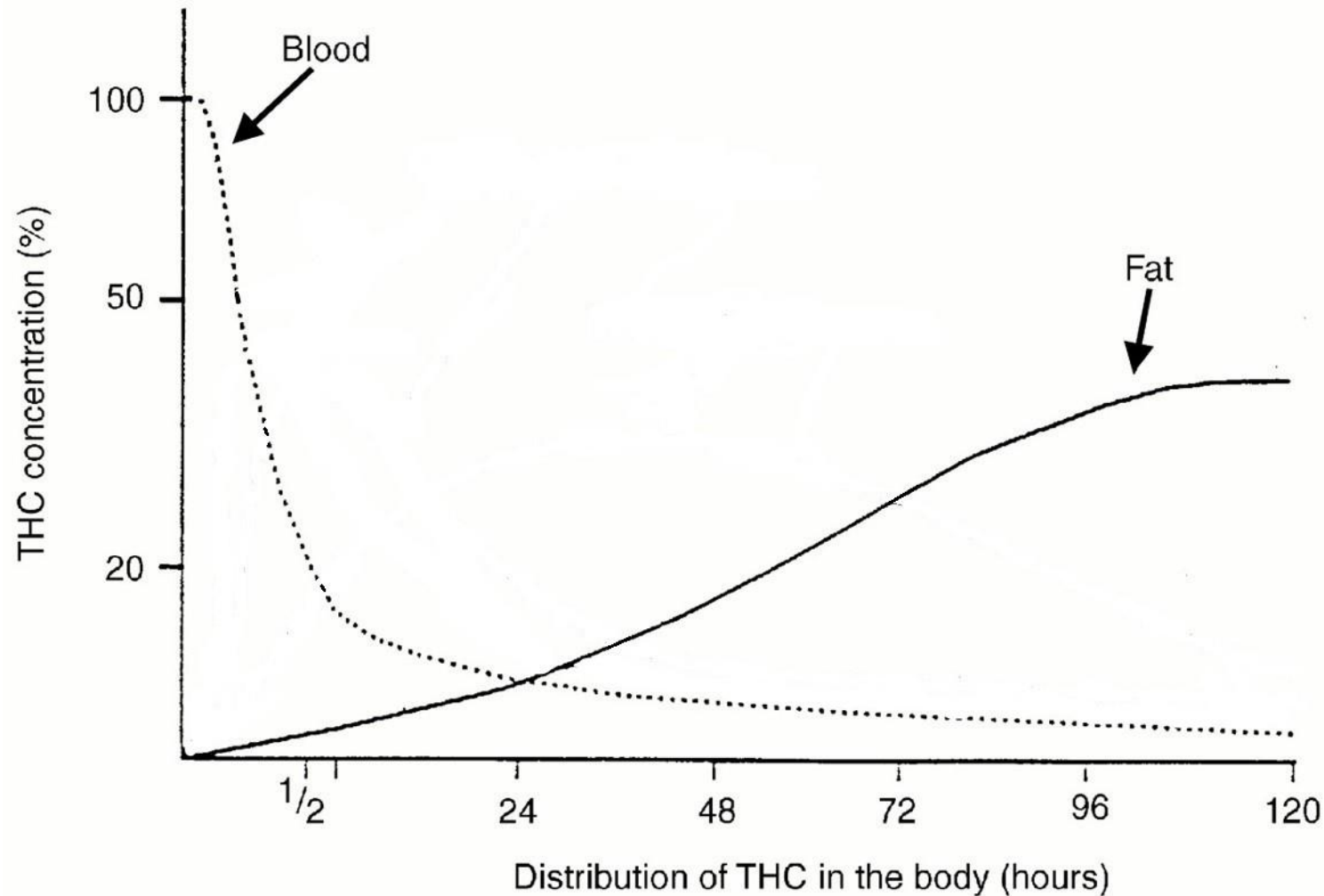
# Routes of Administration



Agurell et al. (1986) *Pharmacol Review* 38, 21-43.

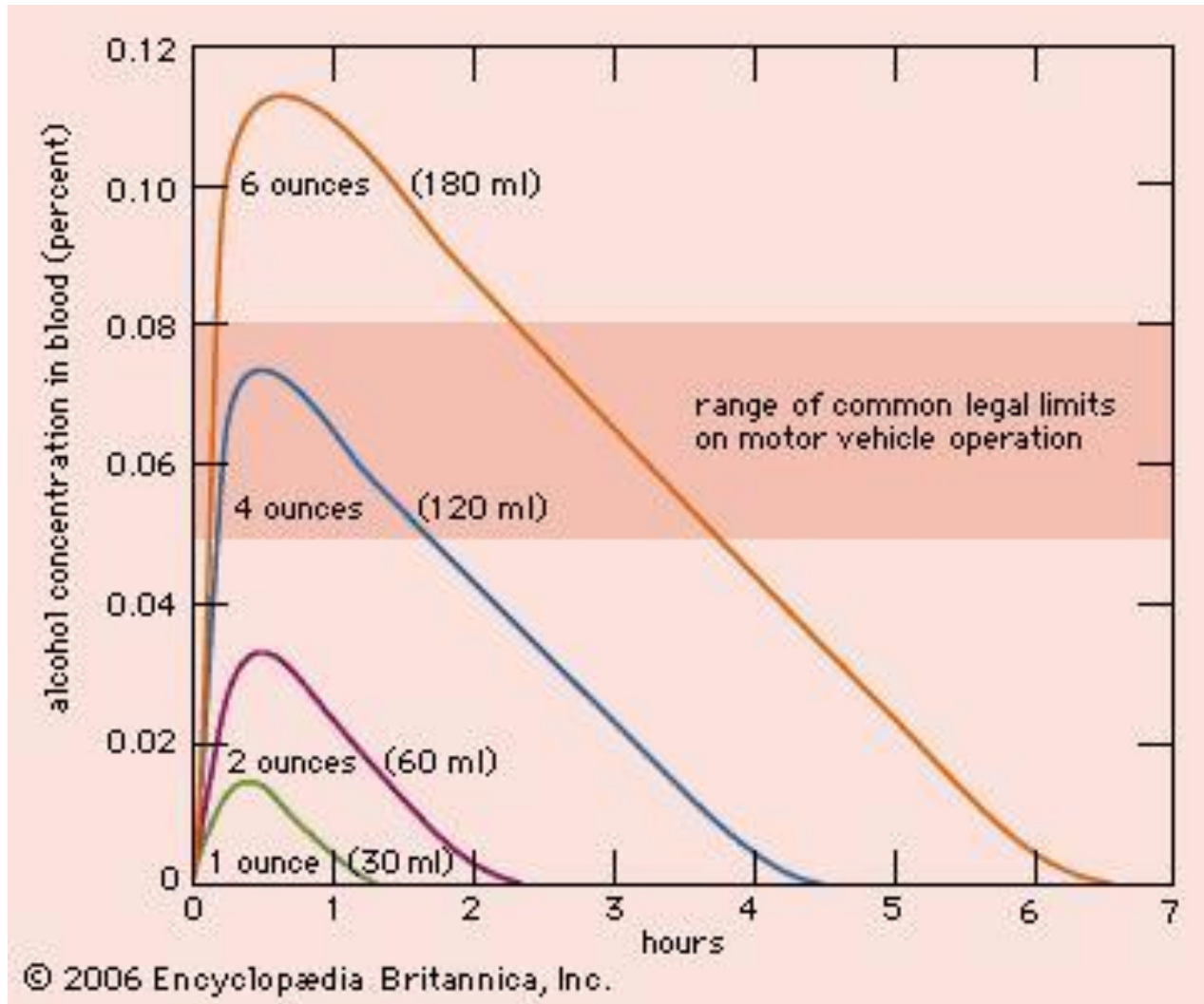
Adapted from Agureli et al. (1986) *Pharmacol Review* 38, 21-43. [cited 2018 February 6] Available at <https://www.slideshare.net/bpiper74/neuropharmacology-marijuana>

# THC Distribution in Body Tissues



Adapted from Nahas, G. G. (1975) Marijuana: toxicity and tolerance. In Medical Aspects of Drug Abuse (ed. R. W. Richter), pp. 16-36. Baltimore, MD: Harper & Row

# Alcohol



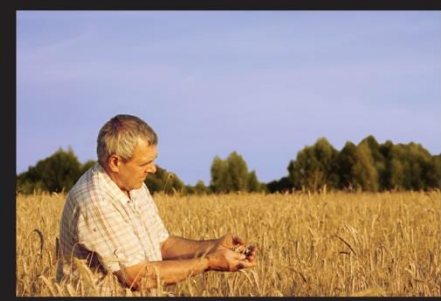
Encyclopedia Britannica, Inc. Media For: Alcohol Consumption [cited on 2018 February 12] Available at <https://www.britannica.com/topic/alcohol-consumption/images-videos>

# Effects of Cannabis Taken with Other Drugs

- When consumed with alcohol, leads to greater level of intoxication compared to when consumed alone.
- May be more intoxicating when consumed with other central nervous system depressants (e.g., benzodiazepines, barbiturates, opioids, antihistamines, muscle relaxants).



Source: *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.



# Relevant Legislation



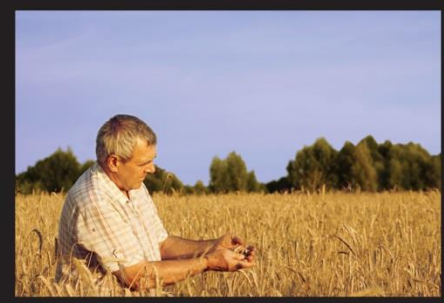
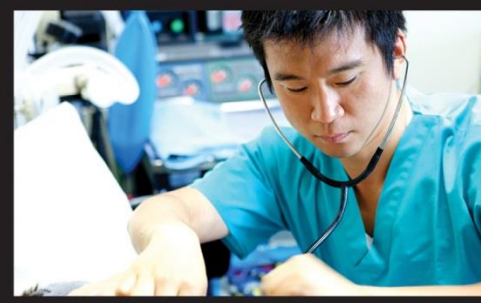
# Legalization of Recreational Cannabis (October 17, 2018)

## Cannabis Act (Federal) – Bill C-45 - Pending

- Legal framework for the sale and possession of cannabis in Canada (no medical authorization required)
- Prohibits sale of cannabis to anyone under age of 18 (age limits and possession amounts set by province)



Source: *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.



# **Relevant Legislation: *Workplace Safety and Health Act and The Human Rights Code***



# **1) Manitoba's *Workplace Safety and Health Act***

## **General duties of employers**

4(1) Every employer shall in accordance with the objectives and purposes of this act

(a) ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his workers

## **Duties of supervisors**

4.1 Every supervisor shall

(a) so far as reasonably practicable,

(i) take all precautions necessary to protect the safety and health of a worker under his or her supervision



## 2) Manitoba's *Human Rights Code*

Protects groups and individuals from unreasonable discrimination

Protected group:

- Disability (mental and physical, previous or existing)
  - 1) A medical condition
  - 2) Dependence on alcohol or a drug (addiction)

Source: *Reasonable Accommodation in the Workplace*, The Manitoba Human Rights Commission.

# Employers' Duty to Accommodate up to Undue Hardship

- Employers must attempt to accommodate a worker with a disability.
- Accommodation plans should take into account the recommendations of the worker's physician or other medical professional.
- Accommodation must be attempted up to the point of undue hardship on the employer.

Source: *Reasonable Accommodation in the Workplace*, The Manitoba Human Rights Commission.

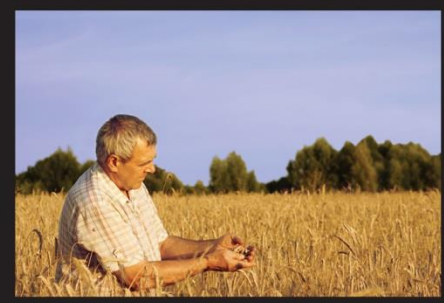
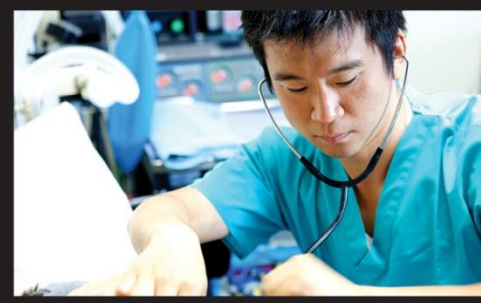
# Bona Fide Occupational Requirement (BFOR)

Employment rules, requirements and practices are not discriminatory if they are a bona fide occupational requirement (BFOR).

The following criteria must be met :

- 1) Must be rationally connected to the performance of the job.
- 2) Must be adopted in an honest and good faith belief that is necessary to the fulfillment of a legitimate work-related purpose.
- 3) Must be reasonably necessary to accomplish the legitimate work-related purpose. It must be demonstrated that it is impossible to accommodate the individual without imposing undue hardship.

Source: *Drug and Alcohol Testing in the Workplace*, Manitoba Human Rights Commission.



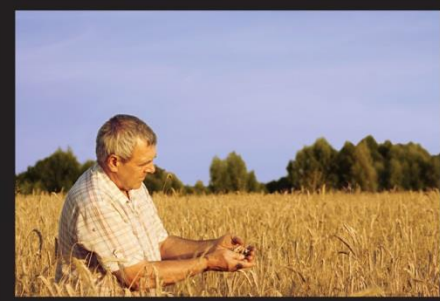
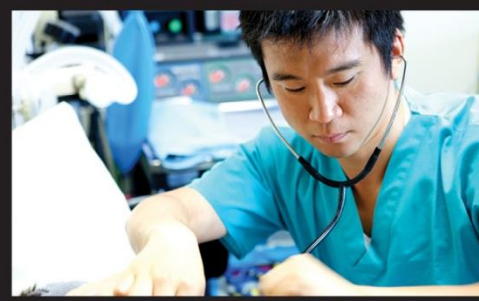
# Safety-Sensitive versus Non-Safety-Sensitive Positions



# Safety-Sensitive & Non-Safety-Sensitive Positions

- When considering accommodation and drug testing, safety sensitivity is a factor to consider.
- 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.” Positions involving safety-sensitive decisions would also be included.

Source: *Impaired at Work: A guide to accommodating substance dependence*, Canadian Human Rights Commission.



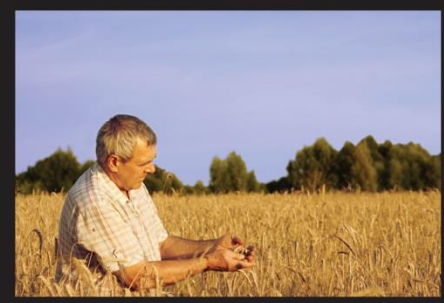
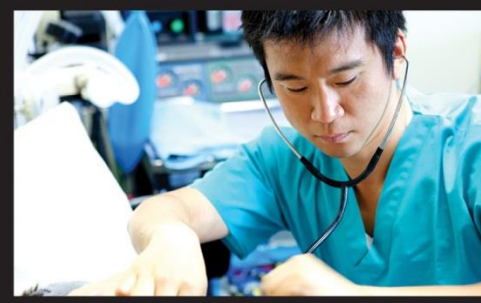
# Drug Testing



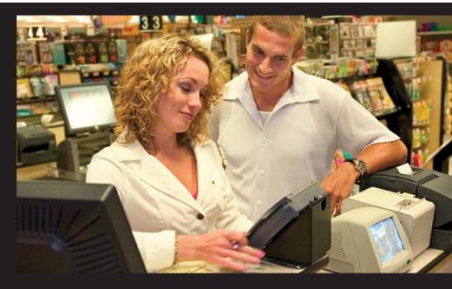
# Drug Testing

- More than a general concern for safety in the workplace is required
- Limited means to determine impairment from cannabis using today's testing methods
- Rapidly changing environment (case-by-case)
- **Seek legal counsel**

Sources: *Drug and Alcohol Testing in the Workplace*, Manitoba Human Rights Commission; *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.



# Drug and Alcohol Policy



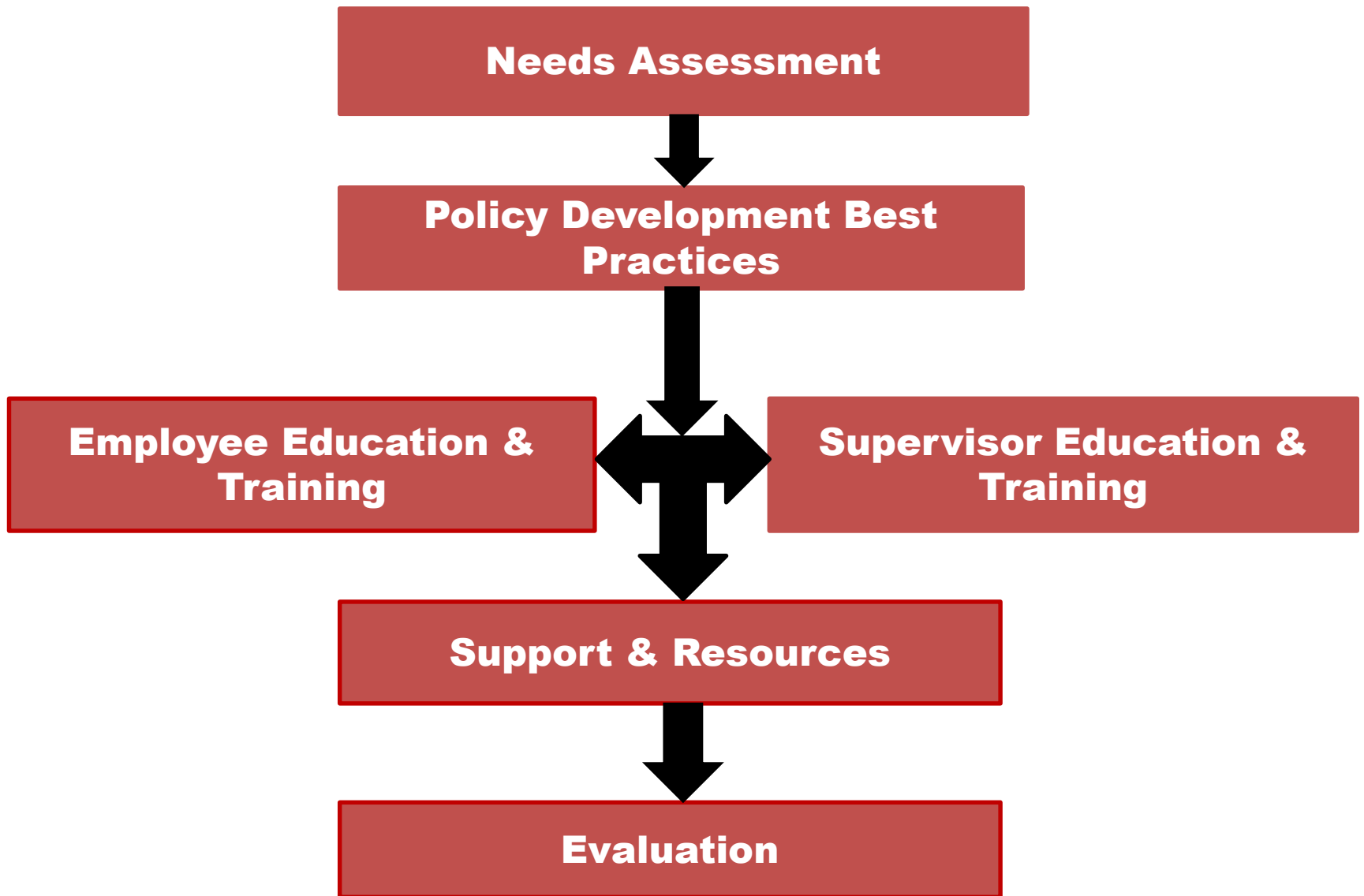


# Why Have a Drug and Alcohol Policy?

- Demonstrate a safe workplace
- Provide guidance to employers, managers and workers
- Help protect employers from disputes and reduce employer liability



Source: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011.



Sources: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction; *Workplace Strategies: Risk of Impairment from Cannabis*, Canadian Centre for Occupational Health and Safety, 2017.

# Step 1: Needs Assessment

Questions to ask:

- Is there a problem or concern with impairment in my workplace?
- What is the impact/risk?
- How prepared are we to deal with an impaired worker?
- What resources are available?



Source: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011.

# Step 2: Policy Development Best Practices

- Unique to your workplace
- Jointly developed by labour and management, including the health and safety committee and union – **seek legal counsel**
- General terminology and definitions

Sources: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011; *Workplace Strategies: Risk of Impairment from Cannabis*, Canadian Centre for Occupational Health and Safety, 2017.

# Step 2: Policy Development Best Practices

- Statement of purpose and objectives (clearly indicate the organization's position)
- Scope of the policy
- Workers' right to confidentiality
- Reporting procedures
- Include the accommodation process if there is a medical requirement



Sources: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011; *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.

# Step 2: Policy Development Best Practices

- Employee education and supervisor training
- Provisions for support (EAP, SAP, MRO)
- If applicable, statement of when substance testing will be conducted, standards, criteria for testing and interpretation of results (seek legal counsel)
- Outline process of disciplinary actions
- Include employee and supervisor signature line

Sources: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011; *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.

# Step 3 (Employee) and 4 (Supervisor): Education and Training

- Role and responsibilities regarding the policy and associated disciplinary actions
- Impact of impairment on the workplace and personal life
- Recognizing the signs and symptoms of impairment, and how to properly report
- Supports (e.g., Employee Assistance Program)



Sources: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction, 2011; *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.

# Step 5: Supports and Resources

- Health promotion and impairment prevention
- Intervention and Treatment (Employee Assistance Program, community supports)
- Reintegration (return-to-work plan)

Source: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction.



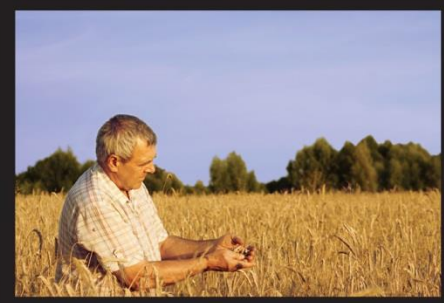
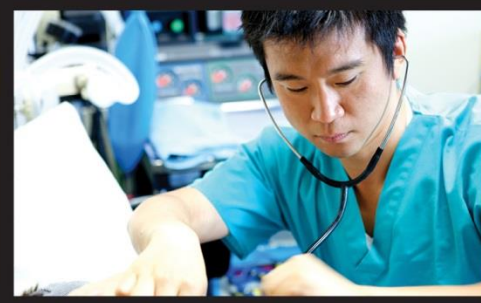
# Step 6: Evaluation of the Policy

- Was the policy successful? Effective?
- Identify challenges and areas for improvement
- Demonstrates policy commitment

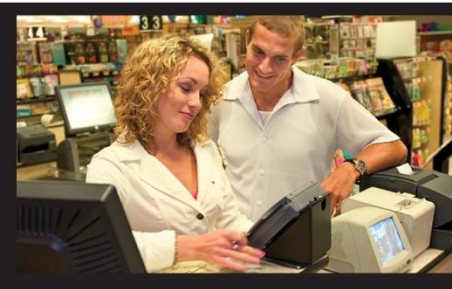
Source: *Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization*, Atlantic Canada Council on Addiction.

# Bottom Line

- Drafting a policy is complicated
- Due diligence
- Seek legal counsel



# How to Respond to Suspected Impairment



# Responding to Suspected Impairment: Suggested Steps

Speak to the worker in a private area to discuss their behaviour.

## Questions to consider:

- Does the person have the ability to perform the job or task safely?
- Is there an impact on cognitive ability or judgement?
- Are there other side effects of the medical condition or the treatment that need to be considered?

Source: *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.

# Responding to Suspected Impairment: Suggested Steps

- If the person is in crisis, stop work and dial 911.
- Ask another supervisor or designated person (union representative) to be present as a witness.
- State your concerns to the worker and request that they explain what is going on.
- Based on the worker's response, discuss options (accommodation).

Source: *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.

# Responding to Suspected Impairment: Suggested Steps

- If applicable, notify senior management, human resources and/or your union representative.
- Provide information on your Employee Assistance Program.
- If necessary, ensure worker has a safe way to get home.
- If disciplinary action is required, follow your policy.

Source: *Workplace Strategies: Risk of Impairment from Cannabis*, 2<sup>nd</sup> edition, Canadian Centre for Occupational Health and Safety, 2017.

# Steps to an Impairment-Free Workplace

## Spot the Hazard

Recognize the signs of impairment (e.g., behaviour, performance, results).

## Assess the Risk

Don't assume: inquire with worker, involve HR, evaluate safety sensitivity of the position, determine if medically prescribed.

## Find a SAFER Way

Take action! Keep everyone safe. Follow the company drug and alcohol policy. If a disability is involved, you need an accommodation plan.

## Every Day

Ongoing: implement and monitor, including follow-up.

# Review of Learning Objectives

- What is impairment? (causes, signs, impact on workplace)
- Characteristics of cannabis impairment
- Employers' responsibilities to provide a safe and healthy workplace
- Safety-sensitive versus non-safety-sensitive positions
- Best practices — Drug and Alcohol policy
- Knowing the appropriate steps to respond to suspected impairment in the workplace





# Stay Informed: Safety and Health Information



[safemanitoba.com](http://safemanitoba.com)



[information@safeworkmanitoba.ca](mailto:information@safeworkmanitoba.ca)



(204) 957-SAFE (7233)



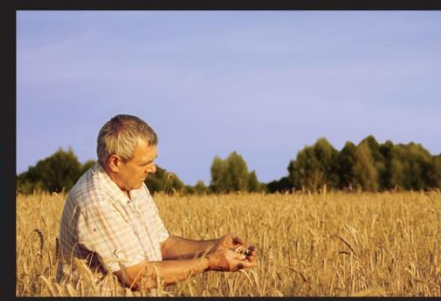
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**Questions?**

