

Oct 15, 2018

Legalization of Cannabis for Recreational Use

Bill C-45, The Cannabis Act was passed by the Senate on June 19, 2018 and followed by the confirmation from Prime Minister Trudeau that marijuana products will be legally consumable across Canada starting October 17, 2018. This information bulletin highlights the provincial legislation related to how, where and who can buy, possess and consume recreational cannabis, workplace implications and the shared responsibility of employers and employees to keep the workplace safe. The University is currently reviewing its policies and will determine if any further actions may need to be taken to ensure a healthy and safe learning and working environment for all.

Provincial Legislation

When Cannabis is legalized on October 17, 2018, Ontario will have in place laws that articulate how, where and who can buy and possess cannabis in the province. Some of these regulations are outlined in the Cannabis Act, 2017 and others are part of Bill 36, the Cannabis Statute Law Amendment Act, 2018 which has passed second reading. This Bill will come into effect on October 17, 2018 or the date in which it receives Royal assent, whichever is later.

The following are some highlights of the Provincial Legislation:

- Ontarians will need to be 19 years of age or older to buy, use, possess and grow recreational cannabis.
- Cannabis use will be permitted in locations where smoking tobacco is permitted under the Smoke-Free Ontario Act, 2017. Some examples include:
 - Private residences
 - Many outdoor public spaces (e.g. sidewalks and parks)
 - Designated guest rooms in hotels, motels and inns
 - Residential vehicles and boats that meet certain criteria
 - Controlled areas in long-term care homes, certain retirement homes, residential hospices and provincially funded supportive housing
 - Scientific research and testing facilities (if cannabis use is for research and testing purposes)
- Cannabis use will not be permitted in locations outlined under the Smoke-Free Ontario Act, 2017. Some examples include:
 - Indoor common areas in condos, apartment buildings and university/college residences
 - Enclosed public places and enclosed work places
 - Schools and places where children gather
 - Hospitals, hospices, care homes and other facilities
 - Publicly owned spaces such as sport fields
 - Vehicles and boats that are being operated

Additional restrictions on where Ontarians may be able to smoke/vape may be outlined in municipal by-laws, lease agreements and the policies of employers and property owners.

- Currently it is illegal to drive drug-impaired and will continue to be illegal after October 17, 2018.
- Ontarians 19 years of age and older will be able to purchase 30 grams of dry cannabis online at an Ontario Cannabis Store and grow up-to 4 plants per residence. Legal seeds will also be sold online. A private retail licensing model will be implemented on April 1, 2019. The Alcohol and Gaming Commission of Ontario will become the provincial regulator authorized to grant store licenses.
- Ontarians will be able to possess a maximum of 30 grams of dried cannabis in public at any time.

- Ontario currently has strict rules in place to ensure workplace safety. Consuming recreational cannabis in the workplace is illegal today and will continue to be illegal after October 17, 2018.

Given the provincial legislation individuals 19 years of age or older will be permitted to smoke cannabis on campus only in clearly marked designated areas until 2020, when the University is expected to reach its goal of becoming a smoke-free campus.

Workplace Implications

Impairment related to cannabis use is one of the top concerns identified by employers across Canada particularly as it relates to its potential impact on workplace safety (Conference Board of Canada). Someone who is impaired may have difficulties carrying out their work and may put themselves, their co-workers and the public in danger. The legalization of recreational cannabis has not changed the expectation and requirement that employees report to work fit for duty. In keeping with its obligations under the Occupational Health and Safety Act, the University requires that all employees (Faculty, Staff, Graduate and Teaching Assistants, Student Employees, etc.) report fit to work and remain fit to work. In addition, individuals in safety-sensitive positions are not permitted to consume cannabis while at work. According to the Canadian Human Rights Commission, a safety-sensitive position can be defined as one that, 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. Safety-sensitive positions include, but are not limited to the following:

- Campus Community Police
- Individuals working at heights
- Individuals who operate motor vehicles as part of their job duties
- Individuals working in labs
- Individuals working in a kitchen or serving/preparing food
- Individuals operating machinery or equipment of any kind

Impairment by cannabis in the workplace will be treated in the same manner as alcohol or any other drug-related use or impairment is currently treated.

The effects of THC (the component of cannabis responsible for the psychoactive effect typically referred as “high”) on the human body are different and less predictable. The impairment effects of cannabis on the human body are dependent on how it enters the body:

- When inhaled, the chemicals in the smoke pass through the lungs into the blood which then carries the chemicals throughout the body and to the brain. The effects peak within 5 to 10 minutes and typically diminish over the next two hours.
- When ingested, the effects are delayed as the chemicals go through the digestive system. In these cases, the effects typically peak within 2 to 4 hours.

In addition to how cannabis is consumed, the duration of the “high” is impacted by the user’s sensitivity to the effects of THC and the potency of the cannabis. Studies have shown, that the average potency of THC in cannabis today is almost 10%

Cannabis – General Effects on the Body

Cannabis can make some people feel relaxed and happy, but it can also cause confusion, drowsiness, forgetfulness, panic, delusions and distorted perceptions. Other general effects include:

- Dizziness, drowsiness, feeling faint/lightheaded, fatigue, headache
- Impaired memory, disturbances in attention, concentration including inability to think and make decisions
- Disorientation, feeling drunk, feeling abnormal or having abnormal thoughts, feeling “too high” and feeling an extreme slowing of time
- Suspiciousness, nervousness, episodes of anxiety similar to a panic attack, paranoia and hallucinations
- Impairment of motor skills and perception including falls
- Dry mouth, throat irritation, coughing
- Worsening of seizures
- Hypersensitivity including worsening of dermatitis or hives
- Nausea, vomiting
- Fast heartbeat

Source: Health Canada (2016)

higher than 30 years ago. There is also a growing body of evidence that supports the persistence of neurocognitive impairment lasting from hours to weeks.

Keeping the Workplace Safe – A Shared Responsibility

Ontario employers have the responsibility under the Occupational Health & Safety Act (OHSA) to provide a safe work environment and to take all reasonable precautions to protect the health and safety of employees. Employees performing work when they are unable or unfit to do so safely may introduce a hazard to the workplace. Hazards may arise from an employee's impairment to prescription and non-prescription medication, alcohol, cannabis (medical or recreational), fentanyl and other opioids. As part of this responsibility employers are required to take immediate action to address the workplace hazard.

Under the OHSA, employees are expected to report to work fit for duty. They have the responsibility to perform work safely and to report any hazard to their supervisor or employer. This includes understanding the impact that using substances (medications, drugs, alcohol, etc.) could have on their safety and the safety of others.

For More Information

The University has launched the Legalization of Cannabis for Recreational Use website (<https://www.uwindsor.ca/recreationalcannabis/>) to keep the campus community informed of university guidelines, as well as to link faculty, staff and students to provincial and national awareness raising resources on various topics including impairment by cannabis, and the short and long term health effects of cannabis.

Questions?

Should you have questions regarding this communication, please contact the Office of the Vice-President, Human Resources at extension 2059 or via e-mail to VPHR@uwindsor.ca

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Resources consulted:

- Human Resources Professionals Association. Clearing the Haze, the Impacts of Marijuana in the Workplace, August 2017.
- Canadian Centre for Occupational Health & Safety. Workplace Strategies: Risk of Impairment from Cannabis, February 2018.
- Conference Board of Canada. Blazing the Trail. What the Legalization of Cannabis Means for Canadian Employers, June 2018
- Hicks Morley. Various updates: New Cannabis Legislation Tabled by Ontario Government (September 27, 2018), Recreational Cannabis Update (September 28, 2018), Cannabis-Related Regulatory Proposals Published for Comment by October 7, 2018 (September 28, 2018)
- Ministry of Labour. Impairment and Workplace Health & Safety, April 2018.
- Government of Ontario. Cannabis Legislation. Retrieved September 28, 2018 from <https://www.ontario.ca/page/cannabis-legalization#section-8>