



CANNABIS AND YOUR WORKPLACE

FREQUENTLY ASKED QUESTIONS

CANNABIS WEBSITE

The Government of Prince Edward Island has provided complete details on cannabis legalization through their website:

www.princeedwardisland.ca/cannabis

ABOUT THIS INFORMATION

This information is intended to provide specific information to inform you as a Health PEI Healthcare Worker on the implications of cannabis legalization on the workplace.

QUESTIONS OR CONCERNS?

If you have questions or concerns after you review this information, please speak directly to your supervisor or contact your Human Resources department.

Health PEI
One Island Health System

WHEN WILL RECREATIONAL CANNABIS BECOME LEGALIZED ON PRINCE EDWARD ISLAND?

Recreational cannabis use will be legalized in Canada on October 17, 2018, the date that the federal *Cannabis Act* receives Royal Assent. Once the federal *Cannabis Act* has received Royal Assent, provincial legislation responding to cannabis legalization will come into force.

DOES THE LEGALIZATION OF CANNABIS MEAN THAT WORKERS CAN CONSUME CANNABIS AT WORK?

No, you cannot consume cannabis at the workplace. Provincial cannabis legislation restricts the consumption of cannabis to private dwellings (e.g. a house, apartment, motor home, camper van, trailer, tent, etc.) and property, while giving property owners the right to set rules of cannabis use on their respective property. A private dwelling includes adjacent lands or buildings that are normally used for the convenience and enjoyment of the occupant, such as a yard or garage. Cannabis consumption is not permitted in any Health PEI workplace except for designated smoking rooms for residents in long-term care facilities in accordance with section 9 of the *Smoke-free Places Act*.

DOES LEGALIZATION OF CANNABIS MEAN THAT HEALTHCARE WORKERS CAN BE IMPAIRED AT WORK?

No. As your Employer, Health PEI has the right to set rules for the recreational use of cannabis in the workplace in much the same way that it has set rules for use of alcohol. Health PEI's policy on drug, alcohol and medication use prohibits the use of cannabis at work or during work hours and also prohibits you from attending work while impaired or incapacitated. You may be subject to disciplinary action if you are found to be in violation of this policy.

WHAT DOES LEGALIZATION MEAN IF I HAVE A PRESCRIPTION FOR MEDICAL CANNABIS?

Medical use cannabis is regulated federally through the Access to Cannabis for Medical Purposes Regulations. Accordingly, the federal and provincial recreational cannabis legislation will not apply to medical use cannabis.

As the Employer, Health PEI has an obligation to provide a safe and healthy work environment for Healthcare Workers, patients, clients and the public. Due to this obligation, Health PEI requires Healthcare Workers to be fit for work – you cannot be impaired or incapacitated as a result of using medical cannabis. However, Health PEI also has a duty to accommodate Healthcare Workers who have a disability pursuant to its obligations set out in the applicable Collective Agreements and *Human Rights Act*. Health PEI's duty to accommodate includes accommodating a Healthcare Worker's medication usage required as a result of his/her disability and extends to a prescription for medical use cannabis. If you disclose that you have a medical cannabis prescription for treatment of your disability, your manager will be required to engage in a conversation with you to obtain information from your attending health care provider on the purpose of the medication, timing and form of dosages, and the impact of the medication on your ability to function safely, effectively and efficiently in the workplace. This is necessary for the Employer to determine whether or how to accommodate you while ensuring a safe and healthy work environment for other Healthcare Workers, patients, clients and the public.

HOW FAR DOES THE DUTY TO ACCOMMODATE FOR MEDICAL CANNABIS EXTEND?

In accordance with the *Human Rights Act* and applicable Collective Agreements, Health PEI recognizes and acknowledges its duty to accommodate Healthcare Workers with a disability to the point of undue hardship. When a Healthcare Worker voluntarily discloses a disability prior to an incident, Health PEI will make reasonable and practical efforts to accommodate the Healthcare Worker up to the point of undue hardship. An incident may include an event, circumstance, condition or accident that caused or had the potential to cause injury to and/or significant risk to the health, safety or security of a Healthcare Worker, customer, or other person or damage affecting Health PEI's reputation, property, the public, and/or the environment. It is important to note that what constitutes undue hardship will vary based on the facts of each case. Undue hardship can include, but is not limited to, unreasonable financial costs to accommodate the employee, health and safety concerns, or problems of employee morale.

If you wish to disclose a disability, you should speak to your supervisor or contact your Human Resources department.

WHAT IS HEALTH PEI DOING TO ENSURE EMPLOYEE SAFETY?

Health PEI, as the Employer, is committed to providing all Healthcare Workers with a safe and healthy work environment, and to protecting Healthcare Workers, patients, residents, clients, and the public from the potential adverse effects of the inappropriate use of alcohol, drugs or medication by Healthcare Workers in the delivery of care and services within Health PEI facilities and in Health PEI programs. A new drug, alcohol and medication policy has been developed and is now in effect to clearly outline the expectation that Healthcare Workers are to be fit for work and not impaired or incapacitated in the workplace and that they can perform their duties safely and acceptably without limitations due to the inappropriate use of alcohol, drugs or medication (prescription, non prescription and over the counter).

Healthcare Workers are required to report unsafe acts and illegal activities to their manager or supervisor. If you suspect that someone is impaired or incapacitated in any way, you must advise your manager or supervisor immediately.

