

# Navigating the marijuana minefield

The headlines this summer emphasized the negative: Almost half of employers aren't ready for the legalization of recreational marijuana when it takes effect next year.

That's hardly a surprise. What is somewhat surprising is the fact that, according to a survey conducted by the Human Resources Professionals Association, 54 per cent of the members who responded believe their organization's existing policy adequately addresses any new workplace issues that may arise with the legalization. With all of the discussion about how governments are scrambling to get even the basic elements of the new law into place, the fact that so many employers are feeling confident is positive news.

That said, the HRPAs report noted the issue is still daunting for many employers. How will they handle the expected rise in the use of marijuana and the potential impact on work performance, absenteeism and impairment on the job? On that last issue, the report noted how difficult it is to determine impairment in the first place. And what about employers' duties to accommodate those who may have an addiction to marijuana or who use the drug for medical purposes? With so many questions, the challenges are significant.


It's unfortunate that employers are in a difficult position with time running short, but it appears the government is going to push ahead with legalization by next summer. Fortunately, the fact that 54 per cent of those who took part in the HRPAs survey do believe their organizations already have adequate policies in place is helpful. For those who aren't so lucky, it's time to share best practices around the issue. What

do the policies of all of those organizations that are ahead of the game look like? Let's hear about what they're doing.

Also reducing some of the pressure is the fact that many of the issues identified by the HRPAs aren't new. Yes, the coming legalization may increase marijuana use and thus amplify some of the challenges, but employers have been grappling with issues around drug testing and impairment for some time.

That's not quite the case for the question of covering medical marijuana under benefits plans. That issue has also been on the table in the past few years, but legal guidance on the issue has been more recent. It's certainly true that employers face a number of questions around coverage, particularly when it comes to ensuring they're paying for the drug only for those with legitimate medical issues. But while the last thing plan sponsors need is another cost pressure, the HRPAs report pointed out that the absence of Health Canada approval for the drug doesn't have to be a barrier to covering medical marijuana. And as *Benefits Canada* has noted, there may be cost savings in some cases as medical marijuana can be cheaper than the conventional medications it replaces. In the meantime, the Canadian Life and Health Insurance Association has

helpfully urged governments to avoid actions that would push the price of recreational marijuana too high in order to prevent users from seeking coverage under their benefits plans instead.

So while the issues are significant, they don't have to be daunting. It's unlikely employers can resolve all of them by next July, but they do have options to get ahead of the issue. 



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