



CANADIAN FEDERATION
OF NURSES UNIONS
LA FÉDÉRATION CANADIENNE
DES SYNDICATS D'INFIRMIÈRES
ET INFIRMIERS

RECREATIONAL CANNABIS AND OCCUPATIONAL HEALTH & SAFETY

BACKGROUND AND OVERVIEW

The regulation of recreational cannabis will be through a division of responsibility between federal and provincial/territorial/municipal government levels. The federal regulations in effect as of October 17, 2018, to accompany the *Cannabis Act*¹, which legalizes recreational cannabis, address the following: licenses, permits and authorizations; security clearances; cannabis tracking system; cannabis products; packaging and labelling; cannabis for medical purposes; health products and cosmetics.² The provincial/municipal rules around legalized recreational cannabis may provide further clarity around the issues identified in the federal regulations. For nurses, the regulation of recreational cannabis may be further delineated by their provincial nursing regulatory bodies, drawing on nurses' code of ethics and professional practice obligations. As nurses, providing high-quality, safe patient care remains our primary objective.

The Workplace

The case law continues to evolve with respect to cannabis use in the workplace. Undoubtedly, further issues will arise between employers and employees, including regarding discipline, accommodation, health and safety, and various other workplace policies, which will require the response of nurses' unions. The Supreme Court of Canada has stated that employers are required to balance their interest in employee drug testing to ensure a safe work environment with employees' privacy interests. The general attitude of the courts has been that random drug testing of an employee is not permitted, and this is the position of all nurses' unions.

Accommodation of Employees³

Employers have an obligation to accommodate individuals who have disability/medical needs (including those who are authorized to use medical cannabis). Furthermore, if a person acknowledges a diagnosed substance use disorder and seeks treatment, accommodation applies to addictions. Employees have a positive duty to request an accommodation. If an employer is not made aware of the employee's condition, the right to an accommodation may be forfeited. As with all disabilities, the right of an employee to privacy must be balanced against the importance of ensuring safety within a work environment, particularly when public safety is at risk. Employees are encouraged to contact their unions before they encounter any employment issues related to usage.

The Science

As with the law, the scientific research surrounding cannabis is continuing to evolve and remains uncertain. Cannabis includes dozens of cannabinoids, some of which are psychoactive, some of which are not; some of

which may be medically effective, some of which may not. Only a few have been studied to any significant degree: e.g., THC (Tetrahydrocannabinol); CBD (Cannabidiol). There is no clear relationship between THC blood levels and impairment, and, because cannabis can be taken in various forms and doses, the level of impairment can fall across a broad spectrum.⁴ The public health impacts of second-hand exposure to cannabis smoke have also not been extensively studied, but research suggests that exposure could have the potential for harmful effects.⁵

CFNU POSITION

The Canadian Federation of Nurses Unions (CFNU), which represents Canada's frontline nurses, supports a public health approach to cannabis. We recognize that:

- The legalization of recreational cannabis in Canada has the potential to lead to further increases in cannabis usage (both medicinal and recreational);
- Nurses work in an environment where safeguarding patient safety is a priority, and nurses must follow nursing regulatory policies, as well as their code of ethics;
- Employers have a responsibility to accommodate employees with disabilities, including substance use disorders, under human rights law;
- Employers have a responsibility to ensure the safety of nurses through appropriate policies, protocols, personal protective equipment (PPE) and training, and if these elements are not in place, nurses may have a right to refuse dangerous work as laid out in occupational health and safety legislation and collective agreement language (provincial nurses' unions should be consulted for any questions about work refusals);
- Nurses play an essential role in public health education.

In light of these factors, we recommend the following:

- There should be no random drug testing;
- Employers should develop/revise, as necessary, policies on the accommodation of prescribed psychoactive drugs and on recreational cannabis;
- When medical cannabis is used in hospitals and long-term care facilities, and medical and/or recreational cannabis is used in private residences attended by home care nurses, nurses must be provided with appropriate training and have access to recommended personal protective equipment (PPE). The risk of exposure to smoked cannabis must be included in safety policies, which need to provide for a non-consumption period prior to nurses entering a patient's residence or resident's room.
- Nurses must be provided with sufficient resources and training to acquire the necessary knowledge, skills and judgment to assist with the administration of medical cannabis, and to educate and respond to the public with respect to the health implications of recreational cannabis.
- If a nurse is faced with improper training, lack of PPE, unsafe conditions of work, or the right to accommodation is not respected, that nurse should contact the union.

¹ See: <http://laws-lois.justice.gc.ca/eng/acts/C-24.5/>

² See: <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations.html>

³ See: <https://www.canada.ca/en/treasury-board-secretariat/services/values-ethics/diversity-equity/duty-accommodate-general-process-managers.html>

⁴ Canadians for Fair Access to Medical Marijuana. (2017, June 27). *Medical Cannabis and Impaired Driving: Preliminary Research Review*. Retrieved from cfamm.ca

⁵ See: <https://www.drugabuse.gov/publications/research-reports/marijuana/what-are-effects-secondhand-exposure-to-marijuana-smoke>