

Message to the Members of the Building Trades Local Unions

Legislation is currently being considered that will legalize the use of marijuana (for personal use, in limited quantities) in Canada. This will inevitably lead to a number of workplace issues. At present the use of alcoholic beverages, in moderation, is legal. You can have a beer or two after work and be fine the next day. If you have a few beers and go to work it may not work out so well. The situation will be no different with legalized marijuana.

The rules surrounding alcohol or drugs in the workplace will be no different on the day after the legalization of marijuana. If you have marijuana in your system in levels **above** the limits set out in the D&A policy you will get disciplined and likely fired. The on-site rules have not changed, what you do on your time is your business but if you are over the limits on site you could be in trouble.

Medical marijuana will continue to be a problematic issue. Doctors do not prescribe medical marijuana; medical marijuana is not like other drugs which come by prescription. Prescription drugs have a measured capacity and required dosage. Medical marijuana usage allows the person using it a license to possess. If you are using medical marijuana (or any prescription drug for pain relief) you are obliged to tell your employer. They then are obliged to see if you can still perform your job safely while using either medical marijuana or the prescribed medication. They have a duty to accommodate you, to the point of undue hardship, in the event that the effects of the drug might impair your ability to work safely. On a big job these sorts of accommodations are usually pretty easy to come by, but with smaller crews it becomes harder and harder to come up with a full job for someone who is to be accommodated.

There is, as yet, no reliable test currently to determine whether or not someone is 'impaired' by marijuana while they are at work. The breathalyzer test for alcohol gives a present state of blood alcohol but the best urine tests for marijuana can do is determine recent history. As the various protocols around drug testing have developed having concentrations of marijuana above the limits the onus of proof is on the person who is over the limit. We are working to try and find some solutions to the testing problem but nothing is at hand yet.

Please understand we support your right to choose your lifestyle and whatever legal recreational substances you wish to use. What you do on your time is your business. Please also understand that if you are found to be in excess of the limits in the drug testing policy on your site it may result in you being disciplined or fired. Govern your use of alcohol or marijuana in a way that will allow you to be under those limits when you are at work!

Fraternally yours,



Robert Blakely,
Canadian Operating Officer