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The Summer of Cannabis IS YOUR COMPANY READY?



The Cannabis Act, also known as Bill C-45 (the "Act") is currently on its course to become valid law in Canada most likely on or about July 2018. The Act will create a new legal framework to legalize the production, distribution, sale, possession, and use of recreational cannabis in Canada. With these changes underway, adults will be able to lawfully possess, access, and use regulated and quality controlled legal cannabis up to 30 grams at a time. Notwithstanding this soon to be legal recreational use of cannabis, the current Medical Cannabis regime will also remain good law under the Act.

It is important for Employers in Ontario to know that the Provincial Legislature of Ontario has already passed Bill 174 which bans the use of Cannabis in public places, motor vehicles, and the workplace. This new Cannabis regime, if not properly addressed at the outset, may have substantial effects on a wide-range of businesses, their employees and their workplace policies.

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A Prudent employer will need to start thinking about how the use of recreational and medicinal cannabis will affect their business. Cannabis is increasingly being prescribed medicinally, as such, the responsible employer will want to ensure that their employees disclose their medical condition, if relevant to their job, in compliance with Ontario Human Rights and Discrimination legislation and Ontario Occupational Health and Safety Act. Ultimately, the employer who reviews and amends all workplace policies, employment contracts, and employment handbooks to reflect legal requirements and obligations, will be best protected while complying with the paradigm shift that these new Cannabis laws create in the workplace.

The implications of this new law affects more than just those industries that first come to mind, such as the transportation industry, heavy machine operators and construction workers. Companies like service providers with customer service agents will also be impacted by the usage of cannabis. In such cases, the use of cannabis in the workplace may lead to dangerous situations for the public as well as other employees. Employees hired to operate a motor vehicle, must be properly vetted by the employer to avoid any potential claims resulting from driving while impaired.



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Customer service agents who are working under the influence may not be in the right frame of mind to provide proper customer care. A business which thrives from customer service may not want the lingering smell of cannabis in their workplace. These situations, among many more, may attract an array of employer liability claims for their employee's actions.

Employers may face an increase in claims brought on by employees. These could derive from actions under Occupational Health & Safety Legislation, WSIB, Vicarious Liability, and even claims on the basis of Human Rights and/or Discrimination in the workplace.

Should you require assistance in revamping existing or creating new employment policies and agreements for your company that clearly reflect this new coming cannabis law, consider contacting RJS LAW. The Staff at RJS LAW is on the forefront of Bill C-45 and Bill 174, and we are ready to help you protect what is in the best interest of your company.

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