

Date of Issue April 2022

Original Date of Issue January 2017

Subject **ACCOMMODATING MEDICAL MARIJUANA IN THE WORKPLACE**

References [Ontario Human Rights Code](#)
[Occupational Health and Safety Act](#)
[Smoke Free Ontario Act 2017](#)
[Ontario WSIB Cannabis for Medical Purposes Policy](#)
[Policy 4471 – Smoke Free Learning and Working Environments](#)
[APM A1140 – Smoke Free Learning and Working Environments](#)

Contact Human Resource Services

1. Rationale

- 1.1 Accommodating medical marijuana use in the workplace requires responsibility on the part of the board and the employee. The employee's rights under the *Ontario Human Rights Code* must be balanced with the employer's obligations under the *Occupational Health and Safety Act*.

2. Objectives

- 2.1 Every reasonable precaution must be taken for the protection of the employee.
- 2.2 The employee and the employer must facilitate the medical accommodation process.
- 2.3 The safety of the workplace must be considered.

3. Employee Responsibilities

- 3.1 Establish that they have a disability-related need to consume medical marijuana while at work and make this need known to the board through a request for accommodation.
- 3.2 Provide to the employer (Health & Wellness) documentation which is medically substantiated by a physician for the use of medical marijuana during work hours including, but not limited to, a copy of the licensing documentation.
- 3.3 Cooperate with the accommodation process by attending accommodation meetings and participating in the process to explore reasonable accommodations, including the assistance of an independent medical examiner regarding matters of assessment.
- 3.4 Commit to review the accommodation plan with the employer on a regular basis.
- 3.5 Disclose to the employer their use of medical marijuana where its use may give rise to impairment in the workplace.

- 3.6 Employees do not have an unrestricted right to use marijuana at work, even if they are authorized to use marijuana for medical reasons.
- 3.7 Employers have the right to require that employees report to work in a condition in which they are fit to perform their duties without endangering other staff or students.
- 3.8 Understand that the sharing, selling or distribution of marijuana in the workplace is prohibited.

4. Employer Responsibilities

- 4.1 Provide “reasonable” accommodations based on medical information.
- 4.2 Health & Wellness will confirm the nature of the accommodations with the principal or supervisor.
- 4.3 The principal/supervisor will discuss options with the employee around when and where the medical marijuana is stored and administered without interfering with the operation of the school or workplace. Subject to the *Smoke Free Ontario Act*, marijuana may not be “smoked” on school board property.
- 4.4 To establish that no accommodation is possible based on workplace health and safety concerns or considerations that are rationally related to the school environment.
- 4.5 To determine that the employee is impaired from the use of medical marijuana and is not medically fit to perform their duties, employees showing signs of impairment should be advised to cease work immediately and will be interviewed by their respective supervisor.
- 4.6 Treat all employee health information in a private and confidential matter.

First Issued January 2017, April 2022
Revised

Issued under the authority of the Director of Education