

Medical marijuana a growing safety issue among workplaces

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EDMONTON Apprentice ironworker Johnathan Dickson says his union wouldn't send him to construction jobs last year while he was using medical marijuana.

While an official with Ironworkers Local 720 maintains the situation is far more complicated than that, Dickson's case illustrates some of the workplace issues — mainly involving safety — related to the growing Canadian consumption of prescription pot.

"In talking with our clients, (medical cannabis) is an issue that's coming up more and more," says Cristina Wendel, an Edmonton employment and labour lawyer at Dentons, who cited estimates that 500,000 Canadians will be using the drug for health reasons by 2024. "It's a hot topic these days, and people want to hear about it."

Dickson, 28, was supposed to work as an apprentice on a project near Edmonton in March 2016, but says a sniffer dog detected traces of marijuana on his work bag during first-day orientation and he failed a drug test.

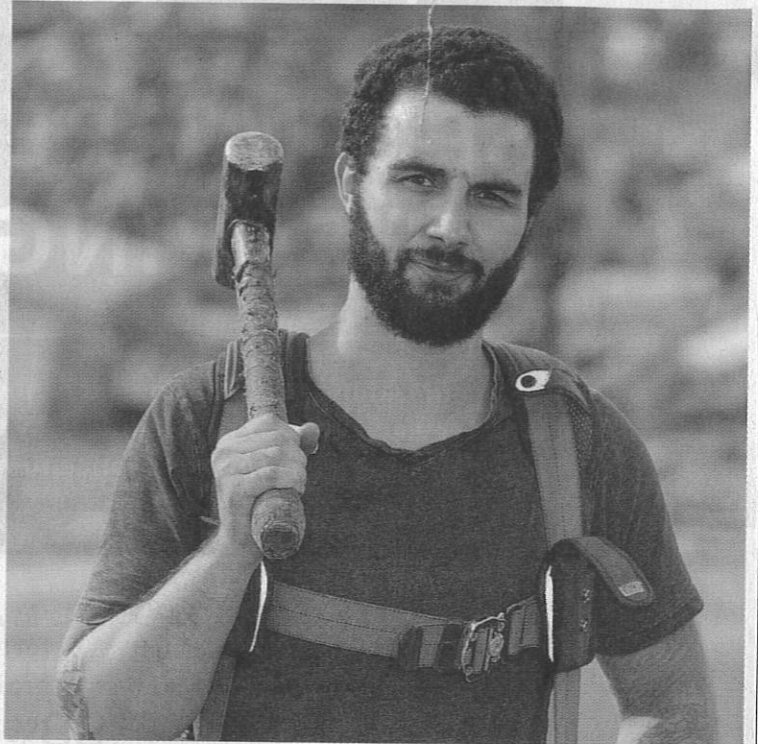
The union sent him for treatment. He didn't have a cannabis-authorization card, which he obtained a short time later and, although in the past he had abused alcohol and cocaine, he says he stopped taking them the previous year.

A doctor said he should stop consuming cannabis for fear of a relapse. The union told him that under workplace safety protocols he needed addiction treatment, and wouldn't be dispatched to jobs as long as he was consuming medical marijuana.

He found work at energy-industry construction projects through another union, but says a "zero tolerance" approach is unfair for people using the drug for medical rather than recreational reasons.

"Why should I get off my prescription that's beneficial to me? I'm not putting anyone in danger," said Dickson, who averaged about two grams of oil a day to control anxiety and stress as well as stomach, back and hip pain.

Gary Savard, business agent for Local 720, says the union and its legal advisers have been involved in Dickson's case from the beginning, but unless he can pass a drug test he can't be sent to work.



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Although Savard said there are other issues involved in the situation he can't talk about, he says the file is open.

The local follows the Canadian Model for Providing a Safe Workplace, a set of drug and alcohol guidelines put out by the Construction Owners Association of Alberta reviewed by labour, management and government organizations.

The model forbids anyone from reporting for work with more than 15 nanograms of marijuana metabolite in a millilitre of urine unless they're using prescription or non-prescription drugs as directed, can do their duties safely and supervisors are warned of any dangerous side-effects.

Employers have a duty to accommodate staff with medical conditions, which must be balanced by ensuring people are safe, said Savard, who deals with a couple of medical marijuana matters annually among his 2,300 members.

He'd like more research to determine how much THC (the psychoactive ingredient in marijuana) people can have in their bodies and still do their jobs safely, and what other work they can perform if their medicine leaves them impaired.

Cameron MacGillivray is chief executive of Enform, the upstream oil and gas industry safety association, which has a drug and alcohol policy closely aligned with the one used in the construction industry.

He says employers generally send workers in safety-sensitive areas who are using medical cannabis or other prescriptions for assessment to see if they could take other treatments that don't put them under the influence.

The alternative is office assignments, leaves or other approaches that keep them and their colleagues out of harm's way.

Wendel says the rules are hazy, but it might be hard for employers to prove people taking medical marijuana in their off-hours who aren't impaired can't do jobs where safety is important, even if they have traces of THC in their system.

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