

# Different policies needed for recreational, medical pot

Canadian Farm Builders Association told that without a policy the only restriction on smoking marijuana is that it can't be done in an enclosed workspace

**BY JOHN MINER**  
Ontario Farmer

Stratford - Members of the Canadian Farm Builders Association were told if they don't already have a drug and alcohol policy to deal with impairment in the workplace, they need one now.

Patrick Ganley, a lawyer with employment and labour law firm Sherrard Kuzz LLP, said employers should have a policy addressing both recreational marijuana and medical marijuana use, as well as procedures where drug or alcohol testing may be contemplated.

"Right now the only restriction on an employee smoking pot at work is whether or not it is an enclosed workspace. From that perspective, we would be remiss not to have drug and alcohol policies in place," Ganley told the CFBA annual conference in Stratford.

On Oct. 17, 2018 the federal government removed cannabis consumption and incidental possession from the Criminal Code.

In a recent survey, 21.5% of respondents said they had used cannabis to get high before or at work in the last year. Another 7.7% of respondents said they used cannabis to get high before at work weekly or daily.

Medical marijuana use is also expected to climb.

In 2013, the number of medical cannabis users was under 40,000. By 2016 there were 100,000, and it is projected that will increase to more than 450,000 by 2024.

"The safest route is not to ignore the potential for impairment on the job site," Ganley said.

In developing workplace policies, recreational marijuana use should be treated the same as alcohol.

If marijuana is not medically prescribed, if there is no dependency, employers do not have to accommodate its use.

But in the case of medical marijuana, the employer should treat it as they would other prescription drug use, Ganley said.

"I'm not standing up here today



**Patrick Ganley says employers need to have a drug and alcohol policy.**

telling you that somebody operating an 80-tonne shovel can be higher than a silo, that's not going to be the case, but we need to make sure that our policies adequately address the appropriate use by our employees if it is permitted," he said.

If a worker informs their employer that they are taking medical marijuana, the employer has the right to ask for the authorization from a doctor and whether it is connected to a disability.

"Oh my back hurts, I bought pot," is not going to fly," Ganley

said.

The questions that should be answered from the medical practitioner include what quantity of dried cannabis can the employee smoke in a day, what's the period of use during the day, how often can they smoke.

"I'm sure some of us have seen some doctor's notes that could have been written by an employee's dog, one line with a signature at the end. We don't have to accept the evidence that is presented directly to us, we are always entitled to go get more," Ganley said.

Employers may have the right to have an independent medical assessment conducted by an independent doctor that they choose in order to determine what the needs are for the medical marijuana, Ganley said.

The cost of such an assessment is about \$1,500 and can be the best money an employer spends, he said.

If an employee has a dependency or an addiction, the employer may have an obligation to accommodate it.

But that doesn't equate to allowing an employee to perform work while stoned, Ganley said.

The Ontario Occupational

Health and Safety Act places a legal obligation on employers to consider the health and safety of their workers and take every precaution reasonable in the circumstances to protect those workers. That includes identifying hazards in the workplace.

"I don't need to tell you that someone showing up high can be a hazard in the workplace," Ganley said.

He advised that if an employee's ability to perform the job could be impaired by medical cannabis and this could pose a safety risk, that the employer consider moving the worker to another position or putting them on a leave of absence until treatment is complete.

While employers are legally obligated to identify hazards so are employees. Many may not realize this and it is the employer's duty to let them know, Ganley said.

He suggested a conversation employers could have with their workers: "I'm here to protect you, I am legally obligated to protect you, but if you see something unsafe on site, you saw someone smoking a joint in a truck, you have an obligation to tell me too."

## USED APPLICATION EQUIPMENT

### 2017 RBR Vector 300



Approx 285 hours, 14" New Leader L4000 G4 in 304 SS, Inverted "V", closed center hydraulic pump, Raven Viper 4 controller, 14' electric roll tarp, Raven Smartrax autosteer, Increased HP to 350 HP, 8.9L Cummins, Aux forward lighting package, LED Cab Lighting package, electric heated mirrors, luxury cab with heated/cooled suede seat, Sirius XM radio, HD axle package with 32K capacity, deep tint windows, electric air bag dump, stainless steel tool box, crop guard, rear view camera, Rhino lined frame, 710/70R38 Trelleborg Floatation tires and rim package, as new fully loaded. Located Mt Elgin..... **\$375,000**

### 2015 Case IH Patriot 4440

2300 hrs, 1200 gal S.S. tank, 120' boom, Case Viper Pro Controller, Smartrax, autoboom, accuboom, Aim Command Pro, Luxury Cab, HID Lighting, 3" Front fill, Michelin 380.90R46 @ 35%, S/N # YET041002. Located in Mt. Elgin, ON..... **\$275,000**



### 2013 New Holland SP275

3300 hrs, 1400 gal S.S. tank, 100' mono boom, 4 wheel steer, Raven Viper Pro controller, Smartrax autoboom, accuboom, 320/90R46 tires 60%, 480/60R46 floater tires 70%, Located Mt. Elgin, ON..... **\$185,000**



### 2017 RBR Venturi 350

Approx 30 hrs, Case 810 Flex Air box, 70' booms, dual bin, Raven Viper 4 controller, electric roll tarp, Raven Smartrax autosteer, increased HP to 350 HP, 8.9L Cummins, Aux forward lighting pkg, LED cab lighting pkg, electric heated mirrors, luxury cab w/ heated/cooled suede seat, Sirius XM radio, deep tint windows, electric air bag dump, SS tool box, crop guard, rear view camera, Rhino lined frame, 710/70R38 floatation tires & rim pkg, as new fully loaded S/N FA1706215 ..... **\$450,000**



### 2014 Rogator RG900

2200 hrs, 900 gallon SS tank, air ride cab, 4 wheel steer, 120' boom with 5 way nozzle bodies, 380/90R46 Tires @ 30%, Raven Viper Pro Controller, Raven Accuboom GPS section control shutoff, Raven Autoboom ultrasonic boom leveller, Raven Smartrax hydraulic autosteer, hydraulic lift kit. S/N AGCA0900KENS1111. Located Mt. Elgin..... **\$208,725**



### 2014 NH Guardian SP275R

1895 hours, 1200 gallon S.S. tank, 120' 10 section rear mounted truss boom, 2 wheel mechanical drive, Intelliview IV controller, Raven Smartrax, Accu Boom, Auto Boom, HID light package, Alliance 380/90R46 Agriflex tires @ 95%. S/N YEYM00751. Located in Mt. Elgin, ON..... **\$210,000**



### Rogator RG900

2450 hrs, 900 gallon, 100' boom, Viper Pro Controller, Smartrax, accuboom, autoboom, sling shot, 380/90R46 @ 30%, 5 way nozzle bodies, 4 wheel steer. S/N #AGCA900CENCL1107. Located Mt. Elgin, ON..... **\$162,150**



### 2015 Case FLX 4030

New Leader L4000 G4 Fert/Lime box, 1650 hours, ShurLok roll tarp SS caps, Viper 4 controller, Smartrax, slingshot, Tires front Alliance 750/45R26 25%, rear Michelin 1000/50R25 70%, Luxury cab. S/N YET041282. Located Portland, ON..... **\$160,000**



### 2015 Case IH Patriot 3340

750 hrs, 1000 gal, 120' 7 section boom, 20 + 30" spacing, AFS Pro 700 Controller, Accuguide Nav 11 steering, autoboom, accuboom, Aim Command Pro, Luxury Cab, HID Lighting, 3" Front fill, Michelin 380/90R46 @ 70%, fence row nozzles, dual beacon lights, 12" lift kit, belly pans, Cab Cam, LED sight gauge light. S/N # YFT041769. **Make an offer on floater tires.** Located in Mt. Elgin, ON..... **\$379,995**



RR2, #324055 Mt. Elgin Rd., Mount Elgin, ON N0J 1N0 • (519) 485-6861 • Toll-Free: 1-800-661-5019

Fax: (519) 485-4694 E-mail: info@greenlea.net • Website: www.greenlea.net

**CALL US TODAY FOR SPECIFICATIONS ON ALL OUR EQUIPMENT**