

Bill 174 and the Cannabis Act, 2017¹

On October 17th, 2018, private recreational cannabis use became legal in Canada. In response, Ontario passed Bill 174, also known as the [Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act](#), which enacted the following:

- *Ontario Cannabis Act, 2017*
- *Ontario Cannabis Retail Corporation Act, 2017*
- *Smoke-Free Ontario Act, 2017*

Bill 174 also made changes to the *Highway Traffic Act*. Further, with the legalization of recreational cannabis, it is each province's task to create their own legislation around the cultivation, sale, distribution and consumption of cannabis. As an employer, it is important to understand how changing legislation will impact your business.

Cannabis in Ontario's Workplaces

- **Cannabis is not permitted.** The use of cannabis in provincially-regulated workplaces is prohibited in most cases.
- **Medical exceptions.** It is an employer's duty to accommodate certain employees with the use of cannabis in the workplace, up to the point of undue hardship. This includes employees who are prescribed medical cannabis to treat a disability or medical condition.
- **Occupational Health and Safety Act (OHSA) considerations.** The duty of an employer to accommodate medically-prescribed cannabis needs to be reconciled with OHSA requirements for maintaining a safe workplace.
- **Zero-tolerance.** Employers are barred from imposing a zero-tolerance policy on employees who choose to consume cannabis at work. However, a prescription for medicinal cannabis does not mean an employee is able to consume cannabis during or immediately before work.
- **Drug tests.** Employers do not have an absolute right to conduct mandatory drug testing in the workplace, and the ability to do so depends on a variety of factors.

¹ [Cannabis Act: A Guideline for Ontario Employers | Employerline.ca](#)

Edible Cannabis, Cannabis Extracts and Topicals

On October 17, 2019, edible cannabis, cannabis extracts and cannabis topicals can now be legally produced and sold under the Cannabis Act, by:

- Provincial and territorial retailers; and
- Federally licensed sellers of cannabis for medical purposes.

Adults should only expect a limited selection of the products, and no earlier than mid-December 2019.

To address the unique public health and safety risk posed by these new cannabis products, they will be subject to strict regulations. As an employer, it is important to understand how changing legislation will impact your business.

Protect Your Small Business

Employers should ensure proper policies and documentation are in place for maintaining a safe workplace and for being proactive about dealing with the inevitable issue of cannabis in the workplace. Review and amend your current workplace health and safety policies to address cannabis use in the workplace, along with the consumption of alcohol, cigarettes and other controlled substances.

Need help with a cannabis policy in your workplace?

If you are uncertain about the changes that Bill 174 brings to your business, call Employer Line at **1-833-247-3650** to speak with our HR experts. We support Ontario's business owners in adjusting to changing workplace laws.