

mebco

WEED – WAS WILLIE
NELSON ALWAYS
RIGHT?????

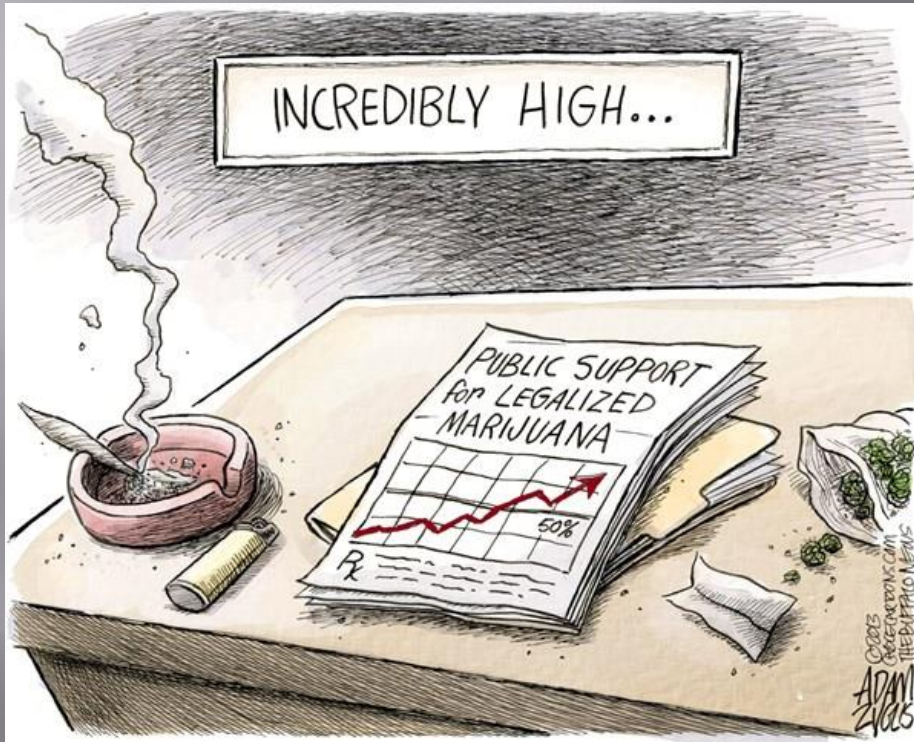
Robert R Blakely QC

Themes

- ▣ Lack of good research
- ▣ Laws in Conflict
- ▣ Accommodations (or the lack of them)
- ▣ “Impairment”
- ▣ The Dearth of ‘Rules’
- ▣ The Chancellor’s Foot



Legalization



- ▣ Does **NOT**, repeat **NOT** create a right to use
- ▣ There is no Charter Right to Use
- ▣ There is no Human Rights violation (unless it is around addiction)

Since October 17th

- ▣ Culture Shift
 - Not just yet there
 - For a 100 years
- ▣ With legalization
 - Random driver testing
 - More severe penalties for toking, drinking & driving
 - More acceptance of 'random'
- ▣ The impact on plans and communities



Much of What We Know

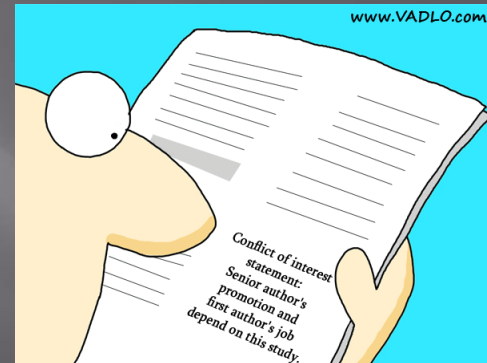


- ▣ Research with good *old* dope (still a US problem, so we get....)
- ▣ Comes from Testers or Producers
- ▣ What are the limits based upon??
- ▣ Doctors & Regulators don't agree with...
 - Prescription versus....
 - Use or Useful??

The Research

- ▣ Not so great and contradictory
 - Will get better because it's legal
 - At 3% THC
- ▣ Canadian Medical Association vs. some independently minded Docs
- ▣ Occupational Physicians say.....
- ▣ Potency varies, how taken, in what form, accumulation, young people
- ▣ How do you regulate dosage??
- ▣ No technology fix yet

SHOW ME HOW IT MAKES ME SAFER??



Government ought to.....

- Be the rule setter
(*Irving Pulp*)
- SUNCOR & UNIFOR
- Reduce/Eliminate Uncertainty
- Awareness & Education
- But, what we seem to do is create our norms by litigation



Standards will Morph as Research and Tolerance (of the System) Mature



- Beyond a deemed 'impairment'
- Cocktails of drugs
- Testing beyond where we are now
- How to accommodate effectively
- But until then.....

The Employer's Conundrum



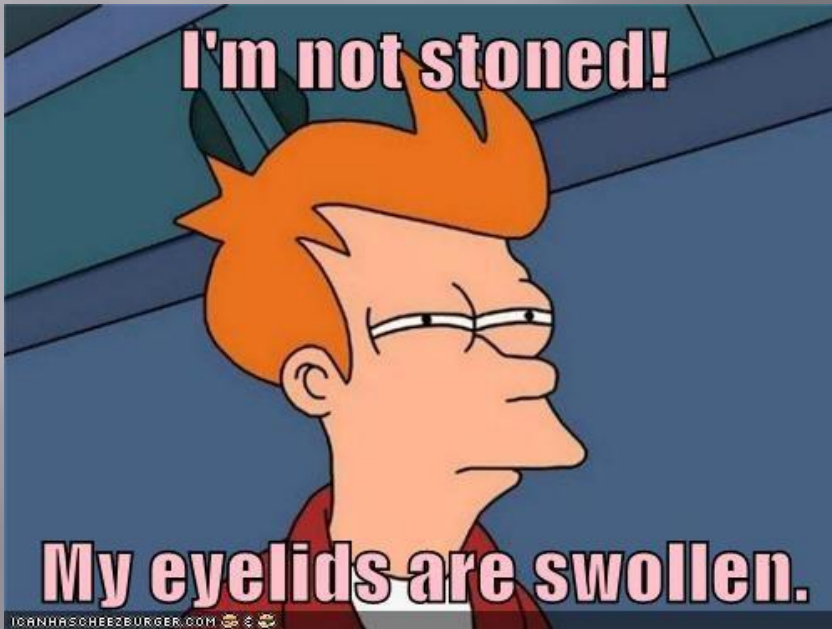
- ❑ Duty to keep workers safe by Law
- ❑ Some Owners say....."no stoners here"
- ❑ Some Unions will fight to the last breath
- ❑ There are no 'Rules'
- ❑ Former Chief Justice Beverly McLaughlin says...

What does this mean for Supervisors??

- ▣ Do we have to train them?? (they have liability too)
- ▣ Is their liability that of the Employer??
- ▣ Their role in accommodations
- ▣ The first line of detection?



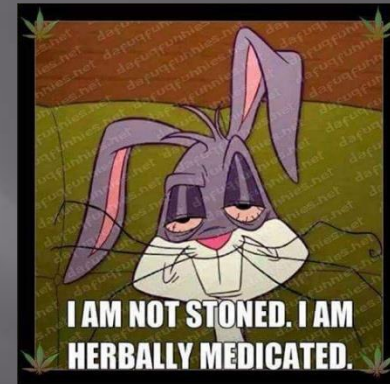
I wasn't impaired!!



- ▣ The next big litigation(s)
- ▣ Ron's excellent material points to some conclusions
 - Time & Place
 - Concentrations
 - Unique to "ME"
 - ▣ Old over .08 cases
- ▣ Is impairment the standard??
- ▣ There is no real reliable test for present impairment

It's Medicine, so.....

- ▣ Sad commentary we accommodate opioids but weed.....
- ▣ Employers have a right to say.....
But....
 - Bundle of duties out of the trade
- ▣ Should it be the impact on the person and the risk that is run???



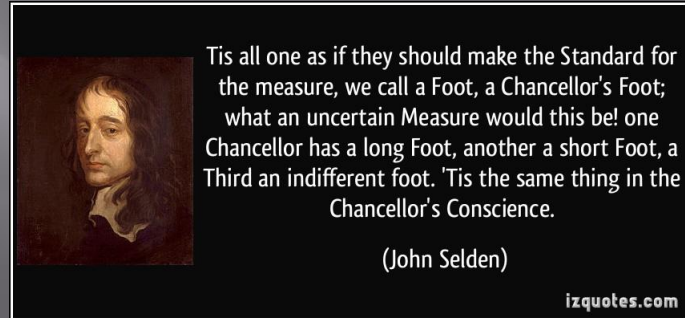
Get the Failures Back to Work

- ▣ Dispute Mechanism...NOT arbitration
 - Too long
 - Too expensive
 - Too much uncertainty
 - Settlements
 - Changing disputes



The Arbitrator's Standard

- ▣ The Chancellor's Foot
- ▣ Dueling experts
- ▣ Specific facts
- ▣ Personal tolerance
- ▣ A standard will eventually cohere, but the costs and time.....
- ▣ Risk for the subjects of the inquiry



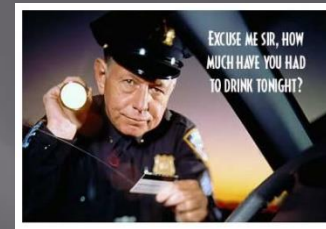
So, is it bad to go forth based on judicial decisions??



- ▣ Maybe it is
- ▣ Those who seek 'aid'
 - Privacy law
 - Human Rights
 - Freedom (the Charter)
- ▣ Challenges to the Testing System
- ▣ Uncertainty continues
- ▣ Question – does testing make it safer???

There is an Issue with Weed that is Unique

- ▣ Hangover effect (pun intended) (and remember the last time you were hungover at work?? Would you rather work with...??)
- ▣ Fat soluble so.....
- ▣ The testing (almost all) is for metabolites, so it is a history test
- ▣ Reliable, approved active THC testing is not yet available





*Merci,
Avez-vous des Questions?*