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Legislation may be easing restrictions on both recreational and medical marijuana use, but it's complicating workplace for many employers. Although the drug is now legal in some states, it doesn't mean workplaces should be more lenient about its use since marijuana can have serious impacts in the workplace and on workplace safety and productivity.



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So how should employers handle marijuana in the workplace?

1

Set Standards: To protect an organization, it's important to craft a policy. Start by reviewing the laws in the states where you conduct business to determine what you can and can't prohibit. Then define parameters for employees regarding the use and possession of marijuana, and impairment, especially if it's no longer considered an illegal drug in your state. For some, that may mean relaxing their policies while others will continue with their current zero tolerance approach. Either way, with a clearly written policy outlining expectations and consequences, you'll have the right to terminate an employee for violations. Just be sure to include it in your handbook and enforce it consistently.

2

Tread Carefully With Testing: Previously, the rules governing marijuana use were fairly simple and employers could terminate workers for testing positive for the drug. But with a patchwork of laws creating uncertainty — like those setting minimum thresholds for positive results — it's getting more complicated to establish strict drug-testing criteria. That doesn't mean, however, that testing should necessarily be abolished altogether if your state allows it. It's been shown that workers are less likely to use drugs if they know they'll be tested, so you may want to establish — or continue — routine timelines for screenings, especially if you work in an industry where safety is paramount like manufacturing or transportation. Just be aware that the tests can have false results and they don't necessarily reveal a worker's level of impairment. Also, the use of marijuana to treat a medical condition may need to be reasonably accommodated and can make testing tricky.

3

Train: With the rapid pace of change in marijuana legislation, make it a priority to keep supervisors and managers updated about legal developments regarding use of the drug in the workplace. Hold trainings for them about how workers may be using marijuana today (e.g. ingesting edibles at lunch), the effects of the drug on job performance, and how to spot signs of abuse at work that may prompt for-cause testing such as red eyes, slurred speech, impaired motor coordination and other behaviors. Educational offerings should also highlight steps management needs to take like proper documentation in case any of the company's decisions regarding an employee get questioned.

4

Check for Medical Use Protections: Most state laws protect employers when medical marijuana-using employees test positive. But depending on where your company operates, there may be laws in effect to protect employees by prohibiting disciplinary action for medical marijuana use or requiring that you provide workplace accommodations. Be sure to check local legislation and have an attorney review your policies for compliance. And remember that just because an employee holds a medical marijuana card, it doesn't give them authorization to use the drug on the job.

5

Provide Support: Since marijuana is the most frequently used illicit drug in the United States and the one most often detected in workplace testing, according to the National Safety Council, you may want to consider offering either formal or informal support for employees who may have been abusing it. If you don't have an Employee Assistance Plan, arm HR with a list of local resources available to help employees with drug problems.