

# HR Challenges of Marijuana in the Workplace

*Frequently Asked Questions*



**Canadian Trucking Alliance  
Alliance Canadienne du Camionnage**

**June 2017**

**DISCLAIMER**

The following is a guide and not meant as legal advice. All employers are strongly urged to seek legal counsel when confronted with any issue relating to marijuana in the workplace.



## Employer Frequently Asked Questions

**Q. What is the difference between *medical marijuana* and *recreational marijuana*?**

A. Medical marijuana is treated in the same manner as other prescription drugs and is subject to human rights legislation. In being covered under human rights legislation, employers are faced with the duty of accommodation – even for cases of marijuana addiction or dependence which in some cases is considered a disability under current legislation. Employers are required to accommodate medical marijuana users to the extent that the accommodation does not cause undue hardship (financial or otherwise) to the employer.

In contrast, recreational marijuana is not a prescription drug and therefore is not subject to human rights legislation. Although the legalization of marijuana for recreational use (as opposed to medical use) will undoubtedly have an impact in the workplace, the obligations of employers will vary. For example, in situations where dependency or addiction to marijuana exists, is suspected or can be established, identical obligations exist as in medical marijuana.

**Q. Does a medical marijuana user require a *prescription* from their doctor?**

A. According to the College of Physicians and Surgeons of Ontario (and similar in all other Canadian jurisdictions), “a drug is prescribed when a prescriber provides a direction that authorizes the dispensing of a drug or mixture of drugs. The direction may be communicated verbally, in writing or electronically.”

In the case of medical marijuana, an employee may have authorization to use marijuana as a therapy for a medical condition, just like any other prescription drug, but not have a traditional, written prescription from a physician. Regardless of the actual form of the prescription or authorization, the Duty to Accommodate is still required based on the condition that is being treated, not the treatment option. Employers, in formulating an accommodation plan are entitled, in consultation with the employee, to see if other acceptable treatment options exist.

**Q. What does *Duty of Accommodation* mean and when does it apply to marijuana usage?**

A. According to the Canadian Human Rights Commission, some employees may need to be treated differently in the workplace to prevent discrimination, particularly those in safety-sensitive positions. Employers who have employees that use medical marijuana as a treatment for a medical condition or who have a dependency/addiction to marijuana which has been diagnosed as a disability are required, under Human Rights legislation of every jurisdiction, to accommodate the worker to ensure that the employee's needs are met. Accommodations must be made in cooperation between the employer and the employee on an individual basis.

“The duty to accommodate has limits. Sometimes accommodation is not possible because it would cause an organization “undue hardship.” Under the Canadian Human Rights Act, an employer or service provider can claim undue hardship when adjustments to a policy, practice, by-law or building would cost too much, or create risks to health or safety. The onus of establishing undue hardship is on the employer and it is a very high threshold.”<sup>2</sup> Employers are strongly urged to consult legal counsel when developing an accommodation plan.

In the trucking industry, accommodations may include alternative forms of work, leaves of absence, modifications to work schedules, among others.

**Q. What is a *safety-sensitive position*?**

A. According to the Canadian Human Rights Commission, “a safety-sensitive position is one in which incapacity due to drug or alcohol impairment could result in direct and significant risk of injury to the employee, others or the environment. When determining whether a job is safety sensitive, one must consider the context of the industry, the particular workplace and an employee's direct involvement in a high-risk operation. Any definition must take into account the role of properly trained supervisors, and the checks and balances present in the workplace.”<sup>3</sup>

**Q. Is there a *standardized cut-off level* similar to alcohol to test intoxication?**

A. While it is not a legal requirement, employees should notify their employer if they are using medical marijuana or prescription drugs that could cause impairment if they are in a safety-sensitive position. Ideally, this information will be disclosed upon hiring or upon being prescribed medical marijuana. There are decisions upholding terminations in instances where policies impose an obligation of self-identification and the employee has failed to do so. *NOTE: the policy is subject to a grievance by the Amalgamated Transit Union and may be set aside as a result.*

- Q. Do employees using medical marijuana *have to disclose* this information to their employer?**
- A. While it is not a legal requirement, employees should notify their employer if they are using medical marijuana or prescription drugs that could cause impairment if they are in a safety-sensitive position. Ideally, this information will be disclosed upon hiring or upon being prescribed medical marijuana. There are decisions upholding terminations in instances where policies impose an obligation of self-identification and the employee has failed to do so. However, if this employee does not inform their employer that they are a medical marijuana user and he/she is involved in an accident directly related to impairment that could have been prevented with the proper accommodation, the employer should seek legal council.
- Q. As an employer, what aspects of marijuana (both medical and recreational) do I have to be concerned about?**
- A. As an employer, you have to take into consideration all potential uses of marijuana by your employees and consider how you will be impacted in each potential situation. There are three key scenarios involving marijuana that you may experience in your workplace:
1. Medical marijuana usage by an employee
  2. Employee dependency/addiction to marijuana – which is a confirmed disability
  3. Employee recreational use of marijuana

### **Employee Requirements**

1. If you have an employee using medical marijuana, you have a Duty to Accommodate based on Human Rights Legislation. To manage this situation, be sure to develop a legally sound and binding Accommodation Policy. For help in reviewing/developing a workplace Accommodation Policy, please see our resource.

In addition, medical marijuana is considered a prescription medication and should be referred to as such within your company Drug and Alcohol and/or Prescription Drug policies.

2. If you have an employee who has, or is perceived to have, a dependency/addiction to marijuana, this is considered to be a disability and falls under Human Rights Legislation. Again, the Duty to Accommodate comes into effect in this situation. An Accommodation Policy should outline the process for supporting employees with a dependency/addiction to marijuana. In addition, the Canadian Human Rights Commission has developed a resource entitled “Impaired at Work: A Guide to Accommodating Substance Dependence” which we have included here merely as a guide.
3. Use of recreational marijuana in the workplace is subject to the same policies and procedures as alcohol and other non-prescription drugs. Your company Drug and Alcohol policy should clearly outline the rules against and disciplinary action for using recreational marijuana in the workplace. For help in reviewing/developing a workplace Drug and Alcohol policy, please see our resource.

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**Footnotes**

1. The College of Physicians and Surgeons of Ontario.  
<http://www.cpso.on.ca/Policies-Publications/Policy/Prescribing-Drugs>
2. Canadian Human Rights Commission, Duty to Accommodate:  
<https://www.chrc-ccdp.ca/eng/content/duty-accommodate>
3. Canadian Human Rights Commission. (October 2009). Canadian Human Rights Commission’s Revised Policy on Alcohol and Drug Testing. Accessed from:  
[https://www.healthunit.com/uploads/padt\\_pdda\\_eng\\_1.pdf](https://www.healthunit.com/uploads/padt_pdda_eng_1.pdf)



*This FAQ has been developed in partnership with Trucking HR Canada and reviewed by Shelley Brown B.C.L., LL.B. (McGill University) LL.M. (Employment Law/York University), Steinberg Title Hope & Israel LLP.*

# HR Challenges of Marijuana in the Workplace

*Canadian Human Rights Commission  
Guidelines*



**Canadian Trucking Alliance  
Alliance Canadienne du Camionnage**

**June 2017**

## **DISCLAIMER - CHRC GUIDELINES**

The guidelines to follow are general in nature and are meant to provide assistance in preparing an appropriate, company-specific policy regarding accommodating substance dependence in the workplace. The CTA, THRC and legal advisor, Shelley Brown, intend for these guidelines to be helpful to initiate awareness and be a starting point for companies to working towards internal policies and procedures.

## **SEEK LEGAL ADVICE**

Each company has unique elements – what is appropriate and may work for one company may not apply to another. In addition, some companies are regulated under federal law while others come within provincial jurisdiction. Each jurisdiction has discrete human rights legislation which applies to those businesses and industries operating within their areas. It is important for every company to work with an employment lawyer to develop detailed and written policies and procedures that take into account the applicable regulations and requirements of their jurisdiction.





## RECREATIONAL VS. MEDICAL MARIJUANA

When considering the Guidelines, it is important to keep in mind the distinction between 'recreational' and 'medical' marijuana use. The Guidelines predominantly relates to medical uses of marijuana. The human rights protections do not apply for recreational marijuana use unless:

- i. The user has a dependency problem or is addicted to marijuana
- ii. The employer is believe to be addicted or dependent.

## DUAL REQUIREMENT OF ACCOMMODATION

In several jurisdictions across the country, there is a dual requirement of 'procedural' and 'substantive' aspects to accommodation. For example, in Ontario, not only must an employer provide accommodation, but it must also undertake a process of evaluating what accommodation is necessary and whether or not the accommodation is feasible up to the point of undue hardship.

The Guideline mentions that proving undue hardship falls on the employer, but it is important to underscore that this is a high bar and the employer must proactively investigate all options.

This notion of dual obligation does not exist within the Canadian Human Rights Act (CHRA). If the employer can establish that there is no disability, the employer will not be punished if it has not undertaken the investigation. However, in Ontario, even if it is established in court that there is no disability, if the employer did not undertake an investigation regarding whether an accommodation was available, it will have breached the Ontario Human Rights Code and damages would be awarded to the employee.

## SAFETY-SENSITIVE VS. NON-SAFETY SENSITIVE POSITIONS

The Guidelines do not detail the distinction between safety sensitive (SS) and non-safety sensitive (NSS) positions; however, this is a critical distinction in terms of what an employer is entitled to do.

According to the Canadian Human Rights Commission's Revised Policy on Alcohol and Drug Testing:

A safety-sensitive position is one in which incapacity due to drug or alcohol impairment could result in direct and significant risk of injury to the employee, others or the environment. When determining whether a job is safety sensitive, one must consider the context of the industry, the particular workplace and an employee's direct involvement in a high-risk operation. Any definition must take into account the role of properly trained supervisors, and the checks and balances present in the workplace. (p.3)

However, for non-safety sensitive (NSS) positions, progressive discipline will be required before termination can occur in most cases – this needs to be part of a written policy.

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#### **Footnotes**

1. Canadian Human Rights Commission. (October 2009). Canadian Human Rights Commission's Revised Policy on Alcohol and Drug Testing. Accessed from:  
[https://www.healthunit.com/uploads/padt\\_pdda\\_eng\\_1.pdf](https://www.healthunit.com/uploads/padt_pdda_eng_1.pdf)



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# HR Challenges of Marijuana in the Workplace

*Sample Policies & Checklists*



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## **DISCLAIMER - POLICIES**

All employers are strongly encouraged to develop comprehensive written policies in consultation with Human Resources staff and legal professionals. Having something in writing will help to ensure that employees are fully aware of their obligations, have a concrete resource to turn to if in doubt, and will have a much more difficult time arguing that they were unaware of their obligations and the company's position.

For the policy to have maximum impact, it should be rolled out to staff in a manner which will educate them of its contents and allow them to ask questions. There should be someone appointed with knowledge of the policy to whom employees can go as a resource for questions or to clear up problems which may arise. Even with nominating a 'go to' resource for the administration of the policy, the company should also appoint and train managers to identify behaviours which might indicate drug dependence so that proactive measures may be initiated to avoid a catastrophic accident.

Each employee must either have a copy of the policy or be aware of where to go to access it either online or as a hardcopy. If hardcopy, it has to be accessible when needed. Finally, each employee must sign off that they have received training, that they are aware of the importance of the policy, understand the consequences of non-compliance and that they either have a copy or have been made aware of the method by which it can be retrieved. If there are updates, the same process should be followed and an appropriate sign-off entered into.



**TIPS****1**

**Prior to developing or updating your policies, identify the safety-sensitive positions in your workplace. For a definition of safety-sensitive positions, see the Employer FAQs resource.**

**2**

**Update (or develop) their “drug and substance abuse policies:”**  
*It is important for employers to address the tolerance for, and consequences of, recreational marijuana use in the workplace*

**3**

**Update (or develop) their “prescription drug policies” to reflect medical marijuana as a prescription drug:**  
*It is important for employers to include disclosure measures for medical marijuana within the prescription drug policy*

**4**

**Update (develop) policies to reflect accommodation plans:**  
*Many HR professionals recommend involving the health and safety committee in the development of accommodation plans for prescription drugs (including medical marijuana).*

**5**

**Delegate a staff person(s) who will be responsible and accountable for the policies pertaining to medical and recreational marijuana use in the workplace.**

**6**

**Provide appropriate training to staff on handling issues that may arise from the policy.**

## DRUG AND ALCOHOL POLICY

### SAMPLE

**DISCLAIMER:**

*The sample provided is only to be used as an example of a drug and alcohol policy and is NOT legally binding. There is no “one size fits all” policy that will apply to all companies. Every policy must be reviewed by legal professionals to ensure compliance with all applicable law and legislation.*

*The CTA strongly encourages all companies to seek legal counsel when developing corporate policies.*

### Company Statement of Commitment

ACME Trucking Inc. is committed to providing the best possible freight services to all of our customers in a safe, reliable and timely manner. We value the role that our employees play in delivering this superior service and strive to ensure a healthy workforce.

We recognize the negative effects and outcomes that the use of drugs and alcohol can have on our employees and customers. We have developed this drug and alcohol policy that we expect all employees to follow at all times on the job. The misuse of any drugs (prescription and non-prescription drugs) and alcohol will not be tolerated at ACME Trucking Inc.

This Drug and Alcohol Policy applies to ALL ACME Trucking Inc. employees, inclusive of Owner-Operators. As per this policy, the following scenarios will not be tolerated and are subject to disciplinary action:

- Drug or alcohol impairment while on the job – employees will be subjected to testing should impairment be suspected
- Possession of drugs or alcohol while on the job – including all company facilities and vehicles
- Sharing and/or selling of drugs or alcohol while on the job – including all company facilities and vehicles
- Refusal to submit to drug or alcohol testing (as outlined in this policy) or tampering with drug or alcohol samples.

### Policy Procedures

Employees who are under the influence of/impaired by illegal drugs and/or alcohol must not report to work.

- If an employee is suspected of impairment, he/she will be required to submit to drug and/or alcohol testing

Employees in safety-sensitive positions who are taking a prescribed medication (including medical marijuana) which may impair their reaction time, judgement, perception or coordination, must notify their immediate supervisor prior to starting work. It is at the supervisor's discretion to determine if the employee can be accommodated in the workplace (i.e. assigned to another position for the duration of impairment) or if a leave of absence will be required.

- At ACME Trucking Inc., safety-sensitive positions include: all drivers, dispatchers, heavy duty equipment mechanics, all warehouse staff.
- If the employee is deemed unfit for duty, the supervisor will arrange for transportation of the employee to his/her residence to ensure safety.

## Drug and Alcohol Testing

To ensure a safe workplace for all employees, ACME Trucking Inc. has instituted drug and alcohol testing procedures. The following testing procedures are required:

- Pre-employment testing: Upon an offer of employment for a safety-sensitive position, applicants will be required to submit to tests for drugs and/or alcohol. Tests must be performed by the facility designed by ACME Trucking Inc.
  - o A positive test result for illegal drugs or alcohol may result in the refusal of employment
- Impairment testing: If an employee is suspected of being under the influence of drugs or alcohol while on the job (e.g. exhibiting unusual behaviour, lack of coordination, slurred speech, etc.), ACME Trucking Inc. reserves the right to submit the employee for drug and alcohol testing as well as well as a field sobriety test.
  - o Following an incident or accident, ACME Trucking Inc. may require all employees involved to submit to drug and alcohol testing

## Disciplinary Action

The maximum permitted blood alcohol level for employees is .03 milligrams of alcohol per 100 millimetres of blood.

The maximum levels for various families of illegal drugs are based on industry norms supported and recommended by the testing facility.

If an employee tests positive for illegal drugs or alcohol, he/she will be informed of the test result and immediately suspended without pay until ACME Trucking Inc. determines the course of action. In the event that the employee is not terminated from ACME Trucking Inc. the following action must be taken following a positive test result:

- The employee must meet with his/her physician for assessment to determine addiction or dependency.
- Employee must submit to follow-up drug or alcohol testing prior to returning to work and will be required to submit to random drug or alcohol testing up to 24-months post incident/return to work.
  - If the employee tests positive for drugs or alcohol during this period will be subject to disciplinary action will include immediate suspension and potential termination.

## Dependency Assistance

Employees who are experiencing drug or alcohol issues, such as dependency and addiction, are strongly urged to seek assistance as soon as possible. The Employee and Family Assistance Program (EFAP) is a confidential service offered to all employees that can provide support and resources.

Employees are encouraged to speak with the HR Department if they are experiencing dependency or addiction to drugs (illegal or prescription) or alcohol. ACME Trucking Inc. will provide assistance for the employee to engage support services and medical professionals.

***ACKNOWLEDGING YOU HAVE A PROBLEM BEFORE A PROBLEM OCCURS WILL NOT RESULT IN IMMEDIATE TERMINATION***

## Policy Review

This policy applies to all ACME Trucking Inc. employees and should be reviewed by:

- New employees – during orientation
- Existing employees – during annual reviews
- All employees – when changes/updates are made to the policy

During each review period, employees will be required to sign and submit an Employee Acknowledgement Form verifying that they fully understand their requirements, that non-compliance may result in discipline up to and including termination and will comply with the policy for the duration of their employment with ACME Trucking Inc.

## Policy Administration

The person responsible for the procedures outlined in this policy is Jane Doe, HR Manager. This policy was developed on January 1, 2017 and is due for review on January 1, 2018.



**DRUG AND ALCOHOL POLICY**

## Employee Consent Form

I, \_\_\_\_\_, acknowledge that I have received ACME Trucking Inc.'s Drug and Alcohol Policy. I have read the policy and understand that the policy pertains to all employees of the company for the duration of employment.

I understand that I will be required to submit to drug and alcohol testing prior to obtaining employment with ACME Trucking Inc. I understand that I will be submitted for drug and alcohol testing if I am suspected of impairment while on the job. I understand that refusing to submit to any drug and/or alcohol testing required by this policy, or a positive test result, is grounds for disciplinary action which may include termination if deemed necessary by ACME Trucking Inc.

I recognize that by signing this consent form, I understand its contents and I am agreeing to abide by the ACME Trucking Inc.'s Drug and Alcohol Policy as a condition of my employment.

**EMPLOYEE NAME** \_\_\_\_\_

**EMPLOYEE SIGNATURE** \_\_\_\_\_

**DATE** \_\_\_\_\_

**SUPERVISOR NAME** \_\_\_\_\_

**SUPERVISOR SIGNATURE** \_\_\_\_\_

**DATE** \_\_\_\_\_

**DRUG AND ALCOHOL POLICY CHECKLIST**

**Note:** *This checklist can be used by companies to review and benchmark existing policies or to develop new policies to ensure the inclusion of medical and recreational marijuana.*

✓	IMPORTANT POLICY COMPONENTS
	Did we identify who (i.e. which employees) this policy applies to?
	Did we identify what situations this policy applies to? For example: <ul style="list-style-type: none"> <li>• Impairment at work</li> <li>• Possession of illegal drugs: on premises, worksites and/or company vehicles</li> <li>• Presence of illicit drugs (metabolites) in blood while at work with defined levels</li> <li>• If workplace drug/alcohol testing is refused by the employee</li> </ul>
	Did we clearly define the workplace rules and procedures for drugs and alcohol use? For example: <ul style="list-style-type: none"> <li>• Procedures for being impaired at work</li> <li>• Process for employees using prescribed medication, inclusive of medical marijuana, that may impact/impair their ability to safely perform their job</li> <li>• Process for employees who are unable to perform their job due to acute (temporary) or chronic (long-term) impairment by a prescription drug or drug dependency</li> </ul>
	Did we clearly define the difference between prescription drugs and illegal/recreational drugs? For example: <ul style="list-style-type: none"> <li>• Did we include medical marijuana under prescription drugs?</li> <li>• Did we include disclosure measures and requirements for prescription drugs, including medical marijuana, that could impair the employee?</li> </ul>
	Did we clearly define the disciplinary process for policy non-compliance?
	Did we define the requirements for workplace drug and/or alcohol testing? For example: <ul style="list-style-type: none"> <li>• Pre-employment testing</li> <li>• Random testing</li> <li>• Testing to confirm suspected impairment</li> </ul>
	Did we clearly outline the procedures related to testing positive for drugs and/or alcohol?
	Did we define the company policy and procedure for employment assistance for drug or alcohol abuse or addiction?
	Did we develop a plan for informing employees of the policy? For example: <ul style="list-style-type: none"> <li>• Orientation of new employees</li> <li>• Review by existing employees</li> <li>• Plan for periodic refresher for all employees</li> </ul>
	Did we develop an employee policy consent form?
	Did we delegate a staff person(s) who will be responsible and accountable for the policies pertaining to drug and alcohol?
	Did we develop a timeline and process for annual policy review and revision?
	Did we review this policy with our legal team or outside lawyer if non exists?

## ACCOMMODATION POLICY

### SAMPLE

*This sample was developed using the template provided by the Ontario Human Rights Commission: <http://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures/7-accommodation-policy-and-procedure>*

### Statement of Commitment

ACME Trucking Inc. is committed to providing an environment that is inclusive and that is free of barriers based on age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy) gender identity, gender expression, sexual orientation, record of offences, marital status, family status and disability. We commit to providing accommodation for needs related to the grounds of the provincial human rights code unless to do so would cause undue hardship for our company.

All employee accommodations will be provided in accordance with the principles of dignity, individualization and inclusion. ACME Trucking Inc. will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

### Policy Objectives

The objectives of the Accommodation Policy are to:

- Ensure that the human rights and needs of all employees are met with respect to accommodation
- Clearly define the processes and procedures for accommodation at ACME Trucking Inc.

### Scope of the Policy

This Accommodation Policy applies to all employees, including new hires, existing employees, employees with short-term and long-term need for accommodation and employees returning to work.

This policy applies to all stages of the employment relationship between employees and ACME Trucking Inc., including recruitment and selection, promotion and advancement as well as conditions of work (such as scheduling, hours of work, location of work and leaves of absence).

## Accommodation Requests

Accommodation requests should be made in writing. Employees should discuss accommodation requests with their immediate supervisor.

***ALL ACCOMMODATION REQUESTS WILL BE TAKEN SERIOUSLY – NO EMPLOYEE WILL BE PENALIZED FOR REQUESTING OR NEEDING ACCOMMODATION***

The details of the accommodation request will be kept confidential and shared only amongst those individuals who are directly involved in accommodation planning.

## Accommodation Plans

Upon approval for accommodation, the employee, supervisor and HR manager will develop a written Accommodation Plan outlining the details of the accommodation for the employee. This Accommodation Plan will include:

- A statement of the accommodation seeker's relevant limitations and needs, including any needed assessments and information from experts or specialists, bearing in mind the need to maintain the confidentiality of medical reports
- Arrangements for needed assessments by experts or professionals
- Identification of the most appropriate accommodation short of undue hardship
- A statement of annual goals, and specific steps to be taken to meet them
- Clear timelines for providing the accommodation
- Criteria for determining the success of the accommodation plan, together with a process for reviewing and re-assessing the accommodation plan as needed
- An accountability mechanism.

## Undue Hardship

ACME Trucking Inc. is required to provide accommodation to their employees to the point of undue hardship. Undue hardship is assessed against three factors – cost, outside sources of funding and health and safety.

The standard for undue hardship is high; therefore, if an accommodation is deemed unreasonable on the grounds of undue hardship, the accommodation process continues until an Accommodation Plan is developed for the employee.

## Potential Accommodations

While each accommodation request will be managed on an individual basis, ACME Trucking Inc. has identified the following potential, reasonable accommodations that can be provided without causing undue hardship for the company. Additional accommodations not cited will be reviewed on a case-by-case-basis. All accommodations are subject to discussion and approval between the employee, appropriate medical experts, supervisor and HR manager:

- Adjustments to work station (non-driving)
- Adjustments to vehicle (driving)
- Technical aids and supports
- Counselling or referral services
- Leaves of absence
- Rehabilitation support
- Modified work duties
- Scheduling modifications

## Monitoring Accommodation

The employee receiving the accommodation and his/her supervisor will monitor and review the effectiveness of the accommodations on a timely basis and address any concerns or deficiencies in the Accommodation Plan to ensure that the employee's needs are being met.

## Policy Review

This policy applies to all ACME Trucking Inc. employees and should be reviewed by:

- New employees – during orientation
- Existing employees – during annual reviews
- All employees – when changes/updates are made to the policy

During each review period, employees will be required to sign and submit an Employee Acknowledgement Form verifying that they fully understand their requirements and will comply with the policy for the duration of their employment with ACME Trucking Inc.

## Policy Administration

The person responsible for the procedures outlined in this policy is Jane Doe, HR Manager. This policy was developed on January 1, 2017 and is due for review on January 1, 2018.

**ACCOMODATION POLICY**  
**EMPLOYEE CONSENT FORM**

I, \_\_\_\_\_, acknowledge that I have received the Accommodation Policy regarding my rights as an employee of ACME Trucking Inc. to request and receive reasonable accommodation in the workplace.

I have read and understood this policy. I understand that as an employee of ACME Trucking Inc., I have the right to request accommodation based on applicable Human Rights legislation and documented issues that impact my ability to effectively perform my job duties.

I acknowledge that ACME Trucking Inc. has the right to review my request for accommodation, discuss potential accommodation measures and review these accommodation measures to ensure that any potential measures do not result in undue hardship.

I acknowledge that I am required to assist ACME Trucking Inc. in formulating the accommodation including providing information reasonably required by ACME Trucking Inc. for its formulation on a timely basis.

I acknowledge that in requesting accommodation at any point during my employee with ACME Trucking Inc. will be taken seriously. I know that I will not be penalized for requesting accommodation and that information pertaining to my request for accommodation will be kept confidential.

**EMPLOYEE NAME** \_\_\_\_\_

**EMPLOYEE SIGNATURE** \_\_\_\_\_

**DATE** \_\_\_\_\_

**SUPERVISOR NAME** \_\_\_\_\_

**SUPERVISOR SIGNATURE** \_\_\_\_\_

**DATE** \_\_\_\_\_

## ACCOMMODATION POLICY CHECKLIST

**Note:** This checklist can be used by companies to review and benchmark existing policies or to develop new policies to ensure the inclusion of medical marijuana for potential accommodation.

✓	IMPORTANT POLICY COMPONENTS
	Did we develop a Statement of Commitment to illustrate our commitment to developing a workplace free of discrimination, barriers and undue hardship for our employees?
	Did we identify which employees this policy applies to?
	Did we identify what situations this policy applies to? For example: <ul style="list-style-type: none"> <li>• Hiring new employees</li> <li>• Existing employees with acute (short-term) need for accommodation</li> <li>• Existing employees with long-term need for accommodation</li> <li>• Which workplaces/worksites</li> </ul>
	Did we clearly define grounds where accommodation would be considered? For example: <ul style="list-style-type: none"> <li>• Race, nationality, ethnic origin</li> <li>• Religion</li> <li>• Age</li> <li>• Sex, Gender and Sexual Orientation</li> <li>• Disability - short-term or long-term (including diagnosed dependency or addiction to drugs and alcohol)</li> <li>• Return to work</li> </ul>
	Did we clearly define the process for requesting accommodation?
	Did we clearly define the process for disclosure and discussion of employee information for the purpose of accommodation?
	Did we clearly outline our privacy and confidentiality process in relation to accommodation?
	Did we develop an accommodation planning process?
	Did we develop and outline the process for modifying accommodations?
	Did we consider potential accommodations that may be requires? For example: <ul style="list-style-type: none"> <li>• Schedule changes</li> <li>• Workplace/workstation/vehicle accommodations</li> <li>• Leaves of absence</li> <li>• Rehabilitation</li> </ul>
	Did we identify what may be considered undue hardship for accommodation?
	Did we develop an employee consent form?
	Did we delegate a staff person(s) who will be responsible and accountable for the policies and procedures pertaining to accommodation?
	Did we develop a timeline and process for annual policy review and revision?
	Did we review the policy with our legal team or outside lawyer?



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