



Cannabis, OH&S Criminal Liability, and Harassment

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Cannabis –The Past Year

- *IBEW, Local 1620 v Lower Churchill*, 2019 NLSC 49 upheld arbitrator’s decision that denial of employment at a safety-sensitive construction site due to medically prescribed cannabis use was reasonable. Employer unable to measure impairment and safety risk; undue hardship.
- *Aitchison v. L &L Painting and Decorating Ltd.*, 2018 HRTO 238, Tribunal said no “absolute right” to use cannabis at work even if medically prescribed.

Edibles, Extracts and Topicals

- Demand expected to be high
- Take longer to take effect, and effect lasts longer than if inhaled
- Euphoric effect peaks in 4 hours, lasts up to 12
- Takes longer to have any effect....up to 2 hours
- Unintentional over-consumption

OH&S Criminal Liability

R v. Hoyeck 2019 – Nova Scotia Supreme Court – Westray Prosecution

"there is no evidence to suggest that Mr. Hoyeck knew that Mr. Kempton was going to use a torch to remove the gas tank. Indeed, a logical inference is that Mr. Kempton only opted for the torch after he encountered the strip bolt on the second strap. This was an unsafe procedure and Mr. Kempton, as a trained mechanic, should have known this. **In my view, it would be unreasonable to suggest that Mr. Hoyeck an untrained mechanic/shop owner, should have supervised his employee, a Red Seal mechanic.**"

Workplace Harassment

- Harassment Complaints (and Investigations) - “the new normal”
- No Nova Scotia Legislation Yet...But Look at *Canada Labour Code* Changes
- Do you have what is necessary?
 - Policy
 - Trained Employees
 - Culture