

Marijuana lights up debate in construction industry

Canada's impending Cannabis Act is going to drastically affect safety at construction sites

Call it an impairing drug, a safe way to relax, or a drug we don't know enough about yet; marijuana has been hotly debated this past year, especially since the Canadian government has committed to legalize recreational marijuana in the country by July 1, 2018. As groups continue to lobby for or against pot, one truth many workplaces are dealing with is how the drug will fit into its policies.

In the construction industry, safety is key, and some say the drug could seriously increase risks for workers.

"Marijuana impairs those higher-level cognitive functions and a person's working memory," says Dr. Brendan Adams, whose practice involves addiction medicine and safety-critical medicine, largely for Canadian airlines.

Adams says those functions are extremely important for construction workers, especially when it comes to recalling information from toolbox talks and safety-related meetings. "Maybe there's an open excavation hole that an employee must not go near," he says. "Or maybe at 11 p.m. some dynamite is going to be set off. People on marijuana won't remember those facts because of short-term or working memory impairment, and the lack of memory about this important detail can kill someone on a construction site."

How marijuana works

Marijuana contains more than 70 cannabinoids, which are chemical compounds that interact with cannabinoid receptors throughout our body. The compounds that are often talked about are delta-9-tetrahydrocannabinol (THC) and cannabidiol (CBD). THC is said to provide the high while CBD provides some of the apparent benefits of cannabis, including reduced pain.

Cannabinoid receptors regulate many bodily functions, such as "brain and nervous system activity, heart rate and blood pressure, digestion, inflammation, immune system activity, perception of pain, reproduction, wake/sleep cycles, regulation of stress and emotional state, and many other functions," according to Health Canada's consumer information on cannabis (www.canada.ca, search "cannabis").

In terms of what marijuana does to the brain, Dr. Adams notes in his paper, *Marijuana and the Safety Sensitive Worker*, that there are thousands of contradictory studies about the effects of marijuana. His review was published for the Construction Labour Relations Association of Alberta. He also believes many mainstream sources of information oversimplify the effects of the drug. "The devil's in the details," he says. "This is a very complicated brain system we're talking about, and a very complicated drug."

The problem with "impairment"

This past spring, the Liberal government tabled its legislation to legalize the drug. The plan came with two bills – one to crack down on drivers impaired by cannabis and alcohol, and one to regulate the production and sale.

Under the proposed bills, drivers will not be legally allowed to drive within two hours of consuming drugs, and drivers would face steep fines for having between two and five nanograms of THC per millilitre of blood. The legislation would also allow police to

demand saliva from drivers they suspect are impaired. A positive reading could lead to further testing to determine if the driver has committed a crime.

These laws, however, are problematic, according to Dr. Adams. Specifically, the term "impairment" can cause confusion because the drug affects users differently. Its effects will depend on whether the user is a new, occasional or chronic user, what type of marijuana the user took, where the user got the drug from, how the user took the drug, and how old the user is.

"If we look at how marijuana impairs, it starts to get very complicated," he explains. "Does it affect you like alcohol? Does it make you weave when you walk? No, it doesn't. Does it make you slur your words? No, it doesn't. As a society, we are unfamiliar with what a marijuana impairment picture is like."

Adams says "impairment" has a wide definition. For example, if someone was very irritable, had a distorted sense of time, or confusion regarding complex instructions, or is really sleepy, those are all impairments. "People put the term "impairment" out there, but they don't bother to define it."

Testing for marijuana

Dan Demers agrees that there's a problem with the term "impairment." He's the Senior Manager of Strategic Business Development at CannAmm Occupational Testing Services, which runs drug tests for workplaces. He says that in Canada, a half million drug tests are done for dangerous occupations every single year.

"We're not looking for impairment, we're looking for risk," he says. "The objective is to identify someone who has a higher risk of being involved in a workplace safety incidence."

Specific to marijuana, CannAmm can detect THC through oral fluid or urine, he explains. Demers notes, however, that concentration levels are problematic to interpret because there isn't yet a broadly accepted formula on when cannabinoids are eliminated.

At CannAmm, people who are tested for cannabis are considered at risk if they go beyond the threshold of 50 nanograms per millilitre of urine for the screening test, and 15 nanograms per millilitre for the confirmation test. The first forensic test screens for the breakdown products of the drug. The second method is more specific and actually fingerprints one of the breakdown products that is a product of the drug in question.

Demers explains that, "those levels were established based on a reasonable point in which we would not expect someone to test positive because of what we call passive inhalation, which is when, for example, you happen to inhale the drug when walking past another person who is smoking it. Anything above passive inhalation levels would indicate that there has been some recent use of the substance, which could cause a risk in the workplace."

Harm of using cannabis on and off the job

According to both Demers and Dr. Adams, cannabis can be detected for up to 28 days after a regular user stops using the drug. Even after a month, a

Alcohol's history mirrors that of marijuana

Dr. Brendan Adams and Dan Demers agree that marijuana shouldn't be compared to alcohol because comparisons often talk about "impairment." As we've come to learn in this article, there's no consensus yet on what "impairment" from the drug means.

However, the regulations and societal views of alcohol and marijuana look similar to Dave Earle, Vice-President, Government Relations and HR Services for the Construction Labour Relations Association of BC. Part of his portfolio deals with the regulations and laws around marijuana, substance use, and drug testing. "I'm a firm believer that if we don't learn from history we'll repeat it, and I'm afraid we are," he cautions.

The following is a brief history of alcohol consumption, according to Earle:

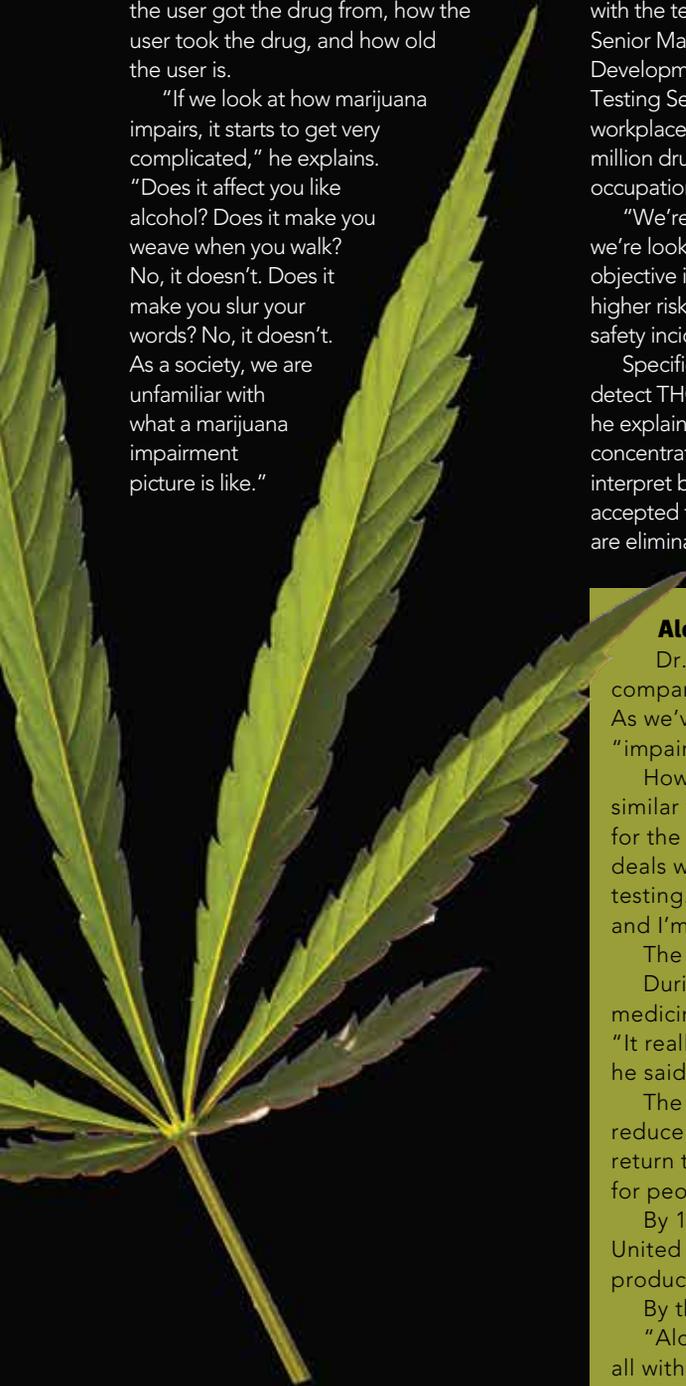
During the first half of the 18th century, alcohol was recognized as a medicinal product in the United Kingdom and gin was the alcohol of choice. "It really took off and the country ended up with a widespread addiction crisis," he said.

The UK Government introduced five separate "Gin" Acts, all aimed to reduce the consumption of spirits. It took 100 years for gin consumption to return to pre-crisis levels. Anecdotally, in the 19th century, it remained common for people to have a shot or two of whisky before work.

By 1907, physicians were no longer allowed to prescribe alcohol in the United States and United Kingdom. Prohibition temporarily banned the production, transportation, and sale of alcohol.

By the 1930s, prohibition ended and the regulated sale of alcohol began.

"Alcohol started as a medicinal substance, it was banned, then regulated, all with no means of determining impairment or what impairment was. It took us decades and tens of thousands of deaths to figure it out. When I look at marijuana, it's the same thing," Earle says. "We're a long way away from understanding what marijuana does."



person's neurocognitive performance can be impacted, Dr. Adams adds.

The World Health Organization states that occasional users can be affected for as long as 24 hours after smoking cannabis and the user may be unaware of the drug's effects.

"If you're an occasional user, you can expect that a single use on Friday night would still affect your ability to perform safely at work on Monday morning, especially if your role has any degree of complexity whatsoever," Demers says.

Medical marijuana

Medical marijuana is legal in Canada, which means workers might already be using cannabis for medical purposes. Demers believes its use is not safe for an employee who is working in a dangerous environment, such as a construction site. "There's really no reliable way to be 100 percent sure somebody using medical cannabis can perform his or her tasks safely, on a risky worksite. There isn't the same control that we normally see with other prescribed medications."

Yet, while an employee may not be able to maintain their activities at work, Demers explains that an employer does

not have the right to simply terminate someone because they're using cannabis for medical reasons. "Medical marijuana is reasonable for chronic pain and muscle spasticity, which is associated with multiple sclerosis and other chronic ailments."

Advice to employers

Employers may feel they're in a tough spot because they have to balance the human rights of their workers with their company's policies.

"Employers need to recognize that their workplace is hazardous and develop a policy to address it," Demers advises. "This sounds like a complicated thing in and of itself, but there are policy templates available, specific to provinces."

He adds that once a policy is developed, management needs to communicate clearly how the company's workplace safety regulations are changing, then train all staff on what's expected of them.

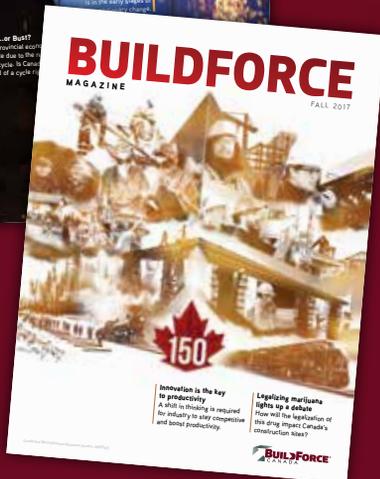
Alternately, Dr. Adams suggests that management come up with a policy that is unique to the company, noting that having a good alcohol and drug policy is an absolute necessity. "It's almost at an

emergency level. You have to have one and copying someone else's policy is rarely a good idea," he says.

The next crucial step is enforcing the company's procedures if someone violates the policy. Dr. Adams says that if an employer knows an employee is under the influence and doesn't act, "that's really dangerous, and legally, the employer is behind the eight ball because it more or less implies to this employee, 'that's fine.' But it isn't fine."

Law stresses that the biggest issue employers will have is how to judge if a person is impaired. "What it comes down to is figuring out if a person is a risk, and the signs that a person is too impaired to be at work, to be safe, to behave appropriately, or to be productive."

As this contentious issue moves forward, construction-related companies will have to create their own specific guidelines on what is allowed, and what isn't, and be clear with employees on what's expected of them. "The problem is," adds Demers, "use the night before affects work performance the next morning. Reaction time and depth perception are affected, and that's simply not safe on a construction site." ■



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