

# Understanding the CANNABIS ACT

How does the legalization of marijuana affect you, your students and your community?

This fact sheet is intended to support teachers by providing information. It is not intended as legal advice.

If you have further questions or require assistance, please contact the Federation at 1-800-667-7762.



## What is the Cannabis Act?

The Cannabis Act is federal legislation which creates a legal framework for the production, distribution, sale and possession of cannabis for recreational purposes. The Act came into force on October 17, 2018.

## What is the minimum age of use and possession for cannabis and what are the associated penalties?

The Government of Saskatchewan has set the age for non-medical cannabis consumption at 19 in Saskatchewan.

Possession of any amount of cannabis by a minor is prohibited in Saskatchewan. Possession of more than five grams is a criminal offence subject to the *Youth Criminal Justice Act*.<sup>1</sup> Anyone caught selling or giving cannabis to a minor can receive a \$750 ticket. A \$1,000 ticket may be issued to anyone consuming cannabis at school, on school grounds or at a child-care facility.

## What does the Cannabis Act mean for medical marijuana?

Medical cannabis has been legal since 1999. The regulations under the Cannabis Act set out rules for medical cannabis which are similar to those that were already in place.

## Does the STF Members' Health Plan cover medical cannabis?

No, it is not covered under current provisions of the Plan.

## What is the employer's duty to accommodate related to an employee's use of medical cannabis?

Employers have a legal obligation to determine what can be done in the workplace to accommodate the identified medical restrictions of an employee who has a disability. If treatment for this disability involves taking medication (including prescribed cannabis) that may cause impairment or diminished functionality, the employer has a duty to accommodate to the point of undue hardship.<sup>2</sup>

A prescription for medical cannabis does not entitle an employee to smoke in the workplace.<sup>3</sup> Smoke-free laws in public places and workplaces still apply, and provincial legislation relating to cannabis specifically prohibits the consumption of cannabis in public places.<sup>4</sup>

## What should a teacher do if they require an accommodation related to a disability?

The Federation can provide information and assist in navigating the process. Any information shared with the Federation is confidential and will not be shared with the employer without the member's consent.

## How is impairment in the workplace being addressed?

Impairment can result from a number of situations, ranging from fatigue and personal stress to substance use and addiction or dependence on alcohol or drugs.<sup>5</sup>

Issues around impairment in the workplace are not new and employers should already have a policy in place to address these issues.

Impairment related to cannabis use, however, is difficult to measure and may present new challenges for employers.<sup>6</sup>

## Can an employer request drug testing?

Drug testing in a workplace must be based on a legitimate concern for safety and cannot simply be monitoring for personal morals.<sup>7</sup>

## Can a teacher be fired or reprimanded for using legalized cannabis?

It is important to remember that teachers, as professionals, are respected and held to a high standard of conduct within their communities. Teachers should consider the Code of Professional Ethics and Standards of Practice, which states that teachers "act at all times in a way that maintains the honour and dignity of the individual teacher and the teaching profession." [STF Bylaw 6, (Professional Ethics and Practice) Section 6.2.1]

As with alcohol, the responsible and reasonable use of a legal substance should not cause a problem. Teachers should be aware of and ensure they are compliant with their school division's policies related to substance use and impairment.



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<sup>1</sup> <https://www.saskatchewan.ca/government/cannabis-in-saskatchewan/cannabis-use-in-saskatchewan>  
<sup>2</sup> Canadian Centre for Occupational Health and Safety, "Workplace Strategies: Risk of Impairment from Cannabis."  
<sup>3</sup> "Marijuana at Work: Six Things Employers Should Know" <https://www.go2hr.ca/articles/marijuana-work-six-things-employers-should-know>  
<sup>4</sup> The Cannabis Control (Saskatchewan) Act, SS 2018, c C-2.111, s 2-14  
<sup>5</sup> Canadian Centre for Occupational Health and Safety, "Impairment at Work" <http://www.ccohs.ca/oshanswers/hsprograms/impairment.html>  
<sup>6</sup> Canadian Centre for Occupational Health and Safety, "Workplace Strategies: Risk of Impairment from Cannabis", p. 10. Human Resources Professionals Association, "Clearing the Haze: The Impacts of Marijuana in the Workplace", p. 12  
<sup>7</sup> Human Resources Professionals Association, "Clearing the Haze: The Impacts of Marijuana in the Workplace", p. 18