

# Marijuana: Why You Should Care

## The Effect of Marijuana on Employers

*Increased acceptance, availability and use on the job causes legal, safety, and productivity issues*

According to the small-business insurer Employers, 5.1% of small businesses reported employees coming to work under the influence of marijuana during 2013, while a separate survey conducted by Mashable and SurveyMonkey reported that 9.7% of respondents admitted to smoking marijuana before going to work<sup>1</sup>. In states where marijuana sales and use have been legalized, employers face not only the likelihood of increased use, with associated reductions in safety and productivity, but also legal confusion over their right to operate a substance-free business.

- A study of postal workers found that employees who tested positive for marijuana on a pre-employment urine drug test had 55% more industrial accidents, 85% more injuries, and 75% greater absenteeism compared with those who tested negative for marijuana use<sup>2</sup>.
- A study conducted in 2012 at Dalhousie University Medical School in Canada found that those who drive within three hours of consuming cannabis are almost twice as likely to cause an accident as those who are drug or alcohol free<sup>3</sup>. Any worker task that involves the same coordination of cognitive and motor skills as driving could show a similar increase in accident risk.
- Typical marijuana smokers experience a “high” that lasts about two hours. Behavioral and physiological effects generally return to baseline three to five hours after use begins, but some memory impairments, such as the ability to filter out irrelevant information and the speed with which people process information, can last up to 24 hours after use<sup>4</sup>.
- The average potency of marijuana has risen to between 12% and 15% THC<sup>5</sup>. A study using marijuana that contained 13% THC found users’ executive functioning and motor functioning were seriously impaired for many hours after smoking<sup>6</sup>.
- According to the National Survey on Drug Use and Health, 15% of past-month marijuana users say that, at some point within the last 30 days, they didn’t show up for work because they “just didn’t want to be there.” That answer was given by only 7.4% of the general population and only 7.9% of past-month alcohol users<sup>7</sup>.
- A 25-year Norwegian study of marijuana users and non-users found that regular users reported feeling less dedicated to work than abstainers. People who had only experimented as teens showed less commitment in their 20s but shifted toward the same level of commitment as abstainers by their 40s. In contrast, regular users became less committed as they grew older<sup>8</sup>.
- While pinpointing the exact financial cost of marijuana in the workplace is difficult, studies have found marijuana and alcohol pose comparable risks to productivity<sup>9</sup>.

Vape pens are like e-cigarettes but contain capsules of concentrated marijuana oils. They leave no marijuana smell, making it very easy for employees to hide when have been using marijuana on the job.

Marijuana remains illegal under federal law, so any workplace that receives federal funding must continue to consider marijuana a prohibited substance. The Drug-Free Workplace Act does not mandate testing, but certain other federal regulations do. Workers in Arizona and Colorado have sued employers who dismissed them after they failed a drug test, and Vermont employers will face the same threat.

- So far, the courts have upheld an employer's right to operate a drug-free business (most recently in Colorado<sup>10</sup>).
- In Michigan, an appeals court ruled that employees dismissed because they use medical marijuana are entitled to unemployment compensation<sup>11</sup>.
- In a New Mexico case involving an automotive worker who was injured on the job, an appeals court ruled that the insurance company and employer at the time of the injury must pay the worker's costs for medical marijuana used to treat his disability<sup>12</sup>.
- In states where statute does not specifically protect an employee's right to use legal substances when not at work, workers are suing on the grounds that the current marijuana tests do not prove impairment. There is no reliable breath test for marijuana. Urine tests only show that the employee has used marijuana at some time in the past. New blood tests can now identify "active" marijuana still being metabolized. However, unlike with alcohol, there is currently no scientifically established and agreed-upon test for marijuana that indicates impairment, and experts predict there never will be one<sup>13</sup>.

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