2017: Looking Ahead

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As we start the new year, let us look ahead to what may come in 2017. No crystal ball is required to predict that the issue of marijuana in the workplace (and everywhere else) will continue to make news. The December 13, 2016 publication of the Final Report of the Task Force on Cannabis Legalization and Regulation made headlines for the government's seemingly bold, yet likely highly bureaucratic, plan to legalize and regulate marijuana use. The report raises many questions about the unwritten regulations: Who can produce cannabis? Where will cannabis be sold, and to whom? What health messaging will accompany the decriminalization of cannabis?

Regardless of the details of the anticipated regulation, we should expect that Canadian employers will be faced with the issue of marijuana in numerous scenarios:

- accommodating employees who have legal permission to consume marijuana for medical purposes;
- dealing with employees who are impaired by marijuana at work;
- being asked to pay for marijuana under health plans;
- updating policies and procedures on impairment testing; and
- continued confusion about the current criminal status of marijuana for non-medical use.

Another issue which Ontario employers will face in 2017 is the outcome of the Changing Workplaces Review. On February 28, 2017, the Review's Special Advisors are expected to provide a final report containing recommendations for amending the Employment Standards Act, 2000 ("ESA") and certain aspects of the Labour Relations Act, 1995 ("LRA"). Media coverage to date has focused on "precarious" work and whether changes should be made to standards such as overtime, hours of work, exemptions and exclusions, and temporary help agency arrangements. However, as set out in the Interim Report, the Special Advisors are considering a much wider range of possible amendments to the ESA and the LRA, all of which could have a significant impact on employment in Ontario. Stay tuned for further updates.

Finally, we should expect the Canadian economy will be affected by a combination of political happenings that no one predicted: a Donald Trump presidency in the U.S., an NDP government in Alberta, and Brexit. Shifts in employment metrics, particularly in Alberta and Ontario, will very likely occur if major policy changes from the U.S. and England are implemented.

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