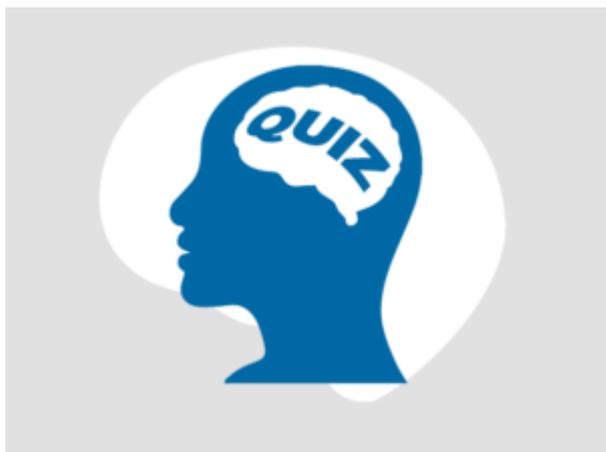


Drugs & Discrimination Quiz



The Difference between a Marijuana Addict and the Casual User

SITUATION

During his job interview, an applicant admits to “casual” use of marijuana. The HR director who conducts the interview concludes that the applicant is “addicted to” marijuana and recommends rejection. The firm agrees and doesn’t offer him the job even though he’s not actually an addict and his credentials are otherwise impeccable.

QUESTION

Did the company commit disability discrimination?

1. Yes, because casual use of marijuana is a disability
2. Yes, because addiction is a disability and rejection was based on perceived addiction
3. No, because the applicant wasn’t actually addicted (and thus not disabled)
4. No, because casual marijuana use renders the applicant unqualified

ANSWER

1. Rejecting the applicant based on the perception of marijuana addiction is disability discrimination even though the perception was wrong

EXPLANATION

This scenario makes 2 important points for HR managers to keep in mind to avoid disability discrimination against job applicants and employees over marijuana use—points that apply equally to use of alcohol:

- Addiction to marijuana is a “disability” under human rights laws;
- Denying employment or job benefits because you perceive a person to be an addict is disability discrimination even if the perception is wrong.

So B is the right answer.

WHY WRONG ANSWERS ARE WRONG

A is wrong because unlike addiction, *casual or recreational use* of marijuana by a person without a dependency is not a disability under human rights laws. However, it

may lead to discrimination to the extent it creates the perception of addiction as in our scenario.

C is wrong because denying employment on the basis of the perception of addiction was disability discrimination even though the company was wrong and the applicant was only a casual user and not an addict.

D is wrong because the applicant's credentials were beyond reproach and he was only denied the job due to his perceived addiction to marijuana.