

Workplace Considerations

Running and operating a business in the cannabis marketplace – whether it is a dispensary or a business affiliated with the market – presents both the customary challenges of managing a workforce and challenges unique to this sector.

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From the outset, new employers need to be concerned about establishing hiring and screening practices; compliance with applicable wage and hour laws; deciding on benefit plans; developing strong anti-discrimination policies; protecting the goodwill and other soft assets of the business with restrictive covenants, such as non-competition agreements and non-solicitation agreements; developing policies and procedures to protect the business and establish ground rules; administering leave; and complying with the overlapping range of Federal, New Jersey, and local laws that govern employment relationships.

Employers in the cannabis sector of the market also need to consider the unique ways in which this industry will influence their employment decisions. For instance, the employers' calculation as to whether to screen employees for marijuana use, or even other illegal drugs, may be quite different in this business than in other businesses, especially for certain positions. Protecting employees from harassment, including harassment by customers who may be under the influence, is also a unique problem that warrants careful consideration in this industry. Additionally, employers need to consider whether and how they will accommodate the use of cannabis for medical purposes in the workplace and/or by employees outside of working hours.

The issues of cannabis in the workplace is developing and, while all employers must be compliant with applicable laws, there is no one size fits all approach. Rather, businesses should consult with counsel to develop a set of procedures and policies that suit the operational needs of the business.

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