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CASE STUDY 8.2

Weed and the Workplace

In 2012, voters in Colorado and Washington State voted to legalize the recreational use of marijuana. Residents of Colorado can possess up to an ounce of pot (although they can't smoke it in public) and grow up to six marijuana plants. Citizens of Washington can buy up to an ounce, and the state plans to tax pot sales and oversee a system of licensed growers, processors, and stores.

Passage of the recreational pot measures added to the legal confusion generated by earlier initiatives that decriminalized the medical use of marijuana. Eighteen states now permit patients to use pot prescribed by doctors for pain, nausea, muscle spasms, and other conditions. Such state statutes conflict with federal law, which classifies marijuana as a banned substance. Employers are caught in the middle. There are no federal guidelines for them to follow since the national government doesn't recognize that marijuana has any legitimate medical use. Firms with federal contracts

must have zero-tolerance drug policies in place (this includes all colleges and universities receiving federal grants). Many other employers also have drug-free policies. For example, a Home Depot employee in Hawaii was told by his doctor to smoke a small amount of marijuana at night to relieve muscle stiffness and shooting pains in his arms caused by a congenital condition. He was fired when his drug test came back positive, even though he informed the human resources manager about his prescription. A software employee in California lost his job even though his physician prescribed pot to alleviate his back pain.

The fact that THC, the active chemical in marijuana, can stay in a person's system for weeks further complicates matters. Recreational users can test positive for pot they smoked legally. Current tests cannot distinguish between marijuana used hours or weeks ago and cannot establish if an employee's performance is impaired.

So far courts in Washington, Oregon, and California have ruled in favor of employers who decide to fire workers who test positive for THC. The U.S. Supreme Court determined that state pot statutes don't exempt

users from federal drug laws. Nonetheless, changing attitudes toward pot are likely to further heat up the debate between employers who enforce drug-free policies and employees and others who argue that workers shouldn't be fired for engaging in a legal activity. According to a spokesperson for the California Chamber of Commerce: "It really boils down to this: An employer's right to maintain a drug-free workplace is critical. It protects the safety of all workers and limits exposure to potentially costly litigation."¹ A Seattle attorney representing terminated pot users makes the opposite argument: "Once it's legal, there's just not a legitimate interest for an employer to say, 'You tested positive, you're fired.'"²

Discussion Probes

- 1. Would you have voted for the marijuana initiatives in Colorado and Washington? Why or why not?
- 2. Do you think that marijuana has any legitimate medical uses?
- 3. What values are in conflict in this case?
- 4. What ethical principles can employers apply when deciding whether or not to fire workers who test positive for THC because of legal marijuana use?

- 5. Is it ethical for employers to fire employees who use marijuana legally? Why or why not?

Notes

1. Schwartz, S. K. (2010, April 20). Medical pot use can conflict with job rules. *USA Today*, p. 7A.

2. Martin, J. (2012, November 17). The battle is on: I-502 vs. drug-free policies at work. *Seattle Times*.

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CASE STUDY 8.3

Chaos on K2

K2 has been called the most dangerous mountain in the world. At 28,251 feet, K2 is

only slightly shorter than nearby Mt. Everest but is much more difficult to climb. While more than 3,000 have summited Everest, approximately 300 have made it to the top of K2. Among those climbing Everest, 10% die trying, while the death rate on K2 is at