



Media release

Legislative Council Legal and Social Issues Committee

Report urges changes to workplace drug testing legislation

Current legislative and regulatory frameworks around medicinal cannabis in the workplace should be updated to provide more specific guidelines to employers, a report tabled in the Legislative Council today has recommended.

The Legislative Council Legal and Social Issues Committee inquired into workplace drug testing in Victoria with a particular focus on medicinal cannabis. It found that while medicinal cannabis has been legal in Victoria since 2016, some workplaces still make a distinction between it and other prescription drugs.

In Victoria, workplace drug testing is neither mandatory nor prohibited. However, the accompanying regulations specify that the mining industry must have alcohol and other drugs (AOD) policies in place that explain when testing is required. Policies are also required by specific legislation governing several other sectors considered to require high safety standards, such as the transport industry.

“WorkSafe currently provides very good advice on workplace drug testing. However, the rapid growth in the amount of medicinal cannabis being prescribed in Victoria since 2016 has created uncertainty in some workplaces. We believe that the existing legislation around workplace drug testing and the advice provided by WorkSafe on medicinal cannabis should be updated to provide more certainty,” said Committee Chair Trung Luu.

The Committee heard that the current legislative and regulatory frameworks covering workplace safety and testing practices may discriminate against employees who have been legally prescribed medicinal cannabis.

“Prescribed medicinal cannabis should be treated the same as any other prescribed medication. The challenge at the moment is that drug testing can only detect the presence of cannabis, but it can’t test for impairment,” Mr Luu said.

“Until we have better testing methods workplace drug testing can’t provide a fair picture of the ability of employees to perform their tasks safely.”

The Committee also recommended that WorkSafe look into how modern testing technologies can be applied to improve drug testing in the workplace.

The report is available on the Committee's [website](#).

The government has six months to respond to the report.

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