

Prescribed Cannabis in the UK Workplace

A Practical Employer Management Guide

Introduction

Prescribed cannabis is now a reality in the UK workplace. Since changes in UK law, certain cannabis-based medicinal products can be prescribed by specialist clinicians for specific medical conditions. As a result, some employees may legally use prescribed cannabis while also being in employment.

For many employers, this creates uncertainty. Managers often ask whether staff must declare it, whether it creates a safety risk, what happens if a drug test is positive, and whether disciplinary action is allowed. These are reasonable questions, but they should be approached calmly and professionally.

This guide has been written for UK employers and managers. It provides practical advice that aligns with the principles of the Health and Safety at Work etc. Act 1974, the Equality Act 2010, the Data Protection Act 2018, UK GDPR, ACAS good practice and the Better Testing Pathway.

The aim is simple: help you protect your business while treating people fairly.

Understanding the Legal Position

Prescribed cannabis can be lawful in the UK when issued by an appropriate specialist medical professional. That means an employee may legally possess and use a prescribed cannabis-based medicine.

However, legality does not automatically mean suitability for every role. This is where many employers become confused.

The real workplace question is not simply whether the medication is legal. The real question is whether the employee is fit to safely carry out their role while using it. In practice, this is no different from many other medications that may cause drowsiness, slower reactions or reduced concentration.

Employers should therefore focus on safety, performance and risk rather than reacting to the word cannabis alone.

Do Not Panic When an Employee Declares It

If an employee informs you that they are prescribed medical cannabis, the worst response is an instant emotional one. Avoid accusations, assumptions or rushed decisions.

Instead, thank the employee for being open. Keep the matter confidential and explain that the business has a duty to consider workplace safety for everyone. A calm and structured approach will normally lead to a better outcome than confrontation.

Many employees disclose medication because they want to do the right thing. That honesty should be recognised.

Detection Is Not the Same as Impairment

This is one of the most important principles in workplace testing.

A drug test may detect the presence of THC or related compounds. That does not automatically prove that the person is impaired at work at that moment.

Detection means a substance is present in the body. Impairment means the person's ability to work safely or effectively may currently be affected.

Those are two different issues. Employers who fail to understand this can make poor decisions, damage trust and expose themselves to challenge.

This is why the Better Testing Pathway focuses on evidence, behaviour and risk rather than blind reaction to a result.

Start With a Sensible Conversation

Once disclosure has been made, a respectful discussion should take place. The purpose is not to interrogate the employee, but to understand the practical impact.

You may need to discuss what medication has been prescribed, when it is taken, whether dosage has recently changed, and whether the employee has noticed side effects such as tiredness, slower reactions or reduced focus.

The conversation should remain private, professional and factual. Medical information must be handled carefully and only shared where genuinely necessary.

Consider the Job Role Carefully

The impact of prescribed cannabis depends heavily on the work being done.

An office-based employee carrying out administrative duties may present a very different level of risk to a forklift driver, engineer, machine operator or someone working at height.

Likewise, employees who drive for work, work alone, provide security, or make safety-critical decisions may require closer review.

The same prescription can therefore create different levels of workplace concern depending on the role. This is why blanket rules are often poor management.

Complete a Workplace Risk Assessment

This is where employers should shift into practical mode.

Using normal HSE principles, consider the tasks being performed, the environment, potential hazards, reported side effects, recent changes in medication, and the controls already in place.

You may conclude that no changes are required. In other cases, temporary measures may be sensible while the situation is reviewed.

Examples may include amended duties, temporary removal of driving tasks, extra supervision, shift changes or a short-term review period.

The aim is to reduce risk sensibly, not punish someone for having a prescription.

Equality Act 2010 Considerations

Many employees who are prescribed cannabis-based medicines have an underlying health condition. In some circumstances, that condition may amount to a disability under the Equality Act 2010.

This means employers should think carefully before taking action. Assumptions can be dangerous. Each case should be looked at individually, with fairness and reasonableness at the centre of the decision-making process.

Where appropriate, reasonable adjustments may need to be considered.

What If the Employee Is Drug Tested?

Testing can create anxiety in these cases, but the process should remain logical.

A non-negative or positive result should not automatically be treated as misconduct where prescribed medication may be relevant. Employers should first establish whether medication has been declared, whether there is lawful evidence of prescription, whether there are real signs of impairment, and what your current workplace policy or procedures say.

Where appropriate, confirmatory laboratory testing and a fair review process should be considered.

Again, the issue is not simply presence of a substance. It is the wider context.

Review Your Current Policy

Many workplace drug and alcohol policies are outdated and fail to deal properly with prescription medication, medical cannabis or modern risk management.

A strong policy should clearly explain medication disclosure expectations, fitness for work responsibilities, testing procedures, confidentiality standards, risk assessment processes and support pathways.

If your current policy is silent on these matters, it may need urgent review.

Use the Better Testing Pathway

The Better Testing Pathway is based on a simple principle. Protect the business while supporting the individual wherever reasonably possible.

That means making evidence-based decisions, maintaining fairness, managing risk properly and avoiding unnecessary conflict.

Businesses that follow this model often create stronger cultures, better trust and more defensible decision-making than those who rely purely on punishment.

When Immediate Action May Be Needed

If there are genuine signs of impairment, confusion, unsafe behaviour, poor coordination, serious concentration problems, or safety breaches, management should act promptly.

Safety must always come first.

That may mean temporarily removing duties, arranging further review, or seeking specialist support.

Final Thoughts

Prescribed cannabis in the workplace should not create panic. It should create process.

Employers who stay calm, assess risk properly, review policy wording and treat people fairly are far more likely to protect both safety and business reputation.

The strongest employers do not react emotionally. They respond professionally.

That is the Better Testing Pathway.

Need Help With a Live Case?

First Cohort Incorporated Ltd supports UK employers with policy reviews, workplace testing programmes, manager training, risk assessment support and practical consultancy.

Visit www.firstcohort.co.uk

Disclaimer

This guide is provided for general informational purposes only and does not constitute legal, HR, occupational health or medical advice.

Every workplace and employee situation is different. Employers remain responsible for complying with all relevant UK legislation, including health and safety, employment, equality and data protection law.

Independent professional advice should be obtained where required before making disciplinary, contractual or safety-critical decisions.

First Cohort Incorporated Ltd accepts no liability for actions taken solely in reliance on this guide.