

Update

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The Cannabis Reform Bill is fraught with Omissions, Inconsistencies and Hidden Motives - MEA

The following Media Release was issued on 13th November 2021.

Media Release

The Malta Employers' Association stated that the Cannabis Reform Bill which is presented in the House of Representatives falls short of addressing numerous issues connected to consumption of cannabis. It provides no assurances to employers about the effect that the consumption of the drug may have at the workplace. Saying that this is the case even in the absence of legislation is no excuse to ignore the issue.

The Bill could be an opportunity to reach a consensus through legislation which could focus on decriminalisation without promoting consumption. At the Malta Council for Economic and Social Development (MCESD), all social partners agreed that cannabis should be decriminalised, that persons carrying minimal amounts for personal consumption should not be liable to criminal

proceedings, and that there should be no obstruction to the use of cannabis for medical reasons. Eight out of ten organisations represented at MCESD called for a postponement of the debate until the elections have passed, in order for the issue to be discussed with cooler heads, and for the required research to be conducted before any action is taken. This advice was given not to procrastinate, but to design a Bill that takes into consideration the needs and concerns of all the stakeholders.

What is being presented is different. Government has disregarded the appeals made and is dead set to forge ahead with the legislation before the elections at all costs for reasons which may be unstated but which are known to all. Many questions remain unanswered:

- Why does the Bill conspicuously omit references to the consumption of cannabis and the workplace, given the wealth of research

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linking consumption of cannabis and work related accidents?

- Why is it being proposed to carry more than 14 joints (7 grams) for personal consumption, when in many other countries, e.g. Netherlands, this limit is much less?
- Why is the Bill allowing persons to carry up to 28 grams (more than 50 joints) without criminal conviction? Exactly who is this Bill protecting, the peddlers or the victims of drug abuse?
- Where are the safeguards to ensure that the lax approach being adopted towards cannabis consumption will not lead to a similar approach on harder drugs in future?
- Where is the research and open dialogue about the consumption of the cannabis plant promised in the White Paper? Has a socio-impact assessment about the implications of this Bill been carried out, as promised to MCESD members?
- Has Government approached the insurance industry or listened to their concerns to determine how work related accidents will be affected by this legislation?
- Has Government consulted with the Occupational Health and Safety Authority about the ramifications of the Bill on workplaces?

It is evident that, like the White Paper that was issued some months ago about the subject, the Cannabis Reform Bill is fraught with omissions, inconsistencies and hidden motives. It is more orientated towards normalising, rather than decriminalising the substance, which creates issues for employers. The Malta Employers' Association will be insisting with government to include the option of having zero tolerance policies at the workplace in the Bill, and that employers will also have the right to conduct random dope testing in the interest of their employees and their clients, and also to protect themselves from any liability.