



the workplace, and the implications of the recent Constitutional Court 'Prince' judgement. The Constitutional Court judgement was put into context and the findings were elaborated upon with the conclusion that an adult may lawfully use or consume cannabis (in its various forms), as long as it is done in private. Issues in the workplace include:

- *Can an employee carry or use cannabis whilst on the employer's premises?*

The workplace is not a private space, thus possession and use of cannabis at work is still unlawful. Disciplinary codes that prohibit the possession and use of cannabis are still valid.

- *Can an employer discipline an employee for being 'under the influence' of cannabis?*

Subject to the normal principles of fairness, an employer may dismiss an employee for possession and use of cannabis at work. The onus will be on the employer to show that the level of intoxication has an adverse effect on the employee's job, or has the potential to have an adverse effect, and can make the workplace unsafe. According to Mr Malherbe, this is a factual issue that the employer must prove on a balance of probabilities, and there must be a distinction between intoxication and the mere presence of cannabis in the blood.

- *Can an employer test its employees for cannabis use?*

Testing is permissible if an employer's business requires it, especially if dangerous machinery is used; but an employee must be aware that testing might be carried out and the testing must be conducted in an ethically and medically appropriate manner.

There are many unanswered questions and much hinges on the way Parliament amends the legislation.

## CONCLUSION

Our members acknowledged the 'known' exhibitors and advised that the Conference would not be the same without them; and appreciated and welcomed the 'new' exhibitors and the interaction and learning opportunities provided. SASOHN Western Cape extends heartfelt thanks to all exhibitors and sponsors for their support and attendance at the Conference, without whom it would not be possible. As service providers to the industry, they fulfilled our needs to keep pace with new ideas, trends and information relating to occupational health.

Feedback was also received from members regarding the incorporation of the session sponsors and the value of these presentations in terms of the types of products and their uses being made known to them. The Conference was well attended by our SASOHN members and the information shared was, as always, well worth the attendance.

Visit [www.occhealth.co.za](http://www.occhealth.co.za) to see more photographs from this event.

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## MMPA NEWS



# MMPA welcomes you to a greater 2019

This year, the Mine Medical Professionals Association (MMPA) is focused on ramping up and delivering great value to its members. We are quite ambitious in our goals on a number of fronts. We will work aggressively to reach out to more medical professionals in South Africa and to grow our membership, and we aim to become more visible as an organisation. To this end, we will be leveraging more on digital platforms, including social media, to increase visibility and raise awareness about the activities of the MMPA. We will continue building momentum on what we achieved in 2018. As we grow, we will learn from our mistakes and apply lessons learnt to have a more successful year.

We held a number of symposiums in 2018, and strongly believe that we can increase attendance of these events. We will continue the quarterly symposiums and have our Annual Congress later this year. In addition, the MMPA will

co-host the OSHAfrica 2019 conference. We aim to have a beautiful and eventful 2019.

In summary, the year 2019 is the year of GREATER!

- GREATER visibility
- GREATER awareness
- GREATER membership
- GREATER value

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