



AFOA CANADA

Building a Community of Professionals

IMPAIRMENT IN THE WORKPLACE

Policy

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DISCLAIMER

Each province or territory has its own guidelines and regulations in its respective employment standards legislation. This tool offers an overview of the general guidelines for common leave provisions, and you can check the specific regulations for your jurisdiction (province/territory federal).

NOTE

This tool is designed as a template. All text in [brackets] needs to be customized to your organization and any specific needs. Ensure you review the template policy in full and make revisions in accordance with your organization's values, goals, approach, and any related policies or jurisdictional legislation.

INTENT

[EMPLOYER NAME] is committed to the health and safety of our employees and our workplace. To this end, [EMPLOYER NAME] prohibits the use of intoxication by drugs, alcohol, or other impairing substances, whether legal or illegal. Employees under the influence of drugs or alcohol at work can pose serious health and safety risks to themselves and those around them. Various and numerous organizational, personal, and social factors may influence a person to choose to use a substance. [EMPLOYER NAME] hopes to use this policy to guide those seeking help with addictions and inform employees on how to address impairment at the workplace, to define a consistent process when an employee is impaired or suspected to be impaired in the workplace, and to reduce the stigma associated with addiction or substance dependency by encouraging the space for open and honest dialogue where people feel safe to disclose a dependency before an accident or incident occurs.

KEY DEFINITIONS

- **Alcohol:** Any beverage containing any quantity of alcohol, including beer, wine, and distilled spirits.
- **Drug:** Any substance which can change or adversely affect the way a person thinks or feels, whether obtained legally or illegally. This could include recreational cannabis, cocaine, opiates, amphetamines, as well as prescription or over-the-counter medications.
- **Drug Paraphernalia:** Material or equipment used or intended for use in injecting, ingesting, inhaling, or otherwise introducing a drug, illegal or controlled, into the body.
- **Fit for Duty:** Being mentally, physically and psychologically capable of safely and competently performing work-related duties and assigned tasks.
- **Medication:** Includes a drug obtained legally, either over the counter or through a prescription. For this policy, medications of concern are those that inhibit a worker's ability to perform their job safely and productively.
- **Workplace:** Includes any place where work-related duties are performed, which may include property owned or leased by [EMPLOYER NAME], remote or home office space where the employee performs work duties, or at work-related events, training, while travelling for work, or while engaging with clientele/the public, be it over the phone, email, videoconference, in person, or other method.



ELIGIBILITY

This policy applies to all [EMPLOYER NAME] employees in the workplace, while an employee is conducting Employer business at other locations, during work-related travel, and/or attending [EMPLOYER NAME] sponsored events, regardless of the location or when conducting business by phone, email or video conference.

RESPONSIBILITIES

The employer is responsible for: preparing, implementing, and reviewing this policy to ensure it remains legally compliant, useful, and valuable to employees. The [Executive Director, Human Resources Manager, and Board of Directors] are considered the employer.

The supervisor is responsible for: ensuring that this policy is communicated to and followed by employees; that employees have the time and space to understand and ask questions about it; and for applying the policy fairly and consistently. Supervisors are also responsible for addressing impairment in the workplace while respecting the dignity and privacy of the employee. [In the case no supervisor position exists in the organization, these responsibilities fall to the employer.]

The employee is responsible for:

Following this policy and:

- Arriving at the workplace fit for duty and remaining so for the duration of their time at the workplace, or performing work-related duties;
- Working safely at all times;
- Refrain from partaking in the consumption, sale, or distribution of drugs, alcohol, or drug paraphernalia on [EMPLOYER NAME]'s workplaces and during working hours (whether on or off the property of [EMPLOYER NAME]).
- When off duty, refusing a request to come into work if you are not fit for duty
- Letting a supervisor know of any impairments caused by prescription medication for the purposes of identifying any risks to health and safety in the workplace, or providing any necessary accommodations;
- Respectfully notify the supervisor when colleagues are unfit for duty, or you have reasonable suspicions that they are impaired in the workplace (including remote or work from home duties);
- Seek advice and appropriate treatment where needed, and;
- Communicate dependency or emerging dependency to your supervisor to protect the health and safety of others, the reputation of the organization, and most importantly, to elicit support and guidance regarding community resources, and accommodation in the workplace.



POLICY

[EMPLOYER NAME] provides procedures supporting our prohibition of use or impairment by drugs, alcohol, or other impairing substances, whether legal or illegal. These procedures include directions for supervisors when they suspect an employee is impaired by drugs or alcohol. There are also procedures for employees struggling with drug or alcohol addiction or other related medication or medical issues. These can be found below under the “Procedure” section.

While the use or impairment by drugs, alcohol, and drug paraphernalia are prohibited at work, this policy is not meant to punish individuals for having substance dependency issues or disabilities. Employees are encouraged to disclose their dependencies so that supervisors and the employer may address the issue(s) with the well being of the employee, the health and safety of others, and the reputation of the organization in mind.

[EMPLOYER NAME] recognizes the importance of addressing addiction or substance dependency with respect, dignity and the understanding that a person is not defined by their addiction or dependency, but is affected by it, and may need supports and resources to regain a wholistic sense of wellness. [EMPLOYER NAME] is committed to open dialogue, listening and understanding, and providing supports and opportunities to help employees who are struggling with addiction or substance dependency to work toward holistic wellness. [If your organization has specific supports already in place, such as the Employee Assistance Program, extended health benefits, or relationships with local health services, insert that information here for reference.]

For employees who do not wish to speak with their supervisor or the [Human Resources Manager; name appropriate personnel] but still need immediate assistance with a substance dependency, please visit public mental health services available to all Canadians via the link here in:
canada.ca/en/public-health/services/mental-health-services/mental-health-get-help.html

This policy is guided by the [Occupational Health and Safety Act](#) and the [Human Rights Code](#) in Ontario. For the specific requirements of your respective jurisdiction, please refer to the Health and Safety Act of your province or territory, or the federal [Canada Labour Code](#).



PROCEDURE

IMPAIRMENT AT WORK

Employees are expected to arrive and remain sober at work, whether that be on work premises, or at a home or remote office while performing work duties. [EMPLOYER NAME] expects that any employees experiencing addiction or emerging dependencies notify their supervisor or the [Human Resources Manager, or appropriate personnel] as early as possible to remain in compliance with this policy.

If there is a reasonable belief that an employee is impaired, then:

1. The employee's supervisor will first seek another opinion on the employee's status from others working in the area by discussing the issue in private to respect the privacy and confidentiality of the employee.
2. The supervisor will privately consult with the employee in question to determine the cause of the suspicion of impairment. If the employee is visibly impaired and may put themselves or others at risk, they will be relieved of their work duties and not be permitted to return to work until further notice. Signs of impairment could include:
 - o Slurred speech;
 - o Difficulty with balance;
 - o Watery or red eyes;
 - o Dilated pupils;
 - o Odour of alcohol or marijuana/cannabis.
3. If the employee is deemed to be impaired, [two supervisors, or alternatively for smaller organizations, the Executive Director and the Chair of the Board of Directors, or the Chief and an Elder, or Council member, etc] must discuss the employee's status and whether the employee is fit for duty; the supervisors do not require a breathalyzer or blood test to agree on the employee's fitness for duty.
4. A taxi or shuttle service paid for by [EMPLOYER NAME] will be arranged for an employee who is not fit for duty to take them home or to a medical facility. The employee may be accompanied by a supervisor if necessary. Alternatively, if the employee wishes to contact a friend or family member for support and transportation, that can be arranged by the supervisor. Family members, friends, or other community members shall not be contacted without the explicit consent of the employee to maintain their privacy and confidentiality.
5. An impaired employee will not be permitted to drive or operate any type of vehicle/ transportation (ie. Motorcycle, bicycle, scooter, etc). If an impaired employee refuses the taxi or shuttle service and decides to drive their personal vehicle, the supervisor will contact the police to make them aware of the situation.
6. A meeting will be scheduled for the employee's next working day to review the incident and determine a course of action, including potential interventions or recommended treatment plans.

The employee has a responsibility to actively engage in any prescribed/scheduled meetings, and follow through with any required activities or interventions to be eligible to safely return to work, and continue to remain at work.



POSSESSION AND DEPENDENCIES

POSSESSION

Alcohol, illicit drugs, and drug paraphernalia are prohibited at [EMPLOYER NAME]’s workplaces, including all owned or leased property used by employees, such as parking lots, vehicles, lockers, desks, and closets. Possession of alcohol, drugs, and drug paraphernalia is also prohibited while employees are acting on behalf of the organization off [EMPLOYER NAME]’s premises. This includes attending external events as an organization representative, and attending training either in person or by video conference.

SUBSTANCE DEPENDENCY

[EMPLOYER NAME] understands some individuals may become dependent on certain drugs, alcohol, or other impairing substances. These employees may experience an illness or disability. While employees are expected to complete their duties, [EMPLOYER NAME] offers accommodations to employees needing help with addiction and substance dependency as one of the protected grounds under the Human Rights Code.

VOLUNTARY IDENTIFICATION

Drug and alcohol addiction are recognized disabilities. Disabilities are one of the protected grounds under the Human Rights Code, therefore [EMPLOYER NAME] will accommodate any drug and alcohol addiction. Furthermore, employees are encouraged to communicate past or current dependencies so their rights are protected and they can be accommodated appropriately. Employees will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort. It is through respect, dignity, and trust that employees experiencing addiction of substance dependency can find support in the workplace and community.

MEDICAL SUBSTANCES

Employees should disclose to the [Human Resources Manager] when they use cannabis or any other impairing substances (whether it is inhaled, ingested, applied topically, or otherwise) for medical reasons. Employees will be asked to provide medical documentation to their supervisor to indicate how the medication may impact their work (limitations) and what accommodation(s) may be required to remain safe and productive in the workplace. Any medical documentation provided will be stored confidentially with the [Human Resources Manager], separate from employee personnel records, and secured for controlled access. An accommodation plan may then be made with the employee according to the [Accommodations Policy, or other applicable policy in your organization]; a copy of the accommodation plan will be stored with the [Human Resources Manager]. ***NOTE: this direction should align with any accommodations policy already in use in your organization for consistency.***

PRIVACY AND CONFIDENTIALITY

All medical information will be kept confidential by [EMPLOYER NAME] unless it is required by law to be shared, required for providing benefits, [or required by the Workplace Safety and Insurance Board (WSIB), if applicable]. Supervisors will only share information regarding substance dependency with the [Human Resources Manager] and other supervisors [or Board of Directors, Council, or otherwise] who need to confirm instances of substance abuse at work.



RELEVANT POLICIES AND RESOURCES

- Other related policies: [Health and Safety Policy, Accommodations Policy, Accessibility Policy, Smoke-Free Workplace Policy]
- eMentalHealth supports in your community resource:
<https://www.ementalhealth.ca/Ontario/FindHelp/index.php?m=findHelp>
- Your Guide to the Occupational Health and Safety Act:
<https://www.labour.gov.on.ca/english/hs/pubs/impairment.php>

ADMINISTRATION

I acknowledge that I have read and understand the Impairment in the Workplace Policy of [EMPLOYER NAME]. I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy as well. I understand that if I violate the rules set forth in this policy, I may face legal or disciplinary action up to and including the termination of my employment.

Name

Signature

Date



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