

# Addressing Impairment in the Workplace

National concern about opioid medications, the upcoming legalization of recreational cannabis in Canada and the increasing use of medical cannabis provides a timely opportunity for employers to review and update existing drug and alcohol policies to ensure they address the issue of impairment in the workplace. If these policies don't currently exist in your workplace, taking action to create a policy that's inclusive of all employees is an important strategy for ensuring the continued protection of their health and safety.

It's important to note that ASEBP staff are not identified experts in the topic of drug and alcohol policy development, nor are we able to create these policies for your organization given the importance of ensuring they are context-specific and culturally sensitive to your unique workplace setting. However, we want to support you in your journey of developing and implementing workplace policies, so have outlined current best practices for addressing substance-related impairment in the workplace through the use of organizational policy.

## DRUG AND ALCOHOL POLICY BASICS

To avoid having multiple policies addressing different kinds of substances, a single policy that addresses impairment from prescribed or medically authorized medications as well as other legal and illegal substances is ideal. For example, although an employer needs to address the use of medical cannabis in the workplace, it's also important to consider the impact recreational use of legalized cannabis may have in the workplace within the same policy.

In general, a drug and alcohol policy designed to address impairment should also:

- Provide a clear description of the term impairment and how it can be assessed in the workplace.
- Be written down and clearly communicated to all employees.
- Provide clear direction on the objective and application (who is covered and under what circumstances).
- Outline the applicable rules and expectations around use and possession of drugs (prescribed, medically authorized and illicit) or alcohol in the workplace and how a violation of the policy will be addressed.
- Identify positions that pose a greater risk of causing significant damage to property or injury to staff or the public (risk- or safety-sensitive positions) should an employee be impaired while on the job.
- Set out higher standards for risk- or safety-sensitive positions as appropriate.
- Include a disclosure clause within the policy that directs how and when an employee must disclose use of prescribed or medically authorized medications that could impact drug and alcohol testing requirements or work responsibilities.
- Establish specific policies around the social use of alcohol or legal drugs (prescribed and medically authorized) at company functions.

### SAMPLE POLICY

The Canadian Centre for Occupational Health and Safety has established a commonly referenced sample workplace policy to address impairment at work within a new resource: [Workplace Strategies: Risk of Impairment from Cannabis](#) ([bit.ly/2qqlHwg](https://bit.ly/2qqlHwg)) which may offer a place to start when revising or creating your policy. Remember, this is only a sample and any policy should be developed with your unique workplace setting in mind.



- Set out the procedures that will be followed to investigate and address a possible policy violation (investigation procedures, drug and alcohol testing, etc.).
- Set out consequences for a policy violation and any conditions for continued employment, including provisions for a substance abuse professional's assessment to determine whether the individual is in need of accommodation.
- Set out provisions for appropriate training for managers and supervisors to support leaders in dealing with violations.
- Clarify avenues to access assistance (employee assistance programs and/or community resources), reinforce the importance of obtaining assistance before it impacts the workplace and outline any conditions that must be met before an employee can return to work.
- Determine what policy standards can reasonably be expected of contractors or on-site visitors and how this will be communicated, monitored and enforced.

## ADDITIONAL CONSIDERATIONS

### Engaging Others

Be sure to include representatives from your Human Resources and Legal Services departments and, if applicable, your Health and Safety Committee and unions in policy discussions and any subsequent development process. The active involvement of all stakeholder groups from the beginning will ensure the policy is robust, inclusive of complex workplace considerations and will ensure all involved are knowledgeable ambassadors for the policy during the implementation and monitoring phases.

### Considering Workplace Accommodation

In assessing the impact of prescribed or medically authorized medications in the workplace or for a specific role, employers are encouraged to request medical documentation from the employee that speaks to the ability to safely carry out assigned duties.

In general, if a request to use and/or be under the influence of prescribed or medically authorized medications is denied by the employer, this doesn't preclude the obligation to consider other forms of accommodation. For example, other accommodation might include providing a leave of absence while the employee undergoes treatment and/or rehabilitation, providing a modified work schedule that allows sufficient time between the employee's scheduled medication dosages and their working hours.

### Addressing Secondhand Smoke

If a medically authorized drug (i.e. medical cannabis) is smoked at work, employers should consider control measures to reduce the risk of secondhand smoke for all employees. Options could include: creating a specific and designated area away from entrances and ventilation intake vents, establishing a separate area from cigarette smoking, if required. In addition, provincial smoke-free spaces legislation should be recognized and, as relevant, can be referenced within the policy.

## SUMMARY

It's essential that employers be diligent in ensuring a safe and healthy workplace for all employees. Employers should work with their appropriate staff/representatives to develop or update existing drug and alcohol policies to ensure they are inclusive of all employees and roles, different forms of prescribed, medically authorized, legal and illegal substances and designed to effectively respond to impairment within the context of their specific workplace setting.