



Canadian Mental
Health Association
Ontario



Impairment in the workplace

What your organization
needs to know

May 14, 2019



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About the Canadian Mental Health Association, Ontario

The Canadian Mental Health Association (CMHA) operates at the local, provincial and national levels across Canada. The mission of CMHA Ontario – a not-for-profit, charitable organization funded by the provincial Ministry of Health and Long-Term Care – is to improve the lives of all Ontarians through leadership, collaboration and the continual pursuit of excellence in community-based mental health and addictions services. Our vision is a society that embraces and invests in the mental health of all people. As a leader in community mental health and addictions, we are a trusted advisor to government and actively contribute to health systems development through policy formulation and recommendations that promote mental health for all Ontarians. We support our 30 community CMHA branches which, together with other community-based mental health and addictions service providers, serve approximately 500,000 Ontarians each year.

About Mental Health Works

Mental Health Works is a national social enterprise of CMHA, with the head office at CMHA Ontario Division. It provides workplace mental health training to organizations nationwide. The program began in 2001 as a partnership research project. In 2004, *Mental Health Works* began selling products and services to the business community and the response from clients and media has been overwhelmingly positive. Today, the recognition and willingness to address issues related to workplace mental health is greater than ever. However, there is much more to be done. *Mental Health Works* is dedicated to advancing the field of workplace mental health through skills enhancement training, awareness education and stigma reduction efforts.

Acknowledgements

CMHA Ontario would like to thank the members of its Substance Use and Addictions Advisory Committee for their contribution to this document.

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Disclaimer

This document is intended to act as a guide, define key terms and provide recommendations. CMHA Ontario recognizes that the information in this document may be subject to change and that each organization has specific needs; as a result, policies and procedures may vary. This document is not intended to provide legal advice.

Executive summary

With cannabis legalization and regulation introduced in Canada, many employers across Ontario are reviewing their organizational policies related to substance use, prescription medications and impairment in the workplace. This resource, prepared by the Canadian Mental Health Association (CMHA) Ontario, in partnership with Mental Health Works, and informed by its Substance Use and Addictions Advisory Committee, provides information to assist employers in developing a human resource policy that reflects current legislation and best practices.

While *Impairment in the workplace: what your organization needs to know* focuses generally on substances that can cause impairment, it will also discuss the impact of new laws related to cannabis. Legalization and regulation of cannabis presents an opportunity:

- To develop a health-focused response and ensure that people are adequately informed about this substance
- For workplaces to revise impairment policies to ensure they reflect the current laws and clearly outline rights for both employers and employees.

In addition, the goal of this resource is to support agencies to ensure their impairment policy is non-stigmatizing and promotes mental health and wellness in the workplace.

Key recommendations for updating or developing a workplace impairment policy are provided throughout this document and include:

- A comprehensive overview with clarity regarding laws related to impairment in the workplace
- A broad overview of commonly-used substances, information related to substance use disorders and the impact on the workplace
- A common understanding of what falls under the scope of a ‘safety-sensitive’ position
- Accommodations for individuals taking prescribed medications that may cause impairment or who have a substance use disorder
- A checklist for developing a workplace impairment policy

CMHA Ontario also manages a workplace mental wellness program across Canada. *Mental Health Works* provides capacity-building workshops on workplace mental health to both employers and employees. Established in 2001, *Mental Health Works* is person-centred, evidence-based and solutions-focused, offering a suite of training workshops. For more information about *Mental Health Works*, see Appendices A and D or visit www.mentalhealthworks.ca.

Introduction

With cannabis legalization and regulation recently introduced in Canada, many employers are in the process of reviewing their organizational policies related to substance use, prescribed medications and impairment in the workplace. There are many unknowns about how much will change in the landscape of impairment policies within the workplace following cannabis legalization. However, many employers are reviewing and revising policies to ensure they meet current legal requirements, including the *Ontario Human Rights Code*, *Smoke-Free Ontario Act*, *Occupational Health and Safety Act*, and if applicable, collective bargaining agreements within an organization.

Impairment in the workplace: what your organization needs to know provides information to assist employers in developing human resource policies that reflect current legislation and best practices. This resource also recognizes that problematic substance use is common, and it is important for employers to consider that fear of stigma and discrimination often prevents people currently living with mental health and problematic substance use concerns from seeking support.¹ As a result, it is recommended that agencies foster an organizational culture that promotes non-judgemental support, inclusion and mental health and wellness in the workplace.

The goals of this resource are to:

- Provide a comprehensive review of current approaches to responding to impairment in the workplace
- Outline rights for both employers and employees
- Encourage organizations to develop a comprehensive non-stigmatizing impairment policy and effectively communicate this with all staff
- Provide suggestions for accommodations to ensure a safe workplace for clients, staff, volunteers and peers.

Section

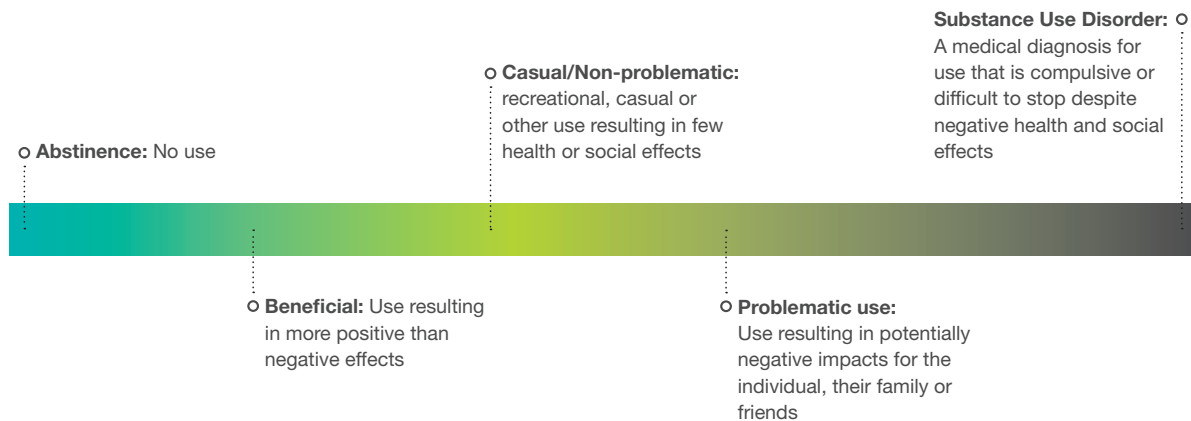
1

- Understanding substance use and
- its impact on the workplace

1.1 What is substance use and what are substance use disorders?

People use substances for numerous reasons and substance use can be understood as being on a continuum. Individuals may use substances differently at different points in their life and movement along this spectrum may not be linear and may lead to problematic use. Problematic use refers to the use of substances in ways that are associated with physical, psychological, economic or social problems or use that poses health or security risks to the person and those around them.²

For some people, the use of substances can lead to problematic use, or a substance use disorder. This is the term used in the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders*, the American Psychiatric Association's text of recognized mental illnesses. Substance use disorder (commonly known as addiction) is a diagnosis that can be mild, moderate or severe and is determined by diagnostic criteria by a health care practitioner. While individuals who use substances may move along this continuum, for purposes of this document the term substance use disorder will be used as it is the medical diagnosis for someone who is experiencing consistent problematic substance use concerns. It is important to recognize that use of substances is not the same as being dependent or addicted.³ Rather, substance use can range from beneficial to problematic, as shown below.⁴



Commonly-consumed substances

Alcohol

Alcohol is the most widely-used substance in Canada, with 77 per cent of Canadians having consumed in 2015.⁵ Young adults aged 20-24 also have high rates of alcohol consumption at 83 per cent.⁶ Alcohol comes in different forms, but has the same effect and falls under the category of a depressant, meaning it can slow down parts of the brain that

impact behaviour, breathing, heart rate and cognition.⁷ The ways in which alcohol may affect an individual depend on a number of factors, including sex, body weight, volume and frequency of consumption, and whether an individual has taken other medications or substances.⁸ Public health interventions, such as the [Low-Risk Alcohol Use Guidelines](#), have been developed to provide Canadians with safer alcohol consumption suggestions to reduce harms.⁹

While many people can consume alcohol with minimal consequences, alcohol is associated with several health and social harms. For example, alcohol is responsible for the greatest proportion of costs attributable to substance use in Ontario.¹⁰ Research shows that alcohol-related costs in the form of health care, law enforcement, corrections, prevention and lost productivity due to disability and death amount to at least \$5.3 billion in Ontario each year.¹¹ Alcohol consumption is also linked to several health harms, including dependence, cancers, fetal alcohol spectrum disorder, violence and injuries.¹² This is an issue that impacts all Ontarians across the lifespan. Approximately one in three people in our province have experienced harm because of someone's alcohol consumption within the past year.¹³

Cannabis

Cannabis is a commonly-consumed substance in Ontario. Approximately 20 per cent of Ontario adults report using cannabis in the past year, with approximately seven per cent consuming cannabis for medical purposes.¹⁴ The cannabis plant contains chemical compounds called cannabinoids, which act on receptors in the brain and have psychoactive or mind-altering effects.¹⁵ While cannabis contains many different cannabinoids, the two most common are THC and CBD. The main chemical compound is delta-9 tetrahydrocannabinol, or THC, and is the cannabinoid responsible for the 'high' that follows cannabis use.¹⁶ The other common cannabinoid, cannabidiol, or CBD, has little or no psychoactive effect and does not produce a 'high.' Different strains of cannabis produce different types of effects depending on the ratio of THC and CBD within the product.¹⁷

Smoking is the most commonly-reported way to consume cannabis in Canada. The Canadian Cannabis Survey found that 93 per cent of respondents said they smoke cannabis and 33 per cent said they consume it in food.¹⁸ There is variation in THC levels in cannabis products, which can result in different effects and intensities, especially depending on how it is consumed. For example, if cannabis is smoked or vaped, the effects are almost immediate and may last several hours. When cannabis is consumed through edibles, the effects are felt within approximately an hour and last longer.¹⁹ Despite the cannabis 'high' lasting only a few hours, THC can be stored in fat cells and detected in cannabis drug tests long after its effects, or intoxication, has worn off.²⁰

As of October 17, 2018, it is legal for people over 19 in Ontario to buy, possess, use and grow recreational cannabis. Each province has specific legislation about where cannabis can be purchased and consumed for the purposes of recreational or non-medical consumption. Health Canada defines non-medical use, particularly for cannabis, as "use for a range of non-medical reasons, such as for enjoyment, pleasure, amusement, or for spiritual, lifestyle, and other non-medical reasons."²¹ In Ontario, smoking cannabis is regulated under the *Smoke Free Ontario Act*. For more information about Ontario's new cannabis rules, visit the provincial government website at <https://www.ontario.ca/page/cannabis-legalization>.

Medical cannabis

Currently, there are two systems in place for cannabis – recreational and medical. In Canada, medical cannabis has been legal since 2001. In the most recent legislation for medical cannabis, introduced in 2016, the *Access to Cannabis for Medical Purposes Regulations* allow medical use of cannabis when authorized and prescribed by a health care provider. Medical cannabis can be purchased from a producer that is licensed by Health Canada, or a person can produce their own cannabis based on the daily amount prescribed by their health care provider.²²

Cannabis has been endorsed for various medical conditions, but evidence of its effectiveness to treat certain conditions varies.²³ That said, sufficient evidence does exist about the use of cannabis to treat end-of-life pain, chemotherapy-induced nausea and vomiting, and spasticity due to multiple sclerosis or spinal cord injury.²⁴

Other substances

Other substances come in various forms, can be prescribed or illicit, and can be consumed in different ways. Other substances broadly fall under a few main categories, which can be found below.²⁵

Classifications	Examples	Impacts
Stimulants	Amphetamines, cocaine, medications for ADHD such as Ritalin, caffeine	Can speed up the body's central nervous system and create a feeling of energy
Central nervous system depressants	Benzodiazepines (such as lorazepam), sleep aids and opioids (such as Percocet or morphine)	Can slow down activity in the central nervous system and give a feeling of relaxation Opioids can cause drowsiness, feelings of euphoria and relieve pain
Hallucinogens	Psilocybin (mushrooms) or LSD	Can alter perceptions and affect speech, thinking and movement

Adapted from the Canadian Centre on Substance Use and Addiction (2017)

1.2 What is impairment?

Impairment can be the result of various situations including many that are temporary or short term. For example, family or relationship problems, fatigue (mental or physical), traumatic shock, sleep deprivation, or medical conditions or treatments can cause impairment.²⁶ These types of stressors may impair a person and impact their performance within the workplace.²⁷

Impairment from certain substances could potentially impair judgment or decision-making, decrease motor co-ordination, reaction time or perception.²⁸ Impairment can have many causes, but for the purposes of this document, impairment will focus specifically on impairment caused by:

- Alcohol or legal drugs
- Illegal drugs
- Prescription drugs to treat medical conditions
- Over-the-counter medications²⁹

The appearance of impairment may include the following observations:

- Odor of alcohol or drugs
- Glassy or red eyes
- Unsteady gait
- Slurring
- Poor co-ordination³⁰

It is recommended that employers should enact a clear policy that includes the definition of ‘impairment.’ Policies on substance use must define what it means to be impaired and provide details on how this definition applies to medications that can cause impairment, including medical cannabis. Any prescription medication policies should be enforced in a uniform manner to ensure that medical cannabis is treated equally with other prescriptions.

Safety-sensitive positions

Cannabis legalization has raised many questions for employers who are looking to update or develop an impairment policy, especially for workplaces where employees are in safety-sensitive positions. While there is no single definition used across jurisdictions or industries, the Canadian Centre on Substance Use and Addiction defines safety-sensitive positions as:

“Organizations or positions where impaired employee performance could result in a significant incident affecting the health and safety of the individual, other employees, customers or the public, or could cause property damage.”³¹

According to the Canadian Centre for Occupational Health and Safety (CCOHS), using job safety analysis can identify the risk associated with each job position and how that job may be affected by a risk of impairment. When determining whether a position is safety-sensitive, the employer should consider the context of the industry, the particular workplace and the employee's direct involvement in a high-risk operation or in high-risk decision-making. The CCOHS suggests four basic steps to completing a job safety assessment, which include:

1. Select the job to be analyzed
2. Break the job down into a sequence of steps
3. Identify potential hazards
4. Determine preventive measures to overcome these hazards³²

It is essential that the organizational impairment policy include a definition of a safety-sensitive position. Furthermore, any organizations that work with marginalized and vulnerable populations should, in particular, consider the designation of safety-sensitive positions.

Being 'fit for duty'

Being fit for duty can be understood as an employee's ability to be able to do their job safely and effectively without impairment due to the use or after effects of alcohol, illegal drugs, legal medications or other health conditions.³³ Impairment can significantly impact a person's ability to do their job and to do so safely. It is important that employers communicate to employees through policies that the expectation in performing safety-sensitive roles must be 'fit for duty' while on the job. In addition, organizations should have their own definition of 'fit for duty' depending on the needs of the workplace and role of the employees.

Suspected problematic substance use in the workplace

Problematic substance use in the workplace can raise several concerns, including increased costs, absenteeism, lower productivity and workplace morale, as well as safety concerns.³⁴ According to the Canadian Centre on Substance Use and Addiction, addressing substance use in the workplace through comprehensive, well-developed policies sends the message that substance use and its potential ramifications are important concerns. Robust policies also signal that the organization discourages impairment in the workplace, stigma and discrimination and supports employee recovery.³⁵

If an employee is suspected of having substance use concerns, the employer should not try to diagnose a substance use disorder or recommend treatment.³⁶ Instead, to fulfil the duty to inquire, the Canadian Human Rights Commission recommends that the employer should:

- Be respectful, compassionate and non-judgmental and understand the employee might be feeling pressured, guilty or anxious
- Ensure the conversation is confidential

- Identify concerns about an employee's performance or behaviour
- Explain the employer's duty to accommodate all disabilities, including substance use disorders, and refer the employee to any internal accommodation policies
- Only ask questions relevant to the employee's possible need for accommodation, such as whether the employee has been assessed by a medical professional
- Let the employee know about other organizational supports, if available (e.g. an employment assistance program)
- Allow the employee to involve their union or employee representative in discussions.³⁷

Accommodations in the workplace

Organizations may be required to prevent and remove barriers and must provide accommodations for individuals that have a disability short of undue hardship.³⁸ Accommodation is an integral part of the right to equal treatment, and according to the Ontario Human Rights Commission (OHRC), involves three main principles: dignity, individualization and inclusion.³⁹

An employee has the right to be accommodated to the point of undue hardship if they are experiencing a substance use disorder which is considered a mental health disability, a protected ground under the *Ontario Human Rights Code*.⁴⁰ An employee also has the right to be accommodated if they are prescribed and taking a medication that may cause impairment as a result of a medical condition.⁴¹

It is recommended to approach accommodation with an employee on an individual, case-by-case basis that promotes inclusion and full participation. The accommodation process is a shared responsibility. However, this does not give the employee the right to their preferred accommodation.⁴² The purpose of the *Ontario Human Rights Code* is to meet the individual's needs, not preferences. If there is a choice between two accommodations that respond equally to the person's needs in a dignified way, then the accommodation provider is entitled to select the one that is less expensive or less disruptive to the organization.⁴³

When looking at available options, the employer should work with the employee and their representatives and be as creative, open and as flexible as possible to meet the needs of everyone involved in the situation. Workplace policies that discipline or take a punitive approach to employees for not coming forward and disclosing a substance use disorder may be discriminatory. However, an organization may not be expected to accommodate an employee if the person does not participate in the accommodation process.⁴⁴

The accommodation plan should:⁴⁵

- Clearly state the specific accommodation measures or solutions (e.g. timelines/dates, work schedule, duties and restrictions/limitations) that have been agreed to based upon the employee's medical information

- Identify an individual to whom the employee may approach if they have concerns or questions about the accommodation plan
- Be flexible and subject to change based on the employee's needs and updated medical information
- Allow for treatment the employee may require, whether urgent or ongoing
- Recognize that the employee may require time away from work to pursue treatment
- Take into consideration that an employee who is substance-dependent may also have another physical or mental disability that requires accommodation

Considerations with regards to accommodations for medical cannabis consumption may include:

- a. Issues in the workplace related to cannabis scents for those who are consuming
- b. Permitted places of consumption
- c. The impact of consumption on clients*

*For more information on where smoking and vaping of medical and recreational cannabis is prohibited and permitted in Ontario, visit the Ontario Ministry of Labour website at: <https://www.labour.gov.on.ca/english/hs/pubs/impairment.php>

Section

2



Key considerations
when developing
a workplace
impairment policy

2.1 Ensure policies use appropriate language, clear definitions for key terms

If an impairment policy currently exists within the organization, it is recommended to review and update all policies and procedures related to substance use, fitness for duty and accommodations. It is also essential to include clear definitions of the following terms (as described in Section 1):

- Impairment
- Safety-sensitive positions
- Expectations for being 'fit for duty'

In addition, it is recommended that steps be taken to ensure the policy is reflective of the organization's approach to service delivery and is not using stigmatizing language when referring to substance use. For more information on stigma-free language related to substance use, refer to **Appendix B**. The policy should ensure that any reference to disability or accommodation includes substance use disorder.

2.2 Develop a clear protocol in the event of impairment in the workplace

The overall safety of staff, clients and volunteers is central to an organization and it is the employer's responsibility to provide a safe workplace. Impairment in the workplace has the potential to create an unsafe environment. The development of a protocol addressing impairment in the workplace is an important consideration in how to respond appropriately, regardless of the source of their impairment.

The protocol should:

- Ensure that managers and supervisors will address situations confidentially and promptly where there may be concerns about an individual's ability to perform their job in a safe manner
- State that employees who are impaired while at work will be sent home promptly with transportation arranged
- Identify who will be responsible for documenting any incidents and who will be notified accordingly
- Outline how to address the incident after the event to understand the facts surrounding the incident and assess any accommodation needs or other outcomes

- Ensure this protocol is clearly communicated to all staff
- Consider whether the protocol is applied to all employees, or if a protocol differs for certain staff or volunteer positions

2.3 Ensure that policies identify duties of employers

Duty to inquire

When an employer observes changes in an employee's attendance, performance or behaviour that may indicate possible problematic substance use or impairment, an employer should offer assistance and accommodation before imposing discipline or other consequences.⁴⁶ A discussion regarding the possible need for accommodation of a disability is referred to as the duty to inquire.⁴⁷ This conversation should be done respectfully, in a way that protects the employee's confidentiality.⁴⁸ It is recommended that any conversations related to accommodations do not take place if an employee is suspected of being impaired. In addition, the Ontario Human Rights Commission recommends that employers should routinely inform employees who work in safety-sensitive positions about the need to disclose if they are using a substance that could lead to on-the-job impairment.⁴⁹

Duty to accommodate

According to the Canadian Human Rights Commission, "employers have an obligation to take steps to adjust rules, policies or practices that have a negative impact on individuals—or groups of individuals—based on prohibited grounds of discrimination in the *Canadian Human Rights Act*. This is called the duty to accommodate. The duty to accommodate means that sometimes it is necessary to treat someone differently in order to prevent discrimination."⁵⁰

People who take medications (including cannabis) for a disability or health condition as well as people with a substance use disorder have the right to seek accommodation to the point of undue hardship.

According to the Ontario Human Rights Commission, undue hardship can be understood as:

1) The cost of the accommodation is so high that it would alter the nature or affect the viability of the enterprise, or; 2) The health or safety risks to workers, members of the public or the environment are so serious that they outweigh the benefits of the requested accommodation. This analysis must take place after accommodations and precautions to reduce any risks have been made.⁵¹

In Ontario, employers have a duty to accommodate an employee's needs when they are based on any of the grounds listed in the *Ontario Human Rights Code*. People seeking accommodation may need to provide medical or other information to support their needs, and employees who use cannabis for medical purposes may need to provide information to their employers.⁵² Additionally, if an employee has a substance use disorder, the employer and employee should approach the issue in a respectful and collaborative manner.⁵³ If an employee uses cannabis for medical purposes, employers have a duty to accommodate their disability needs. However, accommodation does not necessarily require employers to permit cannabis impairment on the job.⁵⁴ Unions and professional associations are also required to take an active role as partners within the accommodation process, share joint responsibility with the employer to facilitate accommodation and support accommodation measures regardless of collective agreements, unless doing so would create undue hardship.⁵⁵

Note on drug and alcohol testing

Testing for substances can be considered discriminatory on the basis of disability and can only be used under specific situations. According to the Ontario Human Rights Commission, "collecting an employee's bodily fluids or breath raises privacy concerns for employees with disabilities and without disabilities. The purpose of these programs is generally to detect people who pose a health and safety risk in safety-sensitive jobs because they are impaired by drugs or alcohol. Both people with addictions and people without addictions may fall into this category. Testing positive for the presence of alcohol or a drug does not constitute proof of an addiction."⁵⁶

In addition, the employer must show that the drug testing is justified by using a three-step test laid out within the Ontario Human Rights Commission's policy on drug and alcohol testing (2016):

"Where drug and alcohol testing policies or programs are found to be *prima facie* discriminatory, the employer may establish a defence by showing that the policy, rule, requirement, standard or test that resulted in the adverse effect is a legitimate or *bona fide* requirement. The employer must use the three-step test laid out by the Supreme Court of Canada to establish on a balance of probabilities that the policy, rule, requirement, standard or test:

1. Was adopted for a purpose that is rationally connected to performing the job;
2. Was adopted in an honest and good faith belief that it was necessary to fulfilling that legitimate work-related purpose; and
3. Is reasonably necessary to accomplish that legitimate work-related purpose. To show this, the employer must demonstrate that it is impossible to accommodate the person without imposing undue hardship upon the employer."⁵⁷

For further information, see the Ontario Human Rights Commission's **Drug and Alcohol Testing Policy**.

2.4 Ensure that policies identify duties of employees

The person with the disability is required to make their accommodation needs known to the best of their ability.⁵⁸ Some employees may feel reluctant to disclose disability-related accommodation needs due to stigma and fear of discrimination or reprisal. This may be especially true of mental health or substance use-related needs, or accommodations based on the consumption of certain substances. As a result, it is important that employees be aware that it is their duty to disclose, that they will not face punitive repercussions for their disclosure, that their employer will engage with them to develop an accommodation plan and that any information they share will be kept confidential by the employer.

In addition, the policy should clearly outline expectations of employees, which may include:

- Arrive fit for duty and remain as such for the duration of their shift
- When off duty, refuse a request to come into work if unfit for duty
- Come forward to management if a colleague is impaired by substances.

2.5 Ensure that policies are communicated to all staff


It is recommended to develop a robust communications plan to effectively share this information with staff and open a dialogue about any concerns or potential accommodation needs. It is also recommended that employers regularly review ongoing legislation and legal developments. Employers should update their policies accordingly, keeping employees informed when they do. In addition, employees should be made aware of this policy at the commencement of employment with the organization, as well as regularly thereafter.

It is also recommended that employers encourage open dialogue regarding physical and mental health in the workplace. This may include sharing and posting information related to the organization's employee assistance program or more specific information, such as the [Lower-Risk Cannabis Use Guidelines](#) or the [Low Risk Alcohol Drinking Guidelines](#)⁵⁹ that can decrease stigma and open communication in the workplace.

Conclusion

As employers review their organizational policies related to substance use, prescribed medications and impairment at work, *Impairment in the workplace: what your organization needs to know* is a comprehensive guide that will assist employers in developing and updating human resource policies that reflect current legislation and best practices. Many unknowns remain regarding what will change in the landscape of workplace impairment policies following cannabis legalization, but this document allows employers to meet current legal requirements under the *Ontario Human Rights Code*, *Smoke-Free Ontario Act*, *Occupational Health and Safety Act*, and if applicable, collective bargaining agreements within an organization.

Problematic substance use is common and this resource will help employers understand and reduce fear of stigma and discrimination, which is among the largest obstacles that keep people living with mental health and substance use concerns from seeking support. With the aid of this guide, organizations can foster a workplace culture of non-judgmental support, inclusion and mental health and wellness.



Appendix A: Checklist for developing a workplace impairment policy

- ☐ 1. **Ensure the policy has clear definitions for the following key terms and that non-stigmatizing language is used throughout.**
 - a. Impairment
 - b. Safety-sensitive positions
 - c. Expectations for being ‘fit for duty’
- ☐ 2. **Develop a protocol in the event that an employee is impaired in the workplace.**

Impairment in the workplace has the potential to create an unsafe environment. The development of a protocol in addressing and responding to impairment in the workplace in a timely manner is an important consideration.
- ☐ 3. **Ensure the policy identifies the duties of employers.**

Employers have a duty to inquire and a duty to accommodate (to the point of undue hardship).
- ☐ 4. **Ensure the policy identifies and communicates the duties of employees.**

Employees are expected to make their accommodation needs known to their employers.
- ☐ 5. **Ensure the policy is communicated to all staff.**

Develop a communications plan to effectively share this information with staff and open a dialogue about any concerns or potential accommodation needs.

Sample policy template

The Canadian Centre for Occupational Health and Safety has developed a document that provides a comprehensive sample policy template. *Workplace Strategies: Risk of Impairment from Cannabis* addresses the implications associated with the use of cannabis for both therapeutic and recreational purposes and provides guidance to all workplaces. To view the template (pages 28-33), visit: www.ccohs.ca/products/publications/cannabis_whitepaper.pdf.

Appendix B: Additional Resources

a. Mental Health Works (2018). Mental Health Works Product Suite Catalogue.

Mental Health Works provides capacity-building workshops on workplace mental health to both employers and employees. Our approach is person-centred, evidence-based, and solutions-focused.

<http://www.mentalhealthworks.ca/what-we-do/>

b. Mental Health Works. (2018). Mental Health in the Workplace: An Accommodation Guide for Managers and Staff.

Mental Health Works guides employers and managers on how to assist a colleague with mental health and substance use concerns and best ways to accommodate them in the workplace.

www.mentalhealthworks.ca/mental-health-workplace-accommodation-guide-managers-staff/

c. Guarding Minds at Work. (2019). A Workplace Guide to Psychological Health and Safety.

A survey tool that allows employers to effectively assess and address the 13 psychosocial factors known to have a powerful impact on organizational health, the health of individual employees and the financial bottom line.

www.guardingmindsatwork.ca/

d. Canadian Mental Health Association Ontario. (2018). Reducing Harms: Recognizing and Responding to Opioid Overdoses in Your Organization.

The overarching goal of this resource is to equip community service providers with current, accessible and relevant information that can be used to inform and develop an opioid overdose protocol.

ontario.cmha.ca/wp-content/uploads/2018/05/CMHA-Ontario-Reducing-Harms-Updated.pdf

e. The Human Resources Professionals Association. (2017). Clearing the Haze: The Impacts of Marijuana on the Workplace.

A tool kit on developing workplace policies and accommodation for medical cannabis and issues related to cannabis in the workplace post-legalization.

www.hrpa.ca/Documents/Public/HRPA-Clearing-The-Haze.pdf

f. Canadian Centre for Occupational Health and Safety. (2018). Workplace Strategies: Risk of Impairment from Cannabis.

This document presents information and recommendations on the impact of cannabis for employers, employees and others interested in workplace health and safety.

publications.gc.ca/collections/collection_2017/cchst-ccohs/CC273-2-17-3-eng.pdf

g. Canadian Centre on Substance Use and Addiction. (2018). A Review of Workplace Substance Use Policies in Canada.

Concerns surrounding the regulation and legalization of cannabis in Canada have prompted employers and other stakeholders to consider how best to address substance use in their workplace policies and practices. See page 57 for the spotlight on concerns about the potential impact of cannabis legalization and regulation.

[www.ccdus.ca/Resource Library/CCSA-Workplace-Substance-Use-Policies-Canada-Report-2018-en.pdf](http://www.ccdus.ca/Resource%20Library/CCSA-Workplace-Substance-Use-Policies-Canada-Report-2018-en.pdf)

- h. Canadian Human Rights Commission. (2017). Impaired at work – A Guide to Accommodating Substance Dependence.**

The purpose of this guide is to assist employers in addressing substance use in the workplace in a way that is in harmony with human rights legislation. This guide outlines the rights and responsibilities of the employee, job applicants, the employer, unions and/or the employee.

www.chrc-ccdp.gc.ca/eng/content/impaired-work-guide-accommodating-substance-dependence

- i. Ontario Human Rights Commission. (2018). Questions & Answers. Cannabis and the Human Rights Code.**

www.ohrc.on.ca/en/questions-and-answers-cannabis-and-human-rights-code

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Public Services Health and Safety Association is working with Ontario employers, supervisors and workers to provide information on cannabis and applicable legislation. Some of the areas with which it is assisting are around accommodation and suggested control measures for the workplace.

www.pshsa.ca/cannabis-in-the-workplace/

- k. CSA Group. (2017). Workplace Policies on Substance Use: Implications for Canada.**

This research report aims to provide a summary of the research and practice-based evidence on workplace-related substance use, to identify best and emerging practices where available and explores the role of a national standard solution on workplace substance use policies.

www.csagroup.org/article/workplace-policies-substance-use-implications-canada/

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This report is based on surveys and interviews with Canadian employers. The report highlights lessons learned and best practices of existing policies and approaches to substance use in the workplace.

www.ccdus.ca/Eng/topics/Substance-Use-Affecting-the-Workplace/Pages/default.aspx

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- n. Health and Safety Ontario. (2018). Workplace Substance Use Management Policy.**

This sample policy provides a 1700-word document that covers employee responsibilities, employer responsibilities, prescription medication, substance dependence accommodations and other information. (Cost associated)

osg.ca/products/workplace-substance-management-policy/

- o. Occupational Health Insider. (2017). Model Policy on Fitness for Duty and Substance Abuse (Ontario Version).**

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Appendix C: How do I talk about substance use?

Stigma is a significant barrier to talking openly about substance use and can prevent people from accessing support or treatment or speaking to their employers about their mental health concerns. The language we use is an important factor in reducing stigma and breaking down the negative stereotypes associated with substance use disorders. By using non-stigmatizing language, those who are experiencing challenges may experience fewer barriers to accessing supports.

Using neutral and medically-accurate terminology when describing substance use and ‘people first’ language that focuses on the individual is advised.

INSTEAD OF	TRY
Drug user	Person who uses drugs
Drug abuser/addict	Person who uses drugs problematically/ person with a substance use disorder
Drug habit	Regular substance use
Addicted to ‘...’	Has a ‘...’ substance use disorder
Former/ex-addict	Person in recovery
Suffering from an addiction	Person living with an addiction
Stayed sober/clean	Maintained recovery
Drug offender	Person arrested for a drug violation

Adapted from Health Canada (2018)

Appendix D



WHO WE ARE

Mental Health Works™ is a social-enterprise of the Canadian Mental Health Association, Ontario Division. It conducts in-person workplace training workshops, webinars, and can provide custom-built e-modules for organizations seeking to make their workplaces psychologically healthy and safe.

With over 70 qualified trainers across the country, Mental Health Works™ is capable of working with your organization to begin the process of raising awareness on mental health and addictions, providing expert content that is directed towards both staff and management. A perfect precursor to the implementation of the National Standard for Psychological Health and Safety, you will have access to post-workshop support through our trainer network.

WHY CHOOSE MENTAL HEALTH WORKS™?

We'll help you build mental health awareness, teach you how to respond to challenging situations, and collaborate with you to create a healthier, safer workplace. This is not just good business, it's also the right thing to do. If you are struggling with absenteeism, have questions about how to accommodate employees struggling with a mental health concern, or want to limit losses due to insurance claims, Mental Health Works™ is a great first step.

The skills learned in a workshop, or through computer-based training, are practical means by which to encourage staff to speak up about their health and safety. We understand that talking about complex issues in the workplace is a challenging endeavour—so let us provide you with some clear solutions.

As a social enterprise of CMHA Ontario, know that the information provided to you by Mental Health Works™ trainers and programs is assured best-practice. Your staff will be exposed to content expressly written and researched by CMHA Ontario staff; representative of current trends and insights into community mental health, occupational health and safety, and psychological wellbeing.

WHERE DO I BEGIN?

The first step is to reach out to our liaison office.
1-800-875-6213 extension 4120, or
info@mhworks.ca

WWW.MENTALHEALTHWORKS.CA



WHAT TOPICS CAN BE COVERED?

Mental Health Works™ Workshops cover a variety of in-demand topics, including:

- | | |
|-------------------------------------|---------------------------------------|
| 1. Mental Health and Health at Work | 5. Secondary Traumatic Stress |
| 2. Psychological Health and Safety | 6. PTSD and Operational Stress Injury |
| 3. Low-Mood and Depression | 7. Substance Use and Addictions |
| 4. Stress and Anxiety | 8. Custom Workshops |

WHAT ABOUT LARGE ORGANIZATIONS?

Mental Health Works™ has conducted training for large organizations, including multinational corporations and governments across Canada and the United States of America. Our trainer network ensures that your organization will receive standardized training across worksites.

We recognize that attending in-person training can be prohibitive based upon your operational realities, so please enquire about the ability to develop customized e-modules that can be used to train employees from their work stations via a computer. This is a perfect option for workplaces that would like to see introductory training done by staff or management during the initial on-boarding period, or as a requirement for promotions.

ABOUT CMHA ONTARIO

The Canadian Mental Health Association (CMHA) operates at the local, provincial and national levels across Canada. The mission of CMHA Ontario – a not-for-profit, charitable organization funded by the provincial Ministry of Health and Long-Term Care – is to improve the lives of all Ontarians through leadership, collaboration and the continual pursuit of excellence in community-based mental health and addictions services. Our vision is a society that embraces and invests in the mental health of all people.

As a leader in community mental health and addictions, we are a trusted advisor to government and actively contribute to health systems development through policy formulation and recommendations that promote mental health for all Ontarians. We support our 30 community CMHA branches which, together with other community-based mental health and addictions service providers, serve approximately 500,000 Ontarians each year.



**Canadian Mental
Health Association**
Ontario

**Association canadienne
pour la santé mentale**
Ontario

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