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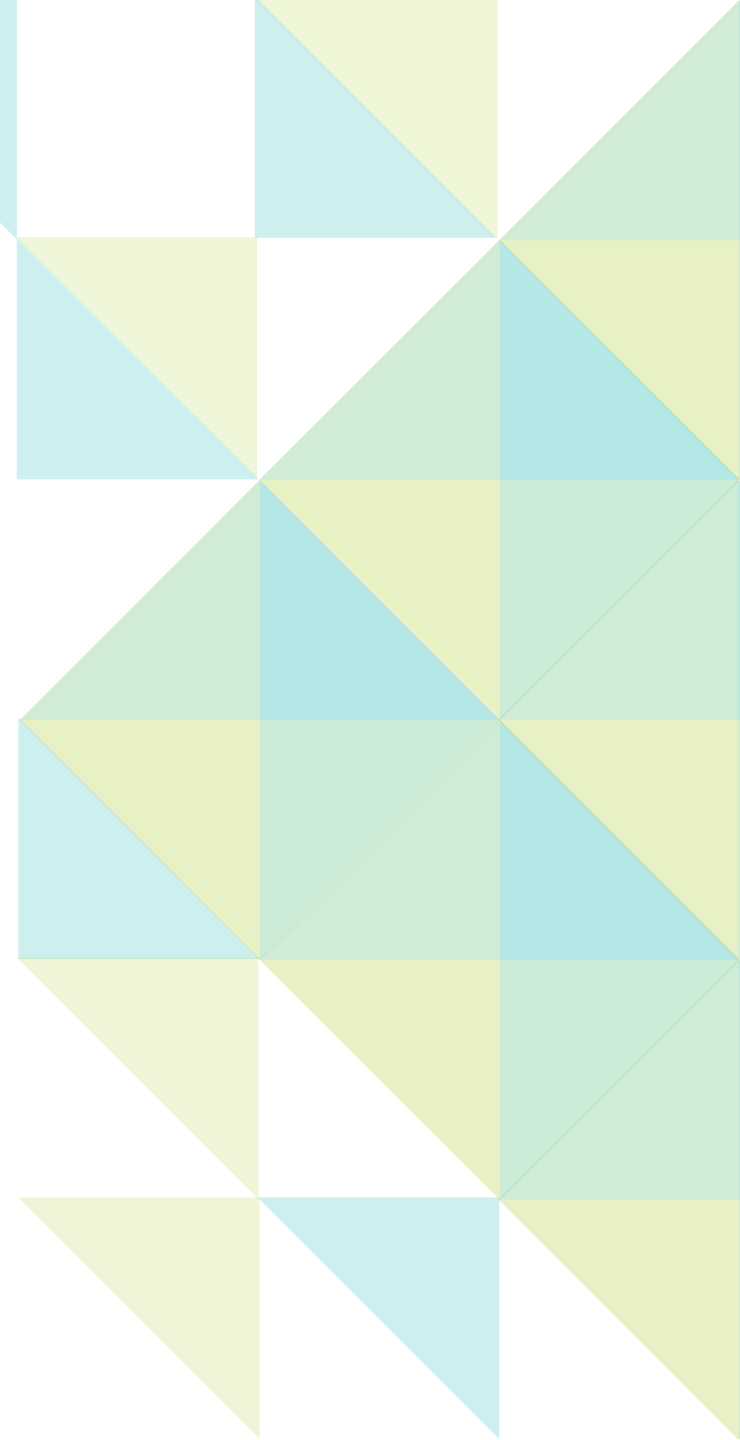
Impairment in the Workplace:

What your organization needs to know

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Conference

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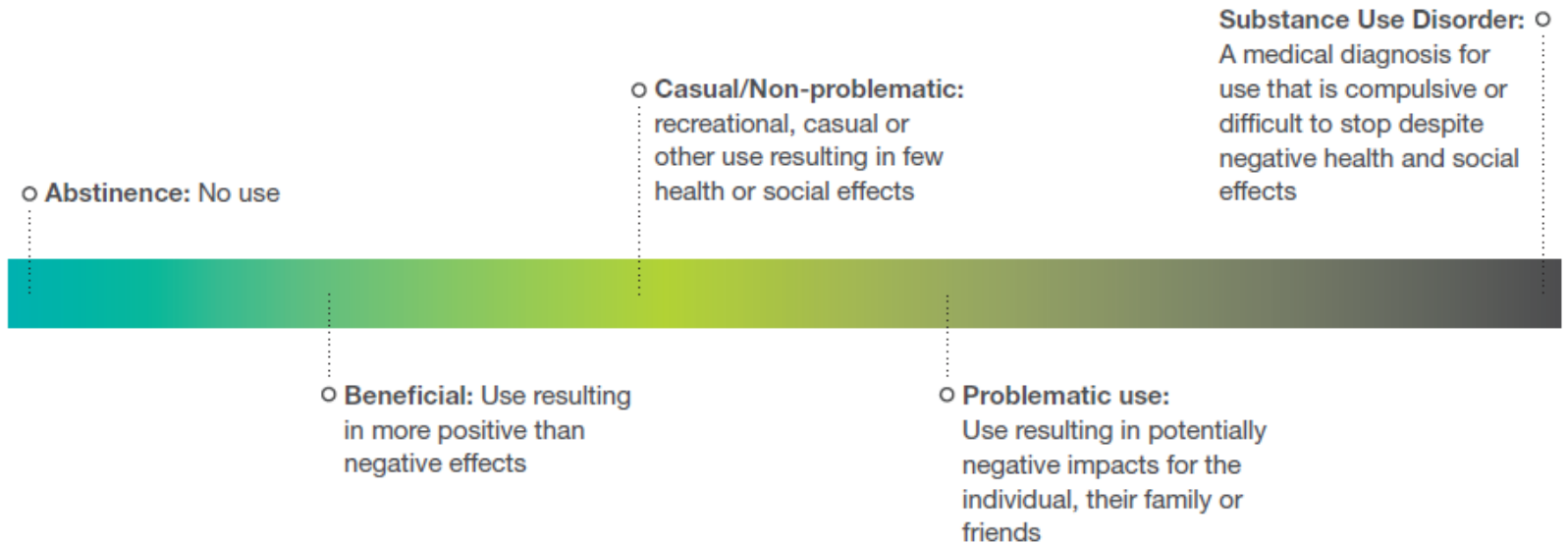


Impairment in the Workplace: What your organization needs to know

- Identifies priorities for employers when reviewing organizational policies related to impairment in the workplace from substance use, cannabis and prescription medications
- Helps employers understand their requirements under the *Ontario Human Rights Code*, *Smoke-Free Ontario Act*, *Occupational Health and Safety Act*, and their organization's collective bargaining agreement, if applicable
- Supports agencies to ensure their impairment policy is non-stigmatizing and promotes mental health and wellness in the workplace
- Includes checklist for developing/updating a workplace impairment policy



Understanding substance use and its impact in the workplace



Understanding substance use and its impact in the workplace

Commonly used substances:

- Alcohol
- Recreational cannabis
- Medical cannabis

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)



Checklist for Developing a Workplace Impairment Policy



Ensure your policy has a definition of “impairment”



Causes of 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
- These types of stressors may impair a person and impact their performance within the workplace



Causes of Impairment

- Impairment from certain substances could potentially impair judgment or decision-making, decrease motor co-ordination, reaction time or perception
- 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 medications



Appearance of Impairment

The appearance of impairment may include the following observations:

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



**Ensure your policy
has a definition of
“safety-sensitive
position”**



Safety-Sensitive Positions

- Canadian Centre for Substance Use and Addiction definition:

“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.”



Safety-Sensitive Positions

- According to the Canadian Centre for Occupational Health and Safety, 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



Safety-Sensitive Positions

Canadian Centre for Occupational Health and Safety suggests four basic steps to completing a job safety assessment:

- Select the job to be analyzed
- Break the job down into a sequence of steps
- Identify potential hazards
- Determine preventive measures to overcome these hazards



**Ensure your policy
has a definition of
“fit for duty”**



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
- 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



**Ensure your policy
has a protocol in the
event that an
employee is
impaired in the
workplace**



Suspected Impairment

- If an employee is suspected of having substance use concerns, the employer should not try to diagnose a substance use disorder or recommend treatment
- Instead, to fulfil the duty to inquire



Suspected Impairment

- 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



Protocol for Suspected 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



Ensure your policy identifies the duties of the employer



Duty of Employers: Accommodation

- 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*
- 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



Accommodation Plan

The accommodation plan should:

- 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



Ensure your policy identifies the duties of employees



Duty of Employees: Fit for Duty

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



Duty of Employees: Seek Accommodation

- The person with the disability is required to make their accommodation needs known to the best of their ability
- It is important that employees be aware that:
 - It is their duty to disclose
 - They will not face punitive repercussions for their disclosure
 - Their employer will engage with them to develop an accommodation plan
 - Any information they share will be kept confidential by the employer



**Ensure your policy
is communicated to
all staff**



Communicate the Policy

- Develop communications plan to effectively share this information with staff and open a dialogue about any concerns or potential accommodation needs
- Regularly review ongoing legislation and legal developments
- Update policies accordingly, keeping employees informed when they do
- Employees should be made aware of this policy at the commencement of employment with the organization, as well as regularly thereafter



Impairment Policy Checklist



1. Ensure the policy has clear definitions for the following key terms and that non-stigmatizing language is used:
 - Impairment
 - Safety-sensitive positions
 - Expectations for being 'fit for duty'
2. Develop a protocol in the event that an employee is impaired in the workplace.
3. Ensure the policy identifies the duties of employers (duty to inquire, duty to accommodate).
4. Ensure the policy identifies and communicates the duties of employees (fit for duty, duty to disclose).
5. Ensure the policy is communicated to all staff.

Thank You!



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