

Guide to managing workplace impairment and developing an impairment policy

Workplace impairment as an occupational health and safety issue is of increasing concern to British Columbia employers, workers, and other stakeholders. Physical or mental impairment in the workplace can create a significant risk of injury and death to the impaired worker, co-workers, and members of the public. This document provides employers with guidance on managing workplace impairment and developing an impairment policy.

About substance use and impairment in the workplace

Impairment can have many causes, but the most common substance-related causes of impairment in the workplace are the use of the following:

- Alcohol
- Recreational cannabis (legal as of October 17, 2018)
- Illegal drugs
- Prescription drugs (including medically prescribed cannabis) to treat medical conditions
- Over-the-counter medications

Impairment from substance use can cause physical and behavioural changes that affect people's ability to work safely, putting them or their co-workers at risk of injury. Such changes can include the following:

- Impaired judgment, thinking, and decision making
- Decreased motor coordination, reaction time, and sensory perception
- Psychological or stress-related effects, such as mood swings or personality changes

Employer responsibilities for managing impairment

As an employer, you have a duty to ensure the health and safety of workers. You must not assign impaired workers to activities where impairment may endanger anyone. You must also not permit

workers to remain at any workplace while their ability to work safely is affected by alcohol, a drug, or any other substance or condition.

You should also make workers aware that they have some responsibilities for managing impairment, including the following:

- Making sure that their ability to work safely is not impaired by alcohol, drugs, or other causes
- Not working if their impairment may endanger themselves or anyone else
- Notifying their supervisor if their ability to work safely is impaired for any reason
- Notifying their supervisor if they see someone who appears to be impaired

Employers should develop policies and procedures that address impairment in the workplace. An impairment policy that takes a fitness-to-work approach to impairment can help you to meet your workplace safety obligations. You should make sure workers know and understand your impairment policy.

Steps toward managing impairment

Taking the following steps can help you fulfill your duty to manage impairment in the workplace:

- Assess the tasks carried out in your workplace, and identify hazards that may arise from performing those tasks while impaired.
- Put appropriate controls in place to eliminate or minimize the risk of those hazards arising

in your workplace. An impairment policy is a common administrative control used to minimize the risk of hazards caused by impairment in the workplace. Many workplaces already have impairment policies in the form of drug-and-alcohol or substance-abuse policies.

- If you already have an impairment policy, you should update it to ensure it deals with both medical cannabis use (similar to prescription drug use) and non-medical or recreational cannabis use (similar to alcohol use) after October 17, 2018.
- If you don't have an impairment policy yet, you should develop one.
- Communicate your impairment policy (whether new or updated) to everyone in your workplace.
- Train your workers and supervisors in their responsibilities and rights under the policy.
- Enforce your impairment policy in a fair, consistent manner throughout the workplace.

Who should be involved in developing an impairment policy

Develop your organization's impairment policy in consultation with worker representatives (the worker health and safety representative, joint health and safety committee, or union, as applicable). Depending on the size and complexity of your workplace, it may also be helpful to obtain input from an occupational health professional (such as a nurse or physician) and a lawyer.

Elements of an impairment policy

An impairment policy should include the following elements:

- A statement of purpose
- Rules
- Procedures
- Additional considerations

The following sections provide some guidance about the types of information to include in each element of the policy.

Purpose

The purpose of an impairment policy is to clearly set out your organization's approach to managing workplace impairment and reducing the risks it presents. Include a statement that as the employer, you are committed to providing a safe workplace, and explain what that commitment means.

(For example, "The management at [*company/organization name*] is committed to providing a safe workplace. This duty includes addressing any issues that may impair people's ability to perform their work functions safely. To that end, we have put in place rules and procedures with respect to workplace impairment. These rules and procedures will help protect everyone at our workplace.")

Rules

- Require that individuals must not work if they are impaired.
- Provide a definition of workplace impairment. For example, "Being impaired means being mentally or physically unable to perform assigned work functions safely due to the use or after-effects of alcohol, cannabis, illegal drugs, prescription drugs, or over-the-counter medications, or any other issue that may impair judgment or performance."
- Require that individuals inform their supervisor if their ability to safely perform assigned work is impaired for any reason.
- Require that individuals inform their supervisor if they have concerns about a co-worker's fitness to safely perform assigned work functions.
- Set out restrictions on the presence and use of alcohol, cannabis, and illegal drugs in the workplace.
- State the consequences of policy violations (for example, discipline up to and including dismissal).
- State the consequences of voluntary disclosure (for example, non-disciplinary reassignment, when appropriate, and the availability of an employee assistance program providing support and assistance for individuals with impairment issues).

Procedures

Written procedures should indicate the roles and responsibilities of everyone involved in the procedures (i.e., workers, supervisors, and the employer). The procedures should describe the following:

- How workers can inform their employer if their ability to safely perform assigned work is impaired for any reason.
- How workers can inform their employer of concerns about a co-worker's fitness to perform assigned work functions.
- How employers, supervisors, and workers can [identify signs of impairment](#).
- How supervisors can assess for impairment using functional fitness-to-work testing or substance testing, and the steps supervisors are to take when impairment is suspected.
- How the employer will remove impaired persons from the workplace (for example, arranging for immediate transportation home).
- How the employer can fulfill its duty to accommodate disability-related impairment under the BC Human Rights Code, such as in the following cases:
 - Individuals using a potentially impairing substance, with medical authorization or prescription by a health care professional, to treat a disabling condition.
 - Individuals having a diagnosed substance-use condition.

If you have an accommodation policy, include a reference to it in your impairment policy.

- The support and assistance available for individuals with impairment issues (for example, an employee assistance program).
- The return-to-work process following removal for impairment.

Additional considerations

Additional considerations include topics such as the following:

- How all workplace parties will be notified of and trained in the policy
- How supervisors will be trained to identify signs of impairment
- The confidentiality and privacy considerations that apply
- When the policy will be evaluated and updated

Resources

Sample impairment policies and impairment policy checklists

- [Drug & Alcohol Policy](#) (Construction Labour Relations Association of BC and the Bargaining Council of BC Building Trades Unions)
- [Workplace Strategies: Risk of Impairment from Cannabis](#) (Canadian Centre for Occupational Health and Safety; see Appendix A of the document)
- [Problematic Substance Use That Impacts the Workplace: A Step-by-Step Guide & Toolkit to Addressing it in Your Business/Organization](#) (Atlantic Canada Council on Addiction)

Other resources

- [Substance Use and Workplace Impairment](#) (WorkSafeBC)
- [Cannabis and Impairment in the Workplace Infographic](#) (Canadian Centre for Occupational Health and Safety)
- [Impairment at Work](#) (Canadian Centre for Occupational Health and Safety)
- [Impaired at Work: A Guide to Accommodating Substance Dependence](#) (Canadian Human Rights Commission; for federally regulated workplaces)

Disclaimer

This document was produced to help workplace parties understand some of their obligations under the *Workers Compensation Act* and the *Occupational Health and Safety Regulation*. It is not legal advice, and it does not replace the Act or the Regulation.