

Environmental Health and Safety Guideline on Impairment at Work

Intent of the Guideline

Carleton University is committed to:

- The protection of the health, safety and wellbeing of all members of the university community.
- Taking every precaution reasonable to ensure the provision of a workplace where workers are not impaired while performing their work, and ensuring workers are not introducing hazards to the workplace as a result of impairment from substance use.
- Providing education and training to help employees (faculty and staff), supervisors and managers, directors, chairs and senior leaders identify behaviour and/or recognize warning signs that may indicate that they or another employee may not be fit for work and thus respond appropriately.
- Placing a priority on ensuring employees are fit to perform the duties of their positions.

This guideline will be interpreted in accordance with all applicable laws, including but not limited to, the *Ontario Human Rights Code*, the *Occupational Health and Safety Act*, and any applicable collective agreement or employment contract. Further, the terms of this guideline are in addition to any legislative, regulatory, licensing, or other applicable legal requirements.

Definitions

Impairment	Occurs when an employee is not able to safely and acceptably perform assigned duties without potential limitation as a result of the use or after-effects of an intoxicant (whether a medication or otherwise)
Intoxicant	Any substance, whether a substance identified by the <i>Controlled Drug and Substances Act</i> , SC 1996 c 19, an illegal substance or a non-prescription substance, which has the effect of intoxicating its user and/or altering an employee's ability to perform assigned duties. This includes, but is not limited to, alcohol, opiates, hallucinogens and cannabinoids (e.g. cannabis). It also includes medication (as defined below)
Medication	Any intoxicant (defined above) that has been legally obtained with a physician or nurse practitioner's prescription, or purchased as an over-the-counter medication (including medical cannabis)
Safety Sensitive Position	A position in which impairment could result in direct risk of injury to any person, property or the environment. Examples include but are not limited to: operating machinery, vehicles or equipment; working with hazardous materials or in hazardous conditions; having responsibility for matters of life/death or the potential for serious harm to any person; being required to respond to human or operational emergencies; or other positions so defined by the university
Workplace	Any site at which an employee is performing duties related to employment with Carleton, including on university property and any other place an employee is located while acting as a university employee or while representing the university

Employee Obligations

1. An employee is required to report to the workplace fit for work and remain fit for work throughout the employee's entire workday (including an employee working remotely or employee attending a university event).
2. An employee is prohibited from using, distributing, manufacturing, offering or selling an Intoxicant at the Workplace (except pursuant to the Alcohol and Cannabis Use Policy and except for appropriate use of a medication).
3. In the event that an employee in a Safety Sensitive Position is not fit for work, for example due to an intoxicant (e.g. cannabis, alcohol or medication), the employee must disclose this unfitness in accordance with the "Requirement to Disclose" section below.
4. An employee who becomes aware of, or witnesses, behaviour giving rise to concerns about whether another employee is fit for work is required to advise a manager or supervisor, director, chair or senior leader.
5. Where an employee has a disability related to intoxicant use or addiction, the employee is required to co-operate with the university, and unions where applicable, in the accommodation process under the *Ontario Human Rights Code*, including providing medical information sufficient to facilitate an accommodation assessment and by accepting reasonable accommodations proposed by the university.

Manager & Supervisor Obligations

1. Communicate with employees about the need to maintain a workplace that is free from intoxicant use (except where permitted pursuant to the policy and duly approved for accommodation purposes). This includes answering questions about this Guideline.
2. Engage in early and regular identification and management of performance issues that may be related to intoxicant use or addiction/dependency.
3. Encourage employees to disclose any conditions or concerns, including intoxicant use or addiction/dependency, that may impair their job performance or compromise their own or others' health and safety. Such disclosures shall be supported and referred for appropriate accommodation.
4. Identify and address any situation where an employee appears to be impaired.
5. Prohibit, without exception, the continued performance of a Safety Sensitive Position (including the operation of a motor vehicle or other equipment/machinery) by an employee who the supervisor or manager, director, chair or senior leader reasonably believes may be impaired.
6. Any intoxicant found in the workplace which the manager or supervisor reasonably believes is, or may be, illegal, must be brought to the attention of Campus Safety Services.

Requirement to Disclose for Employees in Safety Sensitive Positions

1. An employee in a Safety Sensitive Position has a duty to disclose the use of, or being under the influence of, any intoxicant in the workplace that may result in the employee not being fit for work. For clarity, and without restricting the generality of the foregoing, this may include:
 - a. Disclosure of using or being under the influence of an intoxicant (other than a medication) at the workplace;
 - b. Disclosure of using or being under the influence of a medication that could reasonably impact the employee's ability to perform their duties and responsibilities; and/or
 - c. Disclosure of a disability relating to an intoxicant (e.g., substance dependency or addiction) which could reasonably be expected to impact the employee's ability to remain fit for work.

2. Disclosure pursuant to subparagraph 1 a., above, may be to the employee's immediate supervisor or Human Resources, if the use or influence of an intoxicant is not related to a disability.
3. Disclosure pursuant to subparagraphs 1 b. and c., above, should be to Human Resources.
4. An employee who discloses use of an intoxicant under this Guideline may be asked to perform modified duties or to work with Human Resources, or both, to develop a reasonable accommodation plan, or in some cases to temporarily leave work.

Accommodation

1. The university will provide reasonable accommodation to the point of undue hardship to an employee who discloses a disability (e.g., substance dependency or the use of medication) in accordance with the *Ontario Human Rights Code*.
2. The accommodation process will be coordinated by Human Resources.
3. The employee requesting an accommodation is required to participate and cooperate in the attempt to review the request and provide relevant information, including the provision of appropriate supporting medical documentation.
4. Reasonable modification to an employee's duties or removal of an employee from their current position may be necessary while accommodation needs are assessed and where appropriate, measures of accommodation implemented.

Addiction/Cessation Support

An employee needing support for substance dependency or addiction shall be encouraged to seek professional care and support. This may be done through the Employee & Family Assistance Program (EFAP), as well as through Human Resources, or Health and Counselling Services if the employee is also a student.

Consequences of Failing to Follow Guideline

An employee who fails to follow this guideline (including, but not limited to: being under the influence of an intoxicant at the workplace except as permitted by the Human Rights Code; the failure to disclose; refusal to cooperate with the university in the accommodation processes; or presenting at the workplace as safety risks to themselves and others) may be subject to discipline up to and including termination.

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Department of Risk Management