

**Original Approval Date: June 14, 2019**
**Effective Date: September 1, 2019**

## Workplace Impairment Policy

<b>Office of Accountability:</b>	Provost and Vice-President (Academic) and Vice-President (Finance and Administration)
<b>Office of Administrative Responsibility:</b>	Vice-Provost and Associate Vice-President (Human Resources)
<b>Approver:</b>	Board of Governors
<b>Scope:</b>	Compliance with this University policy extends to all academic, support and excluded staff, post-doctoral fellows, and academic colleagues as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories); academically employed graduate students; third party contractors; and volunteers.

### Overview

The University of Alberta has an obligation to provide a safe, healthy, and productive work environment for all **employees**. **Impairment** in the **workplace** can affect employee performance, have significant adverse impacts, and create risk to people, property, research, and reputation.

All members of the **University community** are responsible for health and safety in the workplace. Occupational health and safety legislation imposes general duties on employers, contractors, and **managers/supervisors** to provide a safe work environment and take all reasonable precautions to protect the health and safety of employees and others in the workplace. Employees also have obligations under the legislation to protect their own safety and the health and safety of others in the workplace.

It is important to delineate the line between personal time and **work time**. Regardless of what an employee does on their personal time, they must report **fit for work** and remain fit for work during work time. This is particularly important in a **safety-sensitive position**, where their actions, reactions, decisions, or judgement could cause significant injury or harm to themselves or others.

### Purpose

The purpose of this policy is to outline the responsibilities and expectations associated with workplace impairment and fitness for work. This policy is intended to:

- a. help ensure the health and safety of employees and the safety of students, visitors, and members of the public by requiring all employees to report fit for work, which includes being free from

## U of A Policies and Procedures On-Line (UAPPOL)

impairment by alcohol and other **drugs**, the misuse of and/or failure to take medications as prescribed, and/or any condition that could impair a person's ability to work safely;

- b. define workplace impairment and outline the procedures that will be followed to investigate possible violations of the policy;
- c. reinforce the University's commitment to ensure that employees with alcohol and/or drug addiction or other related disabilities are provided with assistance and appropriate accommodation in employment in accordance with applicable policy and human rights legislation; and
- d. guide the management of risks associated with impairment in the workplace.

### **POLICY**

1. All members of the University of Alberta community have a responsibility to ensure a safe, healthy, and productive working environment.
2. All employees must perform their job in a safe manner consistent with established University of Alberta standards, procedures, policies, and/or practices and in compliance with applicable legislation.
3. The University is committed to ensuring that no employee creates a risk for themselves and/or others or to the environment, physical infrastructure, and/or equipment as a result of impairment.
4. Employees must be fit for work and must notify their supervisor if they are not fit for work for any reason, including impairment or potential impairment.
5. This policy will apply to University of Alberta students only when the student is also an employee of the University of Alberta and when they are carrying out their duties as an employee. Behaviour of students who are not employed by the University of Alberta or who are not on duty will be addressed under the *Code of Student Behaviour*.

### 6. RESPONSIBILITIES

Members of the University community may have multiple roles as described below.

- a. Senior leaders, including the President, Vice-Presidents, Vice-Provosts, Associate Vice-Presidents, Deans, Directors, and Chairs and other officers of the University exercise administrative responsibility to implement this policy and the related procedures within their respective areas of responsibility.
- b. Managers and supervisors are responsible for:
  - i. ensuring safe work environments within their respective faculty, department, or unit as per Occupational Health and Safety legislation;
  - ii. understanding their role and the University's policies and procedures related to impairment in the workplace;
  - iii. identifying safety-sensitive positions and duties within their respective faculty, department or unit according to the criteria outlined in the *Managing Impairment in Safety Sensitive Positions Procedure*;
  - iv. ensuring that contractors and/or volunteers are made aware of University policies in relation to impairment and safety in the workplace;
  - v. promptly addressing actual or perceived impairment in the workplace in accordance with University policy, procedures, legislation, or applicable collective agreements;
  - vi. attending any training and awareness programs that the University may recommend or direct, related to effects of use and abuse of alcohol or drugs and recognizing signs of impairment;

## U of A Policies and Procedures On-Line (UAPPOL)

- vii. supporting employees who are seeking assessment, counselling, referral, and support programs where addiction may be a concern; and
- viii. maintaining appropriate privacy and confidentiality related to alcohol or drug use and/or medical information about a faculty or staff member.

c. Employees are expected to:

- i. perform their duties in a safe manner and in all ways consistent with established University of Alberta standards, procedures, policies, and/or practices and in compliance with applicable legislation;
- ii. read, understand, and adhere to this policy and their responsibilities under it;
- iii. recognize if their position or assigned duties would be considered safety-sensitive based on the criteria outlined in the *Managing Impairment in Safety Sensitive Positions Procedure*;
- iv. proactively take all reasonable steps to obtain information about and understand the potential impairing effects of any drug they consume, in terms of impairment in the workplace generally, and specific to their position and duties, including but not limited to seeking the advice of physicians and/or pharmacists;
- v. report and remain fit for work during work time;
- vi. immediately advise their supervisor if they know or reasonably ought to know or suspect that they are unfit for work for any reason;
- vii. co-operate with any work modification related to their fitness for work;
- viii. notify their supervisor, a manager, Human Resources, or Environment Health and Safety if they believe an employee, contract worker, or volunteer is not fit for work during work time;
- ix. manage personal factors which impact their ability to perform their duties unimpaired and to the full extent of their capability;
- x. seek advice and follow appropriate treatment if they have a current or emerging substance addiction, and follow recommended monitoring programs after attending treatment; and
- xi. fully cooperate with an investigation into a violation of this policy or associated procedures.

d. Human Resources is responsible for:

- i. supporting departments and units in the interpretation and application of this policy and related guidelines;
- ii. informing the appropriate stakeholders when substantive changes to the policy occur;
- iii. providing supervisors, faculty, and staff with information related to use or abuse of alcohol or drugs;
- iv. support the development of training and/or resources to assist supervisors to recognize signs of impairment; and
- v. support supervisors in managing performance concerns.

e. Environment, Health and Safety will support departments and units in the interpretation and application of this policy and related procedures as it relates to the Occupational Health and Safety Act.

## 7. DRUG TESTING

The University may require **drug testing** for employees in the following circumstances:

- a. Post-Incident - as part of an investigation into a **serious incident or near miss** where impairment is a suspected cause.
- b. **Reasonable suspicion** - where the employee exhibits observable signs of impairment during work time.

## U of A Policies and Procedures On-Line (UAPPOL)

- c. Pursuant to a reinstatement monitoring agreement, a continued employment agreement, or any other agreement entered into by the University, the employee, and the employee's union or association (where applicable).

### 8. ADDICTIONS, ASSISTANCE AND SUPPORT

Employees who are or suspect they are experiencing a substance addiction problem that is or is reasonably likely to affect their job performance or cause a violation of this policy are required to disclose that to their supervisor or the University's third party disability management provider before their job performance is affected or a violation of the policy occurs, failing which they may be subject to disciplinary action. Where the employee has made such a disclosure, they shall provide objective medical evidence of the addiction satisfactory to the University's third party disability management provider. If an addiction is established by the medical evidence, the University will reasonably accommodate the medical condition in accordance with applicable law, including allowing the employee to take appropriate leave for treatment.

If an employee discloses to their supervisor or the University's third party disability management provider and seeks assistance for a substance addiction problem, the employee will not be disciplined for such disclosure or for seeking such assistance. However, where an employee violates the policy but has not expressly disclosed or sought assistance for a substance dependency problem in accordance with the policy before that violation of the policy, then that violation may be grounds for disciplinary action. Failure to disclose and seek assistance for a substance addiction problem is not a pre-condition for discipline respecting any other violation of this policy.

### 9. FAILURE TO COMPLY

Any employee who fails to fulfill the requirements of this policy and its associated procedures may be subject to discipline and/or other action pursuant to any applicable collective agreement, handbook, legislation or University policy, up to and including termination of employment and prosecution if appropriate.

## **DEFINITIONS**

Any definitions listed in the following table apply to this document and its related policies and procedures only with no implied or intended institution-wide use. <a href="#">[▲Top]</a>	
<b>Employee</b>	Includes academic staff, support staff, excluded staff, management, administrators, student staff, post-doctoral fellows, volunteers, contractors, or other staff.
<b>Impairment</b>	The state of being unable to perform work safely and productively, including not being fit for work because of intoxication by alcohol or drugs.
<b>Workplace</b>	Any place where employees, volunteers, or contractors of the University of Alberta perform work as part of their assigned responsibilities.

**U of A Policies and Procedures On-Line (UAPPOL)**

<b>University Community</b>	Includes all academic staff and colleagues, administrators, support staff and excluded staff as outlined and defined in Recruitment Policy (Appendix A and Appendix B) as well as third party contractors, visiting speakers, volunteers, professors emeriti, undergraduate students, graduate students, postdoctoral fellows, and visitors.
<b>Manager/Supervisor</b>	A person who has charge of a workplace or authority over a worker.
<b>Work time</b>	The period of time when the employee is expected to perform or be ready to perform any duties of their position. This includes all breaks, both scheduled and unscheduled time, and generally any time that the employee is engaged in work, activity or travel in their capacity as a University of Alberta employee.
<b>Fit for Work</b>	Refers to an employee's ability to maintain a physical, mental, and emotional state that enables them to perform the physical and mental demands of their job and/or duties safely, effectively, and in a manner that does not increase risk to themselves and others or the University. This includes being free from impairment by alcohol or drugs, the misuse of and/or failure to take medications as prescribed, and/or any condition that could impair a person's ability to work safely.
<b>Safety-Sensitive Position</b>	Position where some or all of the work duties and operational processes have the potential, if performed improperly, for a serious incident or near miss. A safety-sensitive position includes positions where only certain duties are safety-sensitive.
<b>Drug</b>	<p>Any substance, including but not limited to alcohol, cannabis, illicit drugs or medications (prescribed or over-the-counter), or other mood-altering substance, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For purposes of this policy, drugs of concern are those that affect whether an employee is fit for work.</p> <p><u>Alcohol</u> refers to beer, wine and distilled spirits, and includes the alcohol found in medicines or other products.</p> <p><u>Cannabis</u> refers to a cannabis plant or bi-product of a cannabis plant obtained legally for recreational use or medicinal use.</p> <p><u>Illicit Drug</u> means any drug or substance whose use, sale, possession, purchase or transfer is restricted or prohibited by law.</p> <p><u>Medication</u> refers to a drug obtained legally, either over-the-counter or through a doctor's prescription or appropriate authorization, designed to remedy, control, or prevent illness. For clarity, in the case of medicinal cannabis, the employee must have an authorization for use to the extent such authorization is required by law for medicinal use.</p>

## U of A Policies and Procedures On-Line (UAPPOL)

<b>Drug Testing</b>	A test that examines a person's blood, urine, breath, saliva, or other sample to determine the presence of impairing substances in the body.
<b>Serious Incident or Near Miss</b>	Refers to an unplanned event, circumstance or condition that caused or had a high likelihood to cause damage or injury to person, property, reputation, security or the environment, and/or would result in a report to a municipal, provincial, or federal regulator.
<b>Reasonable Suspicion</b>	Inference based on circumstances, observations, and/or reports that indicate impairment in the workplace may be present or that the employee is under the influence of alcohol or drugs.

### **RELATED LINKS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

#### **Information**

[Occupational Health and Safety Act](#)

[Freedom of Information and Protection of Privacy Act](#)

[Alberta Human Rights Act](#)

#### **Related Policies**

[Disability Management/Health Recovery Support Policy](#)

[Discrimination Harassment and Duty to Accommodate Policy](#)

[Employee and Family Assistance \(EFAP\) Policy](#)

[Environment, Health and Safety Policy](#)

[Helping Individuals at Risk Policy](#)

[Hospitality, Working Sessions/Committee Meetings and University Employee Functions Procedure](#)

[Alcohol Policy](#)

[Ethical Conduct and Safe Disclosure Policy](#)

### **PUBLISHED PROCEDURES OF THIS POLICY**

[Managing Impairment in Safety-Sensitive Positions Procedure](#)

[Workplace Impairment Disclosure and Reporting Procedure](#)

[Drug Testing Procedure](#)