

Impairment in the workplace

OHS information for workers and employers

KEY INFORMATION

- Impairment can be caused by a number of factors, many of which cannot be identified via testing.
- If impairment is a possible work site hazard, it must be controlled.
- Worker impairment (regardless of the cause) could create a work site health and safety hazard.

The *Occupational Health and Safety (OHS) Act*, addresses obligations for work site parties, including workers, supervisors, and employers. While current legislation does not address impairment specifically, if impairment is identified as a hazard or creates an unsafe work situation; the employer, supervisor, workers and other work site parties have the obligation to ensure that it does not adversely affect health and safety on a work site.

Employers should clarify responsibilities and implement policies and procedures to address impairment in the workplace to protect the health and safety of workers.

Worker impairment can result from any physical or psychological condition that affects the worker's ability to safely perform assigned work, and creates a risk to the worker or others.

Impairment may be caused by a number of factors including, but not limited to:

Medical conditions such as seizures or unexplained unconsciousness may contribute to impairment.

Prescription or non-prescription drugs including cold medication or pain relievers. The College of Physicians and Surgeons of Alberta (CPSA) has published guidance materials for physicians and patients to consider workplace safety for workers taking opioids, cannabis or other medications that impact work ability. You may find more information in the following links: cpsa.ca/your-practice/prescribing-resources-tools/

cpsa.ca/wp-content/uploads/2017/08/opiod-safety_acute_pain.pdf

cpsa.ca/wp-content/uploads/2018/05/AP_Cannabis_Medical-Purposes.pdf

Recreational cannabis is a topic employers can develop workplace policies to ensure workers understand their expectations around consumption. More information may found in the following links:

alberta.ca/cannabis-legalization.aspx

ccohs.ca/products/publications/cannabis/?url=/products/publications/cannabis/

Fatigue is described by the Canadian Centre for Occupational Health and Safety (CCOHS) as a state of feeling very tired, weary or sleepy resulting from both mental and physical factors. ccohs.ca/oshanswers/psychosocial/fatigue.html

Mental health concerns, including; depression or anxiety.

Temporary, situational stressors such as grief or financial problems may contribute to impairment.

Note: Examples do not represent all scenarios that cause impairment.

Strategies to prevent workplace injuries and illnesses arising from impairment include hazard identification, and training, to increase awareness, risks of impairment and rights and duties.

Health and safety committees and representatives are instrumental in helping the employer develop their work site policies and procedures for impairment and can help create a culture of prevention in the workplace.

Hazard: Impairment in the workplace

If impairment is identified as a hazard at the work site, regardless of the cause, the employer must address the hazard and implement controls.

Employers may encourage workers to disclose known impairment that may affect workplace health and safety without needing to disclose the cause of the impairment. The risk of injury or illness increases when the hazard is not identified and/or not controlled.

Recognizing Impairment

Impairment, regardless of the cause, may be unique for every situation and for each individual. There are some common indicators that the worker and employer may use in hazard assessment.

Physical changes in health, altered demeanor, slurred speech, or deterioration in hygiene may be signs of impairment.

Psychosocial impact may present with changes in an ability to focus on tasks, forgetfulness, inappropriate behaviors, or mood fluctuations.

Workplace impacts may present in scenarios such as; increased absence, errors in judgement, change or deterioration in performance, or other significant changes in the quality of work.

Supervisors should be educated, trained and understand how to recognize impairment.

Workers should be aware of impairment risks in the workplace and disclose known hazards to themselves and others.

These examples do not represent all indicators of impairment. The CCOHS provides more information around signs and symptoms of impairment at:
http://www.ccohs.ca/products/publications/cannabis_whitepaper.pdf.

Controls: What can employers do?

Employers need to assess impairment-related hazards and put appropriate controls in place for their workplace. This should include working with the health and safety committee, health and safety representatives and/or workers.

Employers may address impairment by:

- Hazard identification and assessment.
- Identify controls to prevent impairment in the workplace.
- Develop safe work procedures;
- Report incidents.
- Investigation and documentation of incidents.
- Worker support.

Responding to Impairment

Responding to situations when there is a risk of impairment should be done fairly and without judgement. If there is a crisis or medical emergency, ensure that emergency services are contacted immediately.

Supervisors and employers may create a culture of safety by adhering to policy and helping workers to seek assistance if necessary. Employers should develop a clear policy of what is considered impairment in the workplace, how impairment will be investigated or responded to and then provide training and education to workers. Behaviors should be discussed privately, and conversations between the supervisor or employer and worker should be clear about the intention of the safety of the worker and others.

The CCOHS Workplace Strategies: Risk of Impairment from Cannabis, includes strategies for employers and supervisors to identify and address impairment related to impairment in the workplace.
ccohs.ca/products/publications/cannabis_whitepaper.pdf

In the event that an employer or supervisor is aware of an unsafe situation involving suspected impairment (e.g. through reported or observed behaviour), steps should be taken to address the situation and control the hazard. This could include employers and supervisors not assigning a worker to activities or not allowing the worker to continue to perform work, where reported or observed impairment may create a hazard to the worker or any other persons.

Employers should consider reviewing and updating existing policies that address substance use, alcohol use, fatigue management, or work accommodation processes. Policies may need to be updated to focus on impairment as a hazard.

Employers should develop workplace policies around a fitness-to-work approach that clearly communicates responsibilities and expectations of employers, supervisors, workers, and other work site parties to address impairment as a workplace hazard.

The Occupational and Environmental Medical Association of Canada (OEMAC) has published a position statement on the implications of cannabis use for safety-sensitive work. Workers are advised not to operate motor, equipment, or engage in other safety-sensitive tasks for 24 hours or longer if necessary following cannabis consumption. You may refer to this at: oemac.org/wp-content/uploads/2018/09/Position-Statement-on-the-Implications-of-cannabis-use.pdf

A sample policy template is available, that outlines workplace impairment prevention procedures, including hazard identification. Refer to the link below:
ohs-pubstore.labour.alberta.ca/bp033tmp

Implement accommodation practices and include strategies for a healthy, safe and supportive work environment. Refer to the Human Rights Commission link:
albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/sheets/hr_and_employment/Pages/duty_to_accommodate.aspx

Controls: What can workers do?

Workers need to understand their assigned job duties and understand the effect of impairment and impaired behaviors on their safety and the safety of others.

Workers have an obligation to perform work safely. They must not perform work when there is a risk of impairment that may affect the health and safety of the worker or any other person.

Co-operation with the employer is expected by reporting known impairment that may affect the worker's ability to safely perform assigned work,

or if there is concern about safety at the workplace. The worker does not have to disclose the cause of the impairment.

Workers must also co-operate with the supervisor and employer, understand policies and participate in training, for the purpose of protecting the health and safety of the worker, and all other workers at the work site.

Policy Development

Policies around impairment in the workplace may already exist within an organization. Policy development should include recognition and response to impairment in the workplace.

Some key factors to consider when developing or revising a workplace policy are:

- Current legislation and laws (OHS, labour and employment law, human rights);
- Privacy and confidentiality;
- Workplace environments and specific job duties;
- Size of the organization; and
- Operations in multiple jurisdictions.

As a best practice policies should contain:

- Purpose and objectives;
- Definition of terms;
- Fitness-to-work approach to impairment – consider safety sensitive duties and alternative temporary work that will allow the worker to continue work, in a safe and healthy manner. A fitness-to-work approach matches the workers current state to duties

which they can complete safely at that time;

- Worker and employer roles and responsibilities;
- Clear identification of who is included or excluded within the policy;
- Disclosure expectations and reporting process, including a mechanism for workers to report impairment in confidence;
- Processes for accommodation, if necessary; and
- Supportive processes for workers (e.g. employee assistance programs).

Workers who are reporting health and safety concerns are protected under the *OHS Act*, from discriminatory action (section 35). This does not include any reasonable conduct of an employer or supervisor related to the normal management of workers or a work site. If the impairment is related to a protected human right, the employer will have other obligations under the *Alberta Human Rights Act*.

Alberta Labour's, impairment policy template is a tool to help employers develop or revise their existing policy around workplace impairment.

Testing for Impairment

Alberta's current legislation does not address testing for impairment. Employers who choose to test workers in identified work positions where safety is a concern should seek legal advice on issues of human rights, labour and employment law, privacy, and occupational health and safety before implementing a testing program.

Contact Us

OHS Contact Centre

Edmonton & Surrounding area

- 780-415-8690

Throughout Alberta

- 1-866-415-8690

Deaf or hearing impaired:

- 780-427-9999 (Edmonton)
- 1-800-232-7215 (Alberta)

PSI Online Reporting Service

alberta.ca/report-potentially-serious-incidents.aspx

Website

alberta.ca/occupational-health-safety.aspx

Get Copies of OHS Act, Regulations and Code

Alberta Queen's Printer

qp.gov.ab.ca

Occupational Health and Safety

alberta.ca/ohs-act-regulation-code.aspx

FOR MORE INFORMATION

Alberta Government: Cannabis legalization in Alberta

alberta.ca/cannabis-legalization.aspx

Alberta Government: Impairment policy and procedures template

ohs-pubstore.labour.alberta.ca/bp033tmp

Alberta Government: Occupational Health and Safety (OHS)

alberta.ca/occupational-health-safety.aspx

Government of Canada

canada.ca/en/employment-social-development/services/health-safety/cannabis-workplace.html?_ga=2.123637643.1244068658.1537375512-16883169.1537375512

Occupational and Environmental Medical Association of Canada (OEMAC): Position statement on the implications of cannabis use for safety-sensitive work

oemac.org/wp-content/uploads/2018/09/Position-Statement-on-the-Implications-of-cannabis-use.pdf

The Canadian Centre for Occupational Health and Safety (CCOHS): Workplace strategies: Risk of impairment from cannabis

ccohs.ca/products/publications/cannabis_whitepaper.pdf

The Canadian Centre for Occupational Health and Safety (CCOHS): Impairment at work

ccohs.ca/oshanswers/hsprograms/impairment.html

© 2018 Government of Alberta

This material is for information only. The information provided in this material is solely for the user's information and convenience and, while thought to be accurate and functional, it is provided without warranty of any kind. The Crown, its agents, employees or contractors will not be liable to you for any damages, direct or indirect, arising out of your use of the information contained in this material. If in doubt with respect to any information contained within this material, or for confirmation of legal requirements, please refer to the current edition of the *Occupational Health and Safety Act*, Regulation and Code or other applicable legislation. Further, if there is any inconsistency or conflict between any of the information contained in this material and the applicable legislative requirement, the legislative requirement shall prevail. This material is current to October 2018. The law is constantly changing with new legislation, amendments to existing legislation, and decisions from the courts. It is important that you keep yourself informed of the current law. This material may be used, reproduced, stored or transmitted for non-commercial purposes. The source of this material must be acknowledged when publishing or issuing it to others. This material is not to be used, reproduced, stored or transmitted for commercial purposes without written permission from the Government of Alberta.