

Workplace Alcohol and Drug Resource Package

**Practical Advice and Tools for Dealing with Alcohol,
Drugs and Other Causes of Poor Worker Performance**



BC Forest Safety

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1) Introduction

Tim had been a foreman with Salmon Logging for 10 years now and he often said that there was no problem that he couldn't fix. Until now. Over the last few years, Bob had become one of the best and most dependable drivers in the fleet. Cheerful, never late and always with a good idea for making things a bit safer or more efficient. Lately though, something was wrong with Bob. Tim chalked it up to problems at home but with the repeated missed days and fights with the loaderman, there had to be something more. A few of the other truckers had made some jokes about booze and drugs. Tim started to think that there may be something to it and now he had to find out what was going on....

This tool has been developed to help employers in the forest industry create and implement an effective program to deal with alcohol and drug issues in their workplace. Many of us recognize the potential for serious safety incidents that can result from the abuse of alcohol and other drugs, but there is uncertainty on what the next step is in developing policies and procedures to deal with the problem.

This package will provide the background information and planning tools needed to take that next step in developing a successful program. Links to additional resources will be provided for those requiring more detailed information on specific topics.

Managing worker performance is part of running any business and is a critical component of a good workplace drug and alcohol program. By focusing on strategies aimed to improve a worker's poor performance, you avoid having to diagnose what the worker's problems might be. This will allow you to avoid legal pitfalls and still effectively deal with a worker who has personal challenges that are affecting their work. Leave the diagnosis work up to trained Substance Abuse Professionals, who are discussed later on in the package.

Caution

This resource package acts as a starting point for the development of an alcohol and drug policy and implementation program. There are considerable legal and human rights issues concerning alcohol and drug testing and the discipline process that may result from these tests. In some cases, legal counsel should be consulted before proceeding with any actions resulting from implementing a policy. The following information is presented as an example of current, good practices in the industry and the reader is strongly encouraged to keep current on recent developments in this field and update their programs appropriately.

Check the Resources section for information and links to help keep your program up to date.

2) Background Information

Tim jumped into the cab of the Bob's truck for the first trip back to the mill. He had a quick look around while Bob threw his wrappers. The cab was a mess and he noticed the bottle of prescription pain medication was close at hand. On the trip to town, they talked about cycle times, hunting and old timer hockey until Tim got around to bringing up the recent problems. Bob brushed him off, making excuses about mechanical breakdowns and problems with a slipped disc in his back. Bob was doing just fine at the moment but Tim suspected he had a problem with both alcohol and the painkillers he was taking. What to do next?



Section 116 (2)(d) of the Workers Compensation Act and sections 4.19 and 4.20 of the Occupational Health and Safety Regulation deal specifically with impairment and make special mention that workers and employers need to consider the effects of alcohol, drugs (prescription and non-prescription) and fatigue as potential sources of impairment. See the Resources section for a link to this part of the regulation.

It is important to recognize that anyone who is impaired on the worksite is a hazard and that hazard must be dealt with as soon as possible. Take reports of impairment on the job seriously and investigate right away so the proper steps can be taken to fix the issue.

There are many substances that are abused and may be encountered in the workplace: alcohol, marijuana, crystal meth, cocaine, heroin, ecstasy and prescription drugs to name a few. A 2002 survey conducted by the Alberta Alcohol and Drug Abuse Commission indicated that 11% of workers reported using alcohol at work and 1% reported using drugs at work (primarily marijuana). The forest industry was described as a high risk industry for worker reporting substance use at work, multiple substance abuses or gambling issues. In fact, 14% of forestry workers reported seeing illicit drugs used in the workplace and 24% said they were available nearby. Young males age 18 to 24 were reported as the most at risk group for substance abuse.

Workers probably have ways of hiding the indicators of the use of alcohol or drugs at work; however owners and supervisors can keep an eye out for the following:

- Unexplained absences
- Involvement in safety incidents at work and at home
- Reduced productivity
- Overreaction to criticism
- Physical signs: exhaustion or hyperactivity, dilated pupils, slurred speech, and lack of coordination.
- Marijuana use may cause bloodshot or glassy eyes.

- Cocaine use may cause high energy and enthusiasm but eventually leads to extreme mood swings and paranoia.

Remember, the focus should be on managing employee performance, addressing declining performance, and ensuring the worker is fit to do their job. Do not diagnose whether they have an alcohol or drug dependency.

Even over the counter and prescription drugs that are taken appropriately and under the direction of a physician may cause side effects that can lead to incidents. Consider the cold medication that workers may take. Will that medication make them drowsy? Will they fall asleep



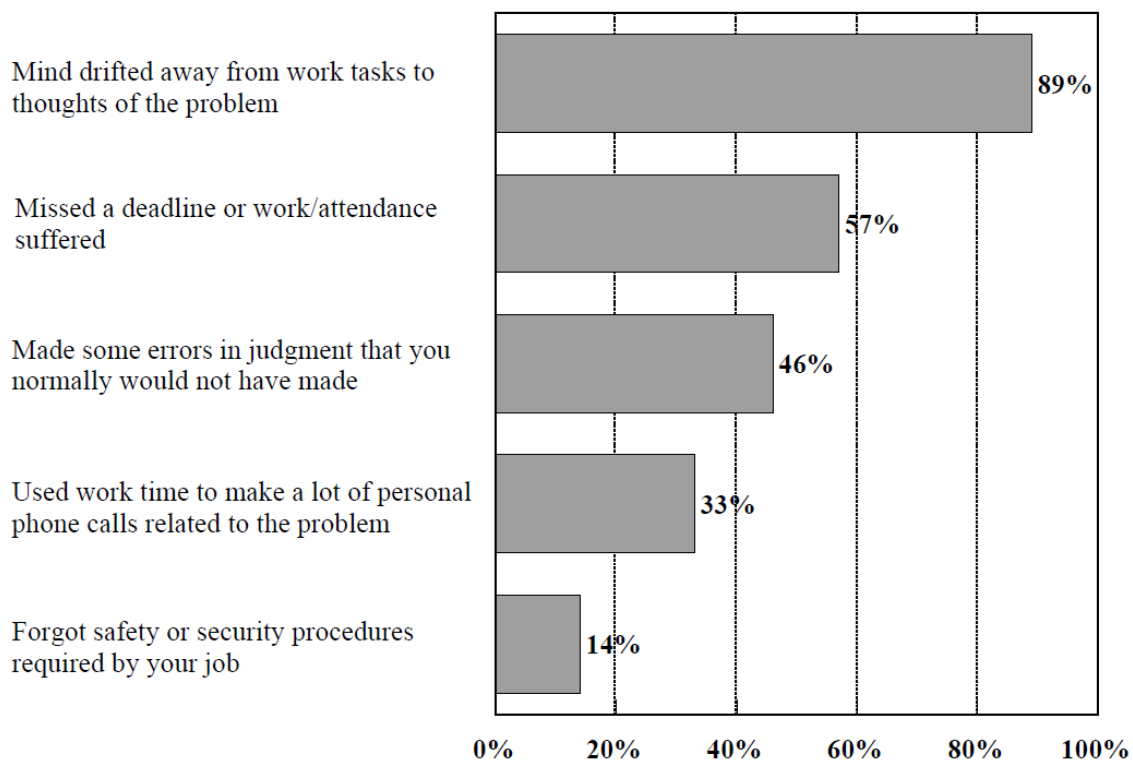
at the wheel or controls? It is the responsibility of the worker to talk with their doctor or pharmacist and determine if they can safely use the prescription drug at their workplace. Workers are not required to inform their employers about any medical conditions or medications that they are taking. However, employees should let workplace first aid attendants know of any relevant medical conditions or use of prescription medication. This will help first aiders perform their jobs more effectively in an emergency. However, the worker's privacy must also be protected, so only relevant medical information should be communicated.

It is important to realize that alcohol and drugs are not the only cause of impairment on the job. Fatigue, stress, and emotions can also cause lapses in judgement or a decrease in job performance. Long hours of work, shift work and the related fatigue are common in the forest industry. Studies on fatigue have shown that it causes a decrease in performance that is similar to being under the influence of alcohol. In the Resources section is a useful bulletin about Fatigue and Workplace Safety.



Strong emotions and highly stressful personal situations create distractions for a worker that can often lead to incidents. A 2005 study asked workers if they had a family member who abused drugs or alcohol. The next question was if this family member's substance abuse affected them at work. To be clear, the study looked at the effect on the sober worker, not the substance abuser. The study found that 42% of people were distracted at work by the problem and were less productive. The following graph shows the types of mistakes or mental lapses that can be caused by workers preoccupied with family or personal issues.

**Work Impairment of U.S. Employed Adults
with Family Substance Abuse or Addiction Problems, 2005**



NOTE: Data are based on a telephone survey conducted in January 2005 by Ipsos-Worldwide of a sample of 1,190 employed adults from across the U.S. The margin of error is $\pm 2.8\%$.

SOURCE: Adapted by CESAR from Hazelden Foundation, *Hazelden Foundation's 2005 "Making Recovery America's Business" Survey Data Tables*, 2005. Available online at <http://www.hazelden.org>.

This graph makes two important points:

- a) Personal problems and stress can lead to serious mental lapses or slips at work.
- b) Alcohol and drug abuse affects more than just the user. It negatively affects friends, family members and co-workers in all aspects of their lives, including productivity and safety at work.

3) Alcohol and Drug Policies

Tim knew that the company had an Alcohol and Drug Policy as part of their safety program. All the workers and supervisors reviewed it every year as part of their safety indoctrination. Reading through the policy gave Tim some ideas on how to take the next steps to get help for his driver. But first he needed to call the owner of Salmon Logging to keep him up to date on his plans.



Companies should have formal, written policies that deal with alcohol and drug issues in their workplaces. These policies provide a basis for the education, treatment and discipline of the employees. The policy should be clearly written and expectations contained in it should be easily understood by the employees. Here are some guidelines that will help you create your own policy:

Consider your current policies and practices, the alcohol and drug policy should work well with your current system.

Consider what is stated in occupational health and safety regulations, collective agreements, and recent legal decisions. Look at the best practices in other industries.

Think about past problems or incidents and build a policy that addresses any gaps in your system.

Use the policy to set out the overall objectives of the program.

Every company's policy will be different; however they should include four "key" components:

- i) Awareness and education programs, both at "roll out" and ongoing;
- ii) The types of assistance that are available to employees, through an Employee Assistance Program or community resources.
- iii) Training for supervisors on their role under the policy. The training should include worker performance management for early identification of potential problems and appropriate steps to take to investigate a possible policy violation.
- iv) Tools to investigate a violation of the policy and how to access formal assessment services provided through a Substance Abuse Professional when needed. For example, if the employee needs to be assessed after a violation to determine if there is a need for treatment and accommodation

The policy statement itself should:

- be written down and broadly communicated to all employees;
- provide clear direction on who is covered and under what circumstances;
- outline the applicable rules and responsibilities, including any higher standards for safety-sensitive positions;
- clarify the ways employees can access help, reinforce the importance of obtaining assistance for a problem before it impacts the workplace, and outline conditions for return to work;
- set out the procedures which will be followed to investigate a possible policy violation, (e.g. investigation and escort procedures if someone is unfit for work, accident investigation, impaired driving situations, searches, alcohol and drug testing); and
- set out consequences for a policy violation and any conditions for continued employment, including provisions for a Substance Abuse Professional assessment to determine whether the individual has a problem in need of accommodation.

Many policies include the statement “Using alcohol or illegal drugs on the worksite or while working will result in termination.” This strong statement is useful as it sends a clear message to all employees about what is expected of them.

If the company hosts events where alcohol is served, proper controls should be identified in the policy or in other procedures to minimize the risks associated with these types of events.

Several terms used in this policy statement like Substance Abuse Professional and Safety Sensitive Positions will be explained in more detail later on in this information package.

4) Safety Sensitive Positions

Bob’s job as a truck driver had been identified as a safety sensitive position in their safety program. This was because of the operation of a large, heavily loaded truck on roads where they often met vehicles operated by the public. There was lots of potential for serious incidents on the roads and it made sense to classify this as a safety sensitive position. The safety manual stated alcohol and drug use while working in these positions was not allowed.

Many companies have identified those jobs within their organization where it is critical that the employee is able to perform at a high level and any impairment has the potential to cause a significant incident. In the forestry industry, there are many positions that fall into this Safety Sensitive category.

Here are some possible examples:

- Operating vehicles and equipment
- Working around vehicles and equipment
- Powersaw work (Falling, bucking, or brushing)



Identifying and documenting the Safety Sensitive positions in your company will help you focus your safety program by identifying high risk activities. This will also ensure all employees who hold those jobs know what higher standards they are expected to meet when it comes to alcohol and drug use and fitness for work.

Have a look in the Resources Section for more information and definitions of Safety Sensitive Positions.

5) Union vs. Non-Union Employees

While there is no fundamental difference between union and non-union workers in terms of the applicable laws in the area of employment and substance abuse, as a practical matter union workers and non-union workers are treated somewhat differently.

Human rights legislation protects people who are suffering from a disability of addiction from discrimination. However, many users are ‘casual users’ not suffering from a disability. Thus, “unless a non-unionized employee can show that they are suffering from a disability, the protection of human rights legislation does not apply.”ⁱ

Unlike non-union workers, unions workers may seek recourse through their union if they are challenging their treatment under the policy. “The union would be arguing that the employer’s actions are contrary to the terms of the collective agreement, human rights legislation and/or arbitral precedence.”ⁱⁱ While a collective agreement may afford unionized workers somewhat greater protection, human rights laws apply equally to both unionized and non-unionized workers.

6) Education

Tim thought back to the last time they had discussed drinking or drugs at a safety meeting. To be honest, it had been almost a year ago at their annual safety refresher training. That session had only been about 5 minutes long and not very interesting. No wonder I can’t remember any of this, thought Tim, we should talk about it more with the crew.

Education should be a large part of any successful workplace program. Employers, supervisors and workers must be trained to understand their different roles and responsibilities within the program. Training should be done at least annually on this topic.

Training opportunities can include:

- New employee orientations
- Monthly safety meetings
- Tailgate safety meetings
- As part of worker safety inspections
- Have information handy when the topic comes up in conversation



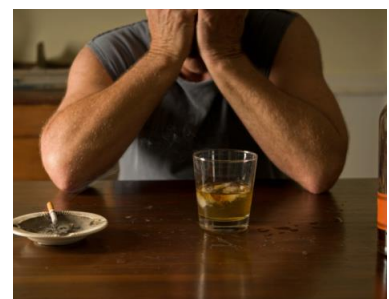
The employee training should focus on a general awareness of the program and resources that are available to help someone who has a current alcohol or drug problem or is developing one. The supervisor training needs to be more comprehensive and cover:

- performance management procedures and what to do if someone's performance is off;
- what steps to take if a worker requests help for an alcohol or drug problem, or suggests / claims they have a problem;
- how to conduct an investigation if a worker appears unfit for work;
- if the policy allows for testing, the procedures to follow in making decisions on reasonable cause and post incident testing; and
- what to do if they have grounds to believe a banned substance or product is on site.

To help with this training, this information package contains 3 condensed and user-friendly guides targeted at owners, supervisors and workers. These guides are found in the Tools section of this information package and are there to assist you in carrying out this training.

7) Prevention

As Tim started to think more about Bob's problem, he felt stupid. He had seen the warning signs and his crew had tried to let him know without ratting out Bob. The off handed comments and jokes from the loaderman, Bob's family problems at home, not making it to the block on time, the weak excuses and strange behaviour were all signs that Bob was sliding and needed help.



A good education plan should be the start of an overall goal to prevent alcohol and drug problems within your company. Here are some additional prevention tips to consider:

- Assess your workplace to identify those jobs that are boring and repetitive or physically/mentally demanding and stressful. Workers in these types of jobs may turn to drugs and alcohol to cope with stress or make it through a boring work day.
- Assess your workers. Identify the workers that may be at high risk for substance abuse (like young, male workers).

- Get to know the people in your workplace. By knowing them on a personal level, you will be better able to judge when they are not themselves and are stressed, tired or sick. By supporting them when they are in these risky personal conditions, it reduces the chance that they will turn to drugs or alcohol as a coping strategy.
- Identify and implement alternatives to those workers who may be struggling to cope with a demanding job. Alternative work activities or some additional training or mentoring may be all that is needed for the worker to reduce the stress. Promote healthy activities outside of work; promote good diet and exercise as ways to reduce stress.
- Integrate alcohol and drug policies and procedures into your Health and Safety Program. By treating the substance abuse issue the same as other safety concerns, it will be less intimidating to employees and easier to accept.
- Communicate with the workers about the program regularly. Open communication amongst the workforce will help the program become part of the work culture rather than a tool that is brought out only when there is a problem. Alcohol and drug dependency is often a secret and the workers affected often wait a long time before they seek help because they are in denial of having a problem. Equally important, co-workers, supervisors and even family members may “enable” the worker’s problem by not holding them accountable for their actions. Open communication around the issue can help overcome these issues.

8) Employee Help

Tim decided that it was best to talk to Bob about what was going on. He had documented the specific concerns about Bob’s poor job performance and he had enough information to act. He set up a meeting and began outlining his specific concerns. At first, Bob was very angry and defensive but Tim stayed calm and eventually Bob admitted that he could use help for an alcohol and drug problem. Tim assured him that he had a job waiting for him when things got straightened out, but that the first step would be to have Bob meet with a professional who could help.

Where do you send an employee that is experiencing difficulties with alcohol or other drugs?

In the scenario above, the company should hire a professional organization that can undertake a formal assessment and conduct testing to determine the nature of Bob’s problem and advise on the appropriate treatment or education program. This is referred to as a Substance Abuse Professional (SAP) or Expert assessment. The Substance Abuse Professional will also advise on appropriate aftercare provisions, which can include unannounced testing, regular counselling sessions, Alcoholics or Narcotics Anonymous or other options which would become part of a return to duty agreement with the employee. It is a good idea to check with any SAP that you use to make sure that they are willing and able to write up a return to work agreement that is given to both the employee and the employer. Allowing the employee to go on their own to a family doctor or counselling service will not adequately address the safety issue. A company representative, Tim, now has knowledge of a potential safety risk, and the company must follow through to ensure it is properly addressed.

In another scenario, it may be that Bob does not say anything about an alcohol or drug problem. In this case, Tim must stick to his plan to discuss how Bob can improve his job performance, establish a timeframe for the inspection and review of Bob's work, and should follow up with a further meeting to either reinforce the positive change, or take a step towards discipline if nothing has changed. Through this process, Bob should be reminded that if he has a personal problem preventing him from meeting these performance goals, he can access help through the company Employee Assistance Program (if there is one), his doctor or community services. **At no time should Bob's supervisor suggest he has an alcohol or drug problem. This is against human rights laws in Canada and would get the employer in trouble. Always stick to performance and don't diagnose.**

There are many options out there to get help with substance abuse. Here are a few to consider:

- BC Ministry of Health - Alcohol & Drug Information & Referral Service at **1-800-663-1441**. This service provides information and referral services for people across B.C. needing help with any kind of substance abuse. Includes information and referral to education, prevention and treatment services and regulatory agencies.
- Employee and Family Assistance Programs (EFAP)
- Counselling Programs like Alcoholics Anonymous or Narcotics Anonymous
- Family doctors
- Addiction Rehabilitation Clinics



Don't overlook the support that you can provide as an employer. Respect the worker's privacy but maintain communication if possible throughout the rehabilitation process. Talking about work and your plans for the employee when they return will help keep them in touch with the workplace and allow for an easier transition back.

When an employee does return to work after treatment for an alcohol or drug dependency, there are additional steps to take as the employer or supervisor. The return to work should be planned the same as a return to work from an injury. Consider reduced work days or modified duties until the worker is comfortable again at work. Increased supervision will be necessary to check that they are working safely and remain fit for duty. A meeting should be held with the returning worker to offer continued support but also to outline performance expectations and consequences if those expectations are not met. This meeting also provides an opportunity for the worker to talk about any aspect of their rehabilitation that may affect their work. An example of this may be missing work to attend support group meetings or medical appointments. Normally if an assessment is made by a Substance Abuse Professional, they will also provide guidance on a return to work agreement or plan that will support the worker's ongoing recovery.

It is important to document any job performance issues that occur with employees. During reviews of their work, employees will be more accepting of the information if it is factual and not seen as a supervisor's opinion. It is good to document both positive and negative performance. As a supervisor one of your best tools to make changes will be to focus on the positive performance of your workers, rather than the negative. For example: if a worker shows up alert, positive and energetic each day; make sure to talk to them about it and reward the good attitude.

9) Investigations

Investigations into poor employee performance may be necessary under certain circumstances such as: a worker arriving at work unfit to do their job, suspected possession of a banned substance or impaired driving. This section will provide some guidance on how to handle these types of investigations. Supervisors need clear direction, procedures and support in place to help them investigate the following situations. The supervisor must document all the steps taken in the investigation.

Unfit for Work Situations

If an employee shows up at work and is clearly unfit for work, supervisors should have procedures to follow to investigate the situation. It is useful to have a checklist developed to guide the supervisor doing this "fit for work assessment". It is your responsibility as an employer to make sure the unfit worker does not perform any work and that they get home safely. Since driving home themselves is not an option, the best decision is to deliver them home yourself. Another employee can do this job but as an employer or supervisor, you want to make sure that they get home and don't try to drive while in an unfit state. You should consider that workers in these situations may become angry and may be a hazard to you. You may want to bring someone else along. In addition, if the suspected reason the worker is unfit is due to the use of alcohol or other drugs, you may further investigate by arranging for an alcohol and drug test (reasonable cause) before escorting the person home. If you can't arrange for a test of an employee who is impaired, the supervisor still needs to investigate the cause of the impairment and the employee can't go back to work until the cause of the impairment is explained and fixed.

Possession of Banned Substances or Products

If your policy prohibits possession of alcohol, illicit drugs and drug paraphernalia, you should ensure you have procedures for investigations and that your supervisors know who to contact (usually the owner of the company) if they have grounds to believe a banned substance or item is on a worksite. Your policy should have wording about searches including that company property can be searched at any time for banned substances or products. The policy can also include wording regarding when searches of personal property are allowed. Personal property such as



vehicles, backpacks and lunch kits can be searched if this is stated clearly in the policy and employees are well trained on the policy and understand that these types of searches can be done. Searches should not be conducted by the supervisor alone and consultation with the police may be required. If larger amounts of illegal products are suspected, request that the police attend with a search warrant

Impaired Driving

If you have workers operating company vehicles on public roads, you should have clear rules around maintaining a valid license. If they are charged with an impaired driving offence under the Criminal Code or lose their license for an administrative sanction when operating a company vehicle, there should be clear direction in the policy regarding who they report the situation to so that an appropriate investigation can take place.

10) Alcohol and Drug Testing

Tim's boss called him the next week and said that he wanted to have all the workers drug tested right away! Tim said that he didn't think it was as simple as that, but he would look into it and get back to him. Their safety program had nothing in it about drug testing and Tim suspected that there were legal issues that he needed to find out about before testing.

A lot of material has been written on alcohol and drug testing in the workplace, and this section will provide a brief summary. Check the Resources section for further reading on testing.

There is currently no Canadian legislation that deals with workplace alcohol and drug testing. Human rights panels, courts and arbitrators have allowed for testing in specific situations, but all of the rulings have their own distinct nuances. Any complaints from workers who object to testing, or who are dismissed as a result of a positive test, would be dealt with under human rights legislation if there is an issue of discrimination on the basis of a disability, or possibly through the grievance process for those represented by a union.



This information package cannot cover all the legal rulings and considerations on when testing can or should be used as an investigation tool and for deterrence/compliance purposes as part of a broader policy. ⁱⁱⁱ Canadian companies have introduced testing in a range of situations, which include:

- as part of an investigation in an unfit for duty (reasonable cause) situation;
- as part of an investigation into a serious accident/incident situation;
- as part of a monitoring program after treatment to support continued recovery as recommended by a Substance Abuse Professional,

- as a condition of return to duty after a policy violation and on an on-going follow-up basis (unannounced);
- as a condition of qualification for a safety sensitive (higher risk) position for external and internal candidates, and
- on a random basis in safety-sensitive positions which has been allowed in certain rulings.

For union workers, arbitration rulings have suggested that testing with reasonable cause or as part of an incident investigation must be limited to safety-sensitive positions. This same limitation doesn't exist for non-union workers. They can be subject to testing as part of an incident investigation or with reasonable cause when they are not in safety sensitive positions.

Testing can be done as part of the hiring process but must be limited to hiring for safety sensitive positions. The testing of the applicants must be a final condition of the qualification process for that position; it should not be used at the start of the hiring process.

Random testing involves randomly selecting employees to undergo testing without any reason to suspect alcohol or drug use. Random drug testing has been rejected at arbitration hearings as upsetting the appropriate balance between the employer's desire for safety and the employee's need for privacy. The Supreme Court has ruled that to introduce random testing in a union workplace, the company must have evidence of a problem in the workplace in order to justify a random testing program. (Irving Pulp and Paper Ltd, June 2013) However, certain rulings have allowed random drug testing for safety sensitive positions. Also, random testing is allowed for truck and bus drivers who are federally regulated. If your drivers follow the hours of service requirements that means they are federally regulated. For more information on truck drivers and random testing, check the FAQ section.

Companies considering adding testing under their policy must determine what circumstances for testing would best meet their particular needs and be prepared to justify that decision. They should also understand that one constant in all of the arbitration, human rights, and court rulings is the need to meet high standards for sample collection, laboratory analysis and medical review of results – these high standards cannot be compromised. What is also expected is that an employee who tests positive and has a diagnosed dependency must be accommodated to the point of undue hardship. Employer policies must provide for that critical assessment step – this is normally through a Substance Abuse Professional assessment.^{iv}

As a result of the U.S. Department of Transportation's (DOT) 1995/6 regulations requiring testing of all Canadian cross border truck and bus drivers, and the increasing demand for testing services across the country, an infrastructure has been established to easily support the introduction of testing programs. Companies exploring the option of including testing under their policy can be assured of reliable and accurate results, provided they use qualified and experienced service providers. As in any field, there are also many unqualified providers offering quick and cheap solutions for testing, so companies must be knowledgeable about the qualifications they expect.

The Canadian infrastructure that has developed includes:

- a comprehensive network of trained and experienced collection services across the country;
- certification of Canadian laboratories by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA) to enable them to provide fully accurate testing services for Canadian companies;
- establishment of a network of Canadian occupational health physicians certified as Medical Review Officers - an essential part of any workplace testing program; and
- the presence of a number of experienced Third-Party Administrators (TPAs) who can provide guidance and a “turn-key” program for all services.



Any company that determines testing is part of their policy must ensure they are using qualified providers for all steps of the process. This is the only way you can ensure the quality control of their testing process and thus it's defensibility in any situation a program or a result is challenged. These standards have been upheld and/or accepted within the Canadian legal system.

A certified testing company will have a Medical Review Officer (MRO) who is a physician who will look at all positive test results and phone the person who was tested to see if there was a acceptable reason for the positive test. For example, someone following their doctor's orders and prescription for pain control medication may test positive but there is a good, acceptable reason for that and the issue shouldn't go any further.

11) Consequences of a Violation

Tim knew that their safety program prohibited log truck drivers from showing up for work under the influence of alcohol or other drugs. He didn't want to discipline Bob and he didn't think that he was going to have to. Bob had agreed that he needed some help and was going through the company's assessment process. However, Tim knew that he should plan for the worst and pulled out his journal and started to document everything that had gone on so far with Bob.

Here is an example of how companies can set out consequences for a violation:

Any violation of the provisions of this Policy by an employee will result in discipline up to and including termination of employment as determined in accordance with the principles of just cause. In all situations, an investigation will be conducted to verify that a Policy violation has occurred. The appropriate discipline in a particular case depends on the nature of the violation and the circumstances surrounding the situation; the severity of the violation will warrant entering the discipline process at different levels.

After any confirmed violation, the employee may be referred for a SAP assessment to determine whether there is a need for a structured treatment program.

Should the individual's employment be continued after a violation, the employee may be required to enter into an agreement governing their continued employment which will set out a series of conditions appropriate to the situation.

There are two important ideas related to this policy that need to be explained: duty to accommodate and just cause.

Addictions are looked at as medical conditions or disabilities and it is legally not acceptable to fire a worker based on a medical condition. This is often referred to as "Duty to Accommodate" and the legislation that enables it is the Canadian Human Rights Act.

Casual drug or alcohol use is not protected under human rights law and there is no Duty to Accommodate such use. A helpful FAQ sheet from the BC Human Rights Clinic on Duty to Accommodate and Drug and Alcohol Testing is located in the Resources section. This is why workers with a possible dependency must be referred to a Substance Abuse Professional for assessment to determine if there is a diagnosed alcohol or drug dependency. If there is, the SAP will recommend appropriate treatment, and then make recommendations on a return to work agreement.



Just cause can be defined as a reasonable or lawful ground for action. There are two questions that are helpful to answer when trying to determine if there was "just cause". First, can the employer prove that a violation occurred? Second, does the seriousness of the violation match the level of discipline used?

12) Frequently Asked Questions

A) What about medications, should they be included in an alcohol and drug policy and program?

Definitely include direction on prescribed and over the counter medications; they can negatively impact someone's performance at work even if they are used as directed by the doctor. Also, there are over-the-counter drugs that cause drowsiness and impact abilities. It is important that workers are aware of the effects of these drugs so they should discuss with their doctor and pharmacist if they are appropriate to take at work or not. The doctor can advise on how the medication will impact their abilities at work. This may result in the need for modified duties.



B) I've heard a lot about fatigue, is it a form of impairment and should it be included in my program?

Fatigue can certainly impair workers; being sleepy at work is comparable to being impaired by alcohol. In the forest industry, shift work and long shifts at work are quite common and fatigue is a risky

condition experienced by almost every worker. Include information and procedures on fatigue in your safety program; it can be separated from the drug and alcohol information. Supervisors who are investigating a situation where someone appears to be unfit on the job need to recognize there are a range of reasons for that condition and not jump to the conclusion it must be due to the use of alcohol or other drugs.

C) What is "Duty to Accommodate" and how does it apply to my operation?

Duty to Accommodate refers to the employer's duty to accommodate an employee that has a mental or physical disability or medical problem. In other words, you cannot discriminate or fire based on a physical or mental problem that they have. Substance dependency is viewed as disability under human rights law, so an employer must accommodate that employee by trying to get them help to deal with their problem. However, a company's duty to accommodate has its limits and the employee must participate in the process of assessment, treatment and successful recovery.

D) Why are truckers different when it comes to random drug and alcohol testing?

Canadian truck and bus drivers who operate into the United States have been subject to U.S. regulations that require them to be under a policy and testing program – including random testing. A federal human rights tribunal looked at the issue and concluded the safety issues are



the same whether the driver operates into the States or remains in Canada and upheld random testing. As a result of this ruling, the federal Human Rights Commission issued a policy which would allow for alcohol and drug testing of federally regulated bus and truck drivers, including random testing. This reflects the fact that drivers have very independent jobs, don't have a set workplace and are hard to supervise because they are on the move most of the time. They are also on the road interacting with the public so the safe operation of their vehicles is very important.

E) What type of drugs are common out there in the forest industry and how do I recognize an employee that is using them?

Common drugs in the workplace include marijuana, cocaine, crystal meth and other club drugs, as well as the misuse of opiate based products like oxycodone. However, employers and those in the safety industry can often be out of touch with the current drug culture. It is important to watch out for any signs of decreased performance, no matter what the cause.

Some signs that a worker **may** be experiencing problems with drugs include: frequently missing work, poor relationships with co-workers, poor performance, increased incidents, and unexplained behaviour. As an employer or supervisor you may be the last to know about a substance abuse problem, other employees and coworkers can be a good source of information. However, as stressed earlier, employers and their representatives should not be attempting to diagnose an alcohol or drug problem – they must focus on performance and remind the worker where there are counselling services available if they have a personal problem.



F) Is there any difference with implementing an alcohol and drug policy in a unionized environment versus non-unionized?

If you are in a unionized workforce, chances are that there are already rules and procedures around dealing with alcohol and other drugs. If not, appropriate representatives from the union and from the company management can use this resource package as a tool to jointly develop a program. It is important that this type of program is integrated into the overall safety program. Recognize that effective policies covering all of the areas mentioned earlier – including testing under certain situations – have been upheld by arbitrators across the country, who have also ruled that the introduction of these policies is not a collective bargaining issue.

G) If a worker admits that they have a alcohol or drug problem to their supervisor, is it still necessary to go through the testing and assessment process?

Yes, stick to the process that is in your program. Even if the workers admits they have a problem, it is still important to follow the process of testing and meeting with a Substance Abuse Professional. The employee may deny later on that they have a dependency so it is best to get documented proof through a test and SAP assessment.

13) Conclusion

Bob was back on the road, still only working part days but Tim had been riding with him and he liked what he was seeing. Bob was happier, more aware and focused on his driving. Bob needed time off to get his back worked on and to attend AA meetings but Tim was happy to accommodate those small requests in order to get his driver back to work.

In conclusion, follow these steps to build an effective program:

- Take the time to write up a good alcohol and drug policy for your company.
- Educate your workers on this policy and how it works together with your discipline policy.
- Focus on employee performance and not on the possible drug or alcohol problem.
- Ensure your supervisors have proper training for their role in the implementation of the program.

- Let your workers know about the options that are out there to help with substance abuse problems.
- If one of your employees has a problem, work with them to get the help that they need.

14) Resources – Consultants and Links to Additional Information

- Barb Butler Consulting – excellent information on Workplace Alcohol and Drug Issues
www.butlerconsultants.com/barb.html
- Tom Yearwood Consulting Inc. – Alcohol and Drug Policy development consultant
<http://www.denninghealth.ca/about-us/our-team/>
- Canadian Centre on Substance Abuse
<http://www.ccsa.ca/Eng/Pages/default.aspx>
- Canadian Human Rights Commission’s Policy on Alcohol and Drug Testing
http://www.chrc-ccdp.gc.ca/sites/default/files/padt_pdda_eng.pdf
- Fatigue, Extended Work Hours, and Safety in the Workplace
employment.alberta.ca/documents/WHS/WHS-PUB-ERG015.pdf
- BC Human Rights Clinic Frequently Asked Questions on Testing and Duty to Accommodate –
http://www.bchrc.net/drug_and_alcohol_testing
http://www.bchrc.net/duty_to_accommodate
- Workers Compensation Act – Section 116 General duties of workers
www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96492_00
- Occupational Health and Safety Regulation – Sections 4.19 and 4.20 on impairment
www2.worksafebc.com/Publications/OHSRegulation/Part4.asp?ReportID=17994

15) Resources – Testing and Substance Abuse Professionals (SAPs)

- DriverCheck Inc. (Third Party Administration)
Email: drivercheck@drivercheck.ca
Phone: 800-463-4310
Website: www.drivercheck.ca
- CannAmm (Third Party Administration)
Phone: 800-440-0023
Website: www.cannamm.com

- Denning Health Group
Contact: Traci Weaver
Email: tweaver@denninghealth.ca
Phone: 604-572-4558
Website: www.denninghealth.ca/drug-alcohol-testing/industrial-companies
- Gamma Dynacare Medical Labs (certified laboratory)
Contact: Barb Jones
Email: jonesb@gamma-dynacare.com
Phone: 800-265-5946 ext. 1206 or 519-679-1630
Website: www.gamma-dynacare.com
- Integrated Workplace Solutions (Substance Abuse Professional Assessments)
Contact: Paul Gardiner
Email: pgardiner@fseap.com
Phone 888-765-8464 ext. 243 or 416-585-9985 ext. 243
Cellular: 416 570 5280
Website: www.i-workplacesolutions.com
- Human Solutions (Substance Abuse Professional Assessments)
Contact: Lorene Beckett
Email: lbeckett@humansolutions.com
Phone: 604-689-8604
Website: www.homewoodhumansolutions.ca
- Shepell-fgi (Substance Abuse Professional Assessments)
Contact: Jennifer Fodden
Email: jfodden@shepelfgi.com
Phone: 416.355.5430 or 905-330-3454
Website: www.shepelfgi.com/EN-CA

16) Resources - Tools

The following tools have been included with this resource package to help with your program:

- a) A flowchart for building your program.
- b) Short, one page guides for: i) workers, ii) supervisors and iii) owners.
- c) Crew talk – useful for monthly safety meetings.
- d) Substance Abuse Professionals and Employee Assistance Programs – additional information.
- e) Searches – information to consider when developing procedures.
- f) Worker Performance Management Procedures – an example that will be useful for supervisors
- g) Definitions of Safety Sensitive Positions

17) References

ⁱ Clarissa Pearce, *Balance Employer Policies and Employee Rights: The Role of Legislation in Addressing Workplace Alcohol and Drug Testing Programs*, Alberta Law Review, (2008) 46 Alta. L. Rev. 141-172.

ⁱⁱ Clarissa Pearce, *Balance Employer Policies and Employee Rights: The Role of Legislation in Addressing Workplace Alcohol and Drug Testing Programs*, Alberta Law Review, (2008) 46 Alta. L. Rev. 141-172.

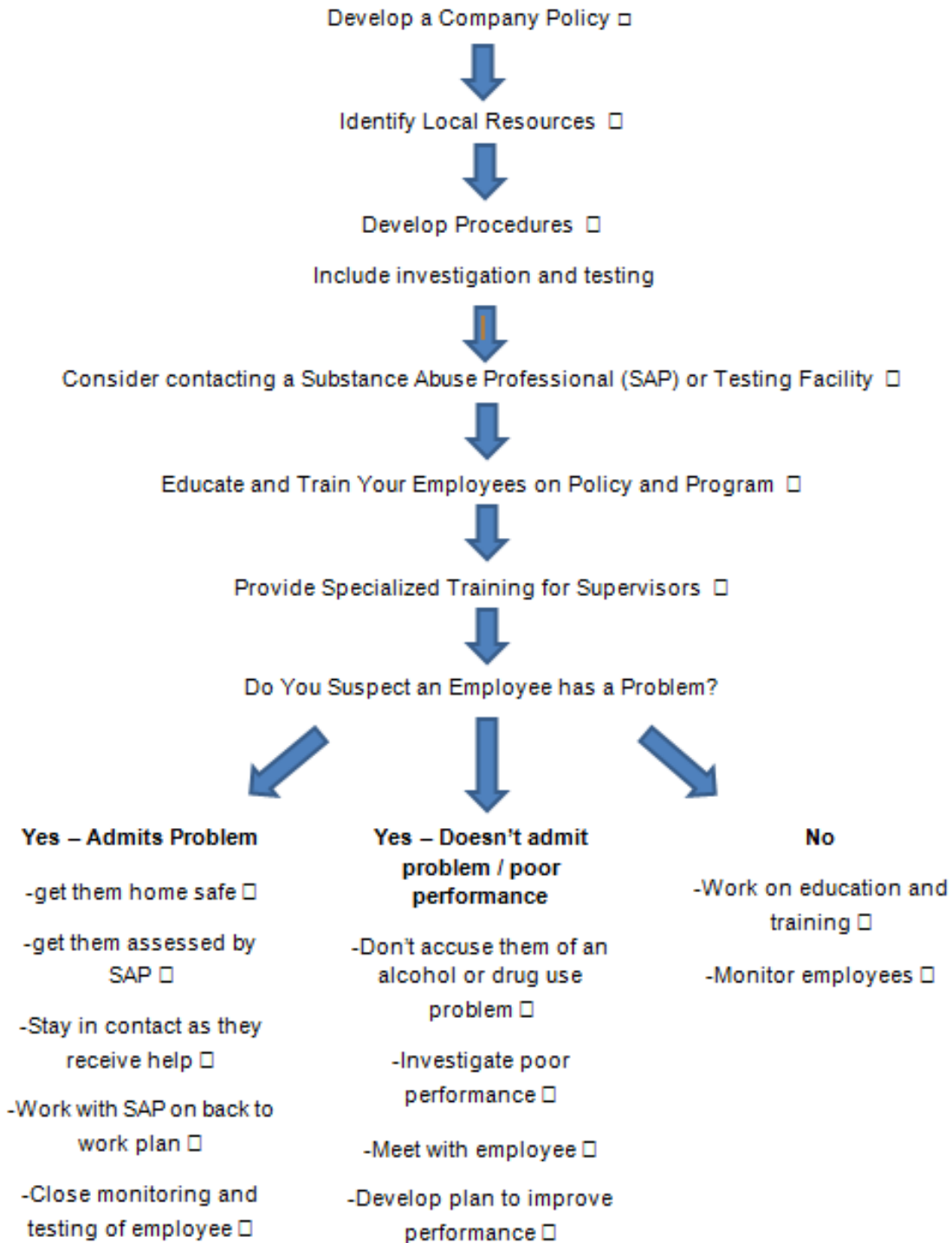
ⁱⁱⁱ Canadian Centre on Substance Abuse

^{iv} More information on the role of the SAP is at www.butlerconsultants.com/bb_sap.html

^{vi} Substance Use and Gambling in the Alberta Workplace 2002 - Alberta Alcohol and Drug Abuse Commission (AADAC)

Flowchart for Developing a Workplace Alcohol and Drug Program

-Check off and date each step when completed.



Workplace Alcohol and Drug Program – Worker Guide

- 1) Your company has a Workplace Alcohol and Drug Policy – read and understand this policy.
- 2) Alcohol and drug use on the job is unacceptable. Prescribed and over the counter medication can also cause problems. Ensure your doctor and pharmacist understand the risk involved in the work you do. Ask them if it is OK to take a certain medication while working or if you need modified duties.
- 3) Confidential help is available if you have a problem with alcohol or drugs. Get help before it leads to an incident or serious injury. Check your company safety program for contact information.
- 4) If you suspect one of your co-workers is using alcohol or drugs at work, contact your supervisor. They have the tools and knowledge to handle this situation appropriately.

Workplace Alcohol and Drug Program – Supervisor Guide

- 1) Your company has a Workplace Alcohol and Drug Policy – read and understand this policy. You will be required to train your workers on this policy and the company's alcohol and drug program.
- 2) Alcohol and drug use on the job is unacceptable. Prescribed and over the counter medication can also cause problems. Ensure your doctor and pharmacist understand the risk involved in the work you do. Ask them if it is OK to take a certain medication while working or if you need modified duties.
- 3) Confidential help is available if you or a worker has a problem with alcohol or drugs. Get help before it leads to an incident or serious injury. Check your company safety program for contact information.
- 4) As a supervisor you must focus on worker performance. Even if you suspect a poor performer has an alcohol or drug problem, you must not accuse them of this. Meet with the worker and take steps to improve their work performance. If they ask for assistance with an alcohol or drug problem, discuss appropriate next steps with company management, as this may lead to testing and an assessment by a Substance Abuse Professional. If they admit to being under the influence of alcohol or drugs at work, take the necessary steps to investigate the situation, including a reasonable cause alcohol and drug test if it is part of your program. In all situations an unfit individual should be removed from the workplace and should not be operating equipment or vehicles.
- 5) Alcohol, drugs, fatigue, or stress can all decrease worker's performance. Keep an eye out for all these types of issues with your workers.
- 6) Become familiar with your company's alcohol and drug testing policy and procedures, if they have them. Your workers may come to you with questions.
- 7) Investigating poor worker performance will be part of your job. The worker's privacy must be protected during these investigations, make sure not to overstep your authority. See the Workplace Alcohol and Drug Resource Package from the BC Forest Safety Council for more details.
- 8) If you have unionized workers, determine if there is a process in place that covers alcohol and drugs in the workplace as part of the collective agreement.

Workplace Alcohol and Drug Program – Owner Guide

- 1) Create Workplace Alcohol and Drug Policy for your company. Train your employees on this policy.
- 2) Alcohol and drug use on the job is unacceptable. Prescribed and over the counter medication can also cause problems. Ensure your doctor and pharmacist understand the risk involved in the work you do. Ask them if it is OK to take a certain medication while working or if you need modified duties.
- 3) Owners should be clear on what confidential help is available if a worker has a problem with alcohol or drugs and ensure this information is communicated to all workers. They should be expected to get help before it leads to an incident or serious injury.
- 4) As an owner you must focus on worker performance. Even if you suspect a poor performer has an alcohol or drug problem, you must not accuse them of this. Meet with the worker and take steps to improve their work performance. If they ask for assistance with an alcohol or drug problem, consider getting an assessment by a Substance Abuse Professional. If they admit to being under the influence of alcohol or drugs at work, take the necessary steps to investigate the situation, including a reasonable cause alcohol and drug test if it is part of your program. In all situations an unfit individual should be removed from the workplace and should not be operating equipment or vehicles.
- 5) If an employee has an alcohol or drug dependency, you have a duty to accommodate them up to undue hardship. This means that you must take reasonable steps to help them deal with their problem, you cannot simply fire them.
- 6) Alcohol, drugs, fatigue, or stress can all decrease worker's performance. Keep an eye out for all these types of issues with your workers.
- 7) If you are considering testing, develop solid policy and procedures first. Take a look at the Workplace Alcohol and Drug Resource Package from the BC Forest Safety Council for more information. Train your workers on these procedures.
- 8) Dealing with alcohol and drug issues in your company can be a complex legal matter. Consider consulting with a lawyer before any actions are taken.



Crew Talk- Workplace Alcohol and Drug Program

Date of Crew Talk: _____

Description: This is a discussion with the crew that focuses on education about the company's Workplace Drug and Alcohol Program.

Workplace Alcohol and Drug Policy

The policy should be read out and discussed. Clearly explain what is not acceptable at work regarding drug and alcohol use. Relate this to a discussion on the discipline practices at work.

Where to Get Help

Don't overdo the discipline discussion, the idea is to support your workers so let them know about what help is available if they do have a problem. Also discuss what to do if they think another worker has a problem. As a supervisor, communicate that you are there to help with these issues and can act as a good source of information.

Testing

If the company has testing policies and procedures, review them in detail so the workers know what to expect.

Recommended Preventative Actions

Discuss some of the things that might lead to workplace alcohol and drug use. High stress jobs or very repetitive jobs would be items to bring up.

Discussion/Follow-up Actions

Attendees:		

EAPS AND SAPS

i. Employee Assistance Services

An Employee Assistance Program (EAP) is an employer-sponsored benefit that provides confidential, professional counseling and advisory services for employees. The program provides employees with access to services provided by a variety of professionals including psychologists, social workers, and addiction specialists. This highly confidential service is designed to assist employees who are experiencing personal difficulties that often affect work performance.

EAPs are important tools in the development and maintenance of a healthy and productive workforce, and add value to the organization. An EAP assists employees by acting as a prevention and treatment resource for individuals who are experiencing personal difficulties. It is commonly accepted that employees suffering from stress related to personal problems can have a negative impact on the workplace.

The EAP provides an opportunity for troubled employees to seek confidential professional assistance before problems escalate to the point where the employee's performance declines and before he/she impacts workplace productivity and safety. Moreover, a workforce of psychologically and emotionally stable employees can result in less absenteeism, turnover, disability claims, and worker's compensation claims while improving employee morale.

A wide range of services can be provided, and each company determines what coverage they are contracting for. This can include, but is not limited to the following:

- couple and marital relationships
- work-related and career issues
- depression
- misuse of alcohol and drugs
- family matters
- stress and anxiety
- bereavement
- critical incident stress debriefing

Normally employees would access assistance voluntarily and the company would not be aware to maintain the confidentiality of the program. However, in a performance management situation, employees experiencing problems at work can be reminded of the services the EAP provides – generally referred to as a “suggested” referral.

In terms of human rights obligations in Ontario/Canada, employers are not obliged to provide EAP services, however, they do have a duty to accommodate individuals with a disability, including a medical disability which includes an alcohol or drug dependency. There are many benefits to making these services available to employees experiencing personal problems – including disability issues – that are affecting their work.

ii. Substance Abuse Professional Services

Because the Canadian Human Rights Tribunal has clarified that employers have a duty to accommodate someone with an alcohol or drug problem, SAPs have an increasingly important role to play for companies throughout Canada. In fact, the SAP plays a key role in helping an employer determine its accommodation responsibilities in each specific situation when an employee has violated company policy (e.g. tested positive or otherwise violated work rules), and when an employee has specifically requested help for an alcohol or drug problem, or claimed they had a problem. In these cases, there would be a “mandatory” referral for the assessment. The importance of the SAP’s role in making this assessment has been reinforced in Court decisions and arbitration awards.

Qualifications: In terms of professional credentials, Substance Abuse Professionals may be licensed physicians, licensed or certified social workers, licensed or certified psychologists, or an alcohol and drug abuse counselor certified by a nationally or internationally recognized certifying body. But even with these credentials, they need knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug related disorders. They also need to understand their responsibilities as the Company’s representative in dealing with safety situations that may be presented if someone was improperly diagnosed.

Independence: The SAP function is separate and distinct from Employee Assistance services which can cover a broad variety of problems (not just alcohol and drug related) and which are for the most part voluntary and confidential. The SAP does not provide counseling services. The focus of the SAP’s professional evaluation is strictly on whether there is an alcohol or drug dependency and the appropriate treatment and follow-up program, and it results from a mandatory referral consistent with the requirements in the Company policy. The Company, normally through the Program Administrator, must receive certain information so that it can make appropriate decisions regarding the individual’s continued employment and any associated conditions. The SAP is also independent of any treatment program, or the provision of testing services to ensure there is no conflict of interest in their evaluation and recommendations.

Responsibilities: The SAP is responsible for several duties important to the evaluation, referral, and treatment of employees who have violated the company policy by testing positive for a banned substance. SAP referrals are also often triggered for individuals in a performance management situation when the person admits having a problem or requests help for a problem, as part of the investigation and follow-up provisions. Finally, a SAP assessment may also be triggered when someone admits to management, HR, or an internal health professional that they are a regular drug user “but would never come in unfit for work”. In this situation, the employer has knowledge of a potential safety risk and may need to trigger that assessment in order to meet due diligence obligations.

The following are the key responsibilities:

- provide a comprehensive face-to-face assessment and clinical evaluation to determine what level of assistance the employee needs in resolving problems associated with alcohol use or prohibited drug use;
- recommend a course of education and/or treatment with which the Employee must demonstrate successful compliance prior to returning to duty (although in certain situations they may be able to return to duty part way through the treatment or education process);

-
- treatment recommendations can include in-patient treatment, partial in-patient treatment, out-patient treatment, education programs, and aftercare;
 - education recommendations can include, but are not limited to *bona fide* drug and alcohol education courses, self-help groups, and community lectures.
 - serve as a referral source to assist the employee's entry into an acceptable program of treatment if required;
 - prior to the individual's return to work for anyone attending treatment, have a face-to-face follow-up evaluation with the employee to determine if the individual has demonstrated successful compliance with recommendations of the initial evaluation to provide the Company with assurance that the individual has made appropriate clinical progress sufficient to return to licensed duty;
 - develop and recommend on an unannounced follow-up testing program; this program may include additional drugs not normally part of the ongoing testing program if it is concluded that other drugs are a factor in the individual's dependency problem; and
 - provide the Program Administrator with recommendations for "aftercare" – continuing education and/or treatment needed after return to licensed duty.

Reporting Requirements: The SAP's initial assessment report and follow up report and recommendations will be provided to the Company Program Administrator so that it can be ensured that the conditions of the post violation or post treatment agreement are complied with.

Searches

If possession of banned substances is prohibited under the policy, the company needs to establish the principle of conducting a search where there are reasonable grounds to believe a banned substance/product is present, and the supporting procedures. An example of wording follows.

There is considerable legal precedent on this, and privacy considerations. For example:

- employers must have grounds to believe the alcohol, drugs or banned substances/products are present before they conduct a search;
- they may not be able to search personal property without a search warrant.

Employers should be cautious and not allow supervisors to conduct a search on their own – they should be consulting with someone more senior in the organization first and have a second person present. The company may also need to consult with the police or get legal advice before conducting a search.

Possession of Alcohol or Drugs: The Company reserves the right to investigate any situation when there are reasonable grounds to believe that banned substances or products are present on Company premises in violation of this Policy. Supervisors are responsible for identifying situations where an investigation is justified based on a combination of indicators which could include behaviour, odour, or presence of paraphernalia. They will be responsible for advising _____ of the situation, who will determine whether and how to initiate the investigation.

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Performance Management Procedures

Supervisors have a responsibility to monitor and evaluate work performance with an objective of early identification and managing of all performance problems. They are responsible for ensuring that employees are carrying out the responsibilities of their job safely and effectively. Early intervention is the key to resolving performance problems.

Unfit for Work Situations: Please remember that in those situations where there may be imminent safety concerns because an employee is unfit for work as identified through direct observation of behaviour, supervisors are expected to immediately investigate the situation. This may include a referral for a reasonable cause test as appropriate in accordance with company policy.

Declining performance, absenteeism, decreased efficiency, missed deadlines etc. are NOT grounds for an alcohol and drug test. Testing is only triggered in a reasonable cause or post incident situation following company procedures.

In all situations of declining performance, the following steps should be taken when dealing with the performance problems of those that report to you.

i. Observe Performance and Behaviour

- Notice changes in an employee's work pattern which may adversely affect job performance. Do not attempt to diagnose medical or behavioural problems.
- Patterns of deteriorating job performance which are not necessarily tied to immediate safety risk associated with fitness for work concerns could include:
 - missed deadlines
 - decreased efficiency
 - mistakes not previously made
 - repeated absences
 - frequently late or leaves early
 - improbable excuses for absences or tardiness, or mistakes
 - deteriorating appearance
 - complaints from others, withdrawal
 - mood changes, esp. after lunch
 - hints of family problems
 - poor concentration
 - repeated minor injuries on the job
 - difficulty recalling/following instructions
 - late lunches, extended breaks
 - sick in conjunction with holiday day off
 - poor judgment and/or decision making
 - easily fatigued
 - over reaction
 - irritable, suspicious
 - borrowing money; personal calls
 - noticeable changes in appearance

ii. Document Observations

- Documented facts present objective proof, can set the tone for a discussion, and help you avoid counselling the employee on personal problems. They also support a corrective action process (e.g. discipline or recommendations for counselling).
- Document specific facts. Do not be vague or make assumptions. Record the circumstances and the individuals involved, noting verified events only (no hearsay, rumours or personal conjecture) and the consequences of the event. This should include your interpretation of the situation, not of the possible problem or reason for the behaviour.

iii. Prepare for a Meeting with the Employee

- Set up a meeting when you believe you have sufficient, documented grounds to confront an employee about performance problems.
 - prepare written documentation listing the specific performance problems;
 - outline meeting objectives;
 - schedule the meeting in a neutral location at a time convenient to you and the employee;
 - do not wait until the situation reaches 'crisis' proportions, or delay the meeting too long after an incident that is critical to the discussion.

iv. Meet with the Employee

- state the facts and keep the discussion focused;
- do not let the employee sidetrack the meeting;
- listen but do not get involved in the employee's personal problems;
- cover your list of objectives;
- try to get the employee to set his/her own improvement targets and goals, and reinforce positive contributions;
- mention sources of assistance through the company or in the community;
- establish a timeframe for completion of targets, or change in performance; and
- be clear on what your company expects if someone mentions an alcohol or drug problem.

v. Next Steps

- Continue to document and monitor job performance: This ensures you have objective facts to discuss with the employee at your next meeting.
- Conduct a follow-up meeting. This is an opportunity to reinforce positive change or follow normal disciplinary procedures if the problems continue.

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Further Definitions of Safety Sensitive Positions

For those companies who have unionized workers, the following direction has been provided for defining safety-sensitive positions:^v

“...[a safety sensitive position] is meant to refer to an employee whose normal duties and responsibilities, having regard to such factors as the location and environment of work performed, the tools, equipment, vehicles or premises utilized are such that any physical impairment of the employee would risk causing significant damage to property or injury to the employee, to fellow employees or to the public.”

As outlined in the Canadian Human Rights Commission’s Policy on Alcohol and Drug Testing, a safety-sensitive position is “one in which incapacity due to drug or alcohol impairment could result in direct and significant risk of injury to the employee, others or the environment. When determining whether a job is safety sensitive, one must consider the context of the industry, the particular workplace and an employee’s direct involvement in a high-risk operation. Any definition must take into account the role of properly trained supervisors, and the checks and balances present in the workplace.”

Canadian Human Rights Commission Policy on Alcohol and Drug Testing:

^v CN Rail and Canadian Auto Workers before Arbitrator Michel Picher, April 26, 2010 page 13.