

Impairment in the Workplace: Questions & Answers (Managers & Supervisors)

General Questions

Q: What is workplace impairment?

A: Workplace impairment means not being fit for duty due to the effects of factors such as drugs, alcohol, prescription drugs or over the counter drugs, and fatigue.

Impairment affects a person's ability to work safely, putting them or their co-workers at risk of injury. A person who is impaired on the job can injure themselves or others as well as put public safety at risk. Impairment also impacts employees' ability to perform their job duties and conduct themselves in a manner that upholds public trust.

Q: What do I need to know about impairment?

A: Impairment can be caused by many situations and substances, including fatigue, prescription medicine, drugs, and alcohol.

As outlined in the [Standards of Conduct](#), employees are expected to be fit for duty and free from impairment while at work.

Q: What are my responsibilities as a supervisor regarding impairment?

A: As a supervisor, you are responsible under HR Policy 4 and the WorkSafeBC regulations for ensuring that employees who are impaired aren't endangering themselves or others.

The Occupational Health and Safety Regulation prohibits supervisors from assigning employees to activities where a reported or observed impairment may create an undue risk to the worker or anyone else. The employer must not knowingly permit a person to remain at any workplace while the person's ability to work is affected by alcohol, a drug or other substance so as to endanger the person or anyone else. (HR Policy 4)

You are also responsible for:

- ensuring employees are aware of and understand HR policies, including HR Policy 4, Occupational Safety and Health;
- ensuring employees have read and understand the Standards of Conduct, which requires that employees are fit for duty and free from impairment at work;
- having timely conversations with employees should they disclose or show signs of impairment and/or substance use disorder.

Q: What does it mean to be “fit for duty?”

A: This means employees are in a physical, mental and emotional state which enables them to perform their job tasks competently and continuously in a manner which does not compromise the integrity of the BC Public Service or create safety hazard to themselves or others.

Q: How can I talk proactively with my employees about impairment?

A: Consider including “impairment” as a topic at a branch meeting to set expectations, communicate the policy, talk about safety, and provide some basic facts about cannabis. A slide deck has been created that you can use for this purpose.

Q: An employee has told me that we can’t dictate their off work behaviour including when they want to use legal substances such as alcohol or cannabis.

A: The Standards of Conduct states “Employees must conduct themselves professionally, be fit for duty, and be free from impairment (for example: from alcohol or drugs).” The Standards of Conduct apply at all times during work. Employees cannot be impaired when they start work, or anytime during their work including returning from unpaid breaks.

Employees must be aware of how long the effects of an impairing substance may last for them specifically. And they must allow sufficient time for any impairing substances to have fully resolved so they are not impaired and are fit for duty at all times while at work. This includes off hours use and use during unpaid breaks which may affect an employee’s fitness for duty.

Q: What should I look for if I’m trying to assess if an employee is impaired?

A: Consult the resources in the supervisor guide, which identify factors such as behaviour, unusual actions, speech, and balance that may be observed.

Impairment varies widely; for example, one person can use the same amount of cannabis and be less impaired than another, and prescription medicine impacts different people differently. In talking with the employee, focus on the behaviours you’re seeing more than the amounts of a substance they may have taken.

It’s important for a supervisor to take good notes of their own observations of the employee’s impairment (e.g. smell, glazed eyes, etc.)

These documents outline some common signs and symptoms of impairment.

Q: Where do I access supports as a supervisor to help me in addressing impairment in the workplace?

A: For support, you have options.

- Consult MyHR for information on a variety of related topics.
- Contact AskMyHR to make an inquiry about employee behaviour.
- The People Leader Advice Line service is for a manager, supervisor, union representative, HR or occupational health and safety specialist who needs just-in-time advice on how to address a difficult workplace situation or conversation.
- Find out about these and other supports on the [Resources, Training and Support for Supervisors](#) webpage.

Questions about Disclosing or Observing Impairment at Work

Q: Do employees have to report if they are impaired?

A: Yes, as per HR Policy 4 and the Occupational Health and Safety Regulations 4.19-4.20.

WorkSafeBC's Occupational Health and Safety Regulation requires employees who are impaired for any reason, including but not limited to the use of legal substances, to report the fact they are impaired to their supervisor. Employees must report impairment to their supervisor prior to attending, commencing or continuing work who will then assess the employee's fitness for duty. (HR Policy 4) (See definition above.)

Q: What do I do if an employee has reported they are impaired at work, or has disclosed impairment prior to their shift starting?

A: Ask the employee about the circumstances that led to the employee being impaired. Document any conversations with the employee about the impairment as well as your observations of the employee. Approach the employee respectfully, with empathy and without judgment. Also make notes of any witnesses.

If a bargaining unit employee wishes to bring a shop steward and one is available, they should be granted approval to do so. The meeting cannot be unreasonably delayed or postponed to allow this. If a shop steward is not available, at minimum an excluded manager should be present as a witness to the conversation.

If needed, seek further advice via MyHR.

If an employee has reported that they are impaired, you are responsible for ensuring they are not a safety risk to themselves or others.

- Do not assign employees to do work activities where a reported or observed impairment may create an undue risk to the worker or anyone else. (HR Policy 4)

- Do not knowingly permit a person to remain at any workplace while the person's ability to work is affected by alcohol, a drug or other substance so as to endanger the person or anyone else. (HR Policy 4)

Q: What do I do if I think someone may be impaired or I receive a report that an employee may be impaired at work?

A: If you or someone in the workplace believe an employee may be impaired, it's important that you don't put off talking to the employee unless delaying is necessary to protect your safety or the safety of others in the workplace.

Have a conversation to share your observations and ask the employee to respond. If the employee says they may be impaired, ask the employee about the circumstances that led to this situation. Approach the employee respectfully, with empathy and without judgment. Document your observations and any conversations with the employee. Also make note of any witnesses.

Q: When should I send an employee home from work?

A: Impairment may be caused by many things, and it may be possible for the employee to perform some parts of their job depending on the circumstances. For example, prescription drugs may keep an employee from being able to drive or do other safety-sensitive work while not impacting their judgment and ability to do office work.

Prior to making a decision to send an employee home on administrative leave, ensure you've had the conversation to make a determination as to their impairment. In the following circumstances, send the employee home:

- The employee's ability to work is impaired so as to endanger the employee or anyone else.
- The employee is showing signs of impairment due to alcohol or drug use.
- There are no parts of the job that the employee can do without a risk to safety.
- The employee's impairment is impacting their behaviour toward others.
- The employee is unable to perform their duties proficiently due to impairment.
- If the employee's impairment may harm the reputation of the public service.

If the employee is not able to work, arrange for the employee to make it home **safely**. If they are impaired, they must not drive. If an employee chooses to drive home or gets in their own car then this must be reported to the police.

Let the employee know there will be a follow-up conversation on their return to the office.

If an employee is sent home, contact MyHR right away and ask to speak to a human resource advisor to advise what has occurred and discuss next steps.

Q: What should I do if this is not the first instance where my employee discloses impairment or shows signs of impairment?

A: If this is not the first instance of the behaviour and you're concerned that your employee is showing signs of substance dependence, it will be your duty to inquire if they may have a substance use problem. Do not have this conversation at the same time you're talking with the employee about their possible impairment. Instead, focus on your observations and getting the employee home safely, and schedule the substance use conversation for when the employee is not impaired.

In these cases, it is important to schedule a formal meeting and offer the employee the right to bring a shop steward. While the meeting is not disciplinary, the employee may ask for or require some form of accommodation, and the union is a party to those discussions as the legal bargaining unit employee representative.

If you think you may need to have such a meeting, submit a MyHR ticket and ask for assistance from a human resource advisor.

If needed, seek further advice via MyHR.

Q: What should I do if my employee tells me they have a substance use disorder?

A: Thank the employee for sharing this with you, and be empathetic and non-judgmental in your conversation. Share with the employee the resources available to them. These include counselling and other services offered by Morneau Shepell, the Occupational Health Program, and the Substance Use Disorder Treatment Funding program.

Contact MyHR for assistance in putting together a plan to support the employee.
Remember:

- As a supervisor, you will have obligations to workplace safety under BCPS policy and WorkSafeBC regulations. If the employee is impaired at work, you must ensure they are not assigned to certain kinds of work, and they may have to leave the worksite.