

4.3 Workplace Impairment Policy

Policy Statement

The Province of Nova Scotia is committed to providing a healthy, safe and supportive work environment for all our employees, and those who enter our workplaces. This policy is focused on a working environment that is free from the effects, and aftereffects, of any impairing substances.

Impairment in the workplace affects the ability of employees to do their jobs safely and effectively. Workplace health and safety are shared responsibilities, and individuals who are impaired in the workplace can put themselves and others at risk. Impairing substances can affect the ability of employees to properly perform their employment responsibilities, including protecting the safety of themselves and those around them.

The Province of Nova Scotia supports problematic substance use prevention and rehabilitation initiatives for those employees who deal with problematic substance use. Awareness, education, early detection, and treatment for those who may have problematic substance use, or a substance dependency, help to maintain a safe and healthy workplace for all.

In concert with this policy, the Province of Nova Scotia and its employees are responsible to comply with the *Occupational Health and Safety Act*, the *Smoke-free Places Act*, and the *Cannabis Control Act*, as well as the corporate Workplace Health and Safety Promotion Policy, the Duty to Accommodate Physical and Mental Disability Guidelines, and the Values, Ethics and Conduct for Nova Scotia's Public Servants.

Definitions

FIT FOR DUTY

The ability to safely and effectively perform assigned duties and responsibilities without any impairment due to the effects or aftereffects of any impairing substance. Being fit for duty also means being presentable to the standards of one's workplace, and not appearing to any reasonable observer as though they may be impaired.

IMPAIRED

The state of having diminished physical or mental capabilities that would affect an employee's performance of their job. For this policy, impairment refers to impairment caused by an impairing substance.

IMPAIRING SUBSTANCE

A substance which has the potential to adversely affect a person's physical or mental capabilities. For the purpose of this policy, substances of concern are those that inhibit or impair the ability of a person to safely and productively perform their job. The definition of impairing substances includes:

Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol (grain alcohol) or other low molecular weight alcohols including methyl (methanol) and isopropyl (rubbing alcohol).

Cannabis

A drug derived from the cannabis plant that may be used medically or recreationally, and includes dried cannabis, soft gels, extracts or oils, food items and other products. Cannabis products may be introduced to the body by being smoked, vaporized, ingested or through other means of consumption.

Impairing Medication

An impairing drug legally obtainable as either an over-the-counter drug or through prescription or authorization by a physician.

Illicit Drugs

Any drug or substance that is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g., cocaine, prescription drugs obtained without a physicians' prescription, or legally obtainable drugs in amounts exceeding legal limits).

WORKPLACE

Province of Nova Scotia property, buildings, facilities, work sites, vehicles and equipment owned, leased, operated or otherwise controlled by the Province of Nova Scotia, and any other location where an employee is conducting their duties on behalf of the employer.

Application

This policy applies to all civil servants and other direct employees of the provincial government.

Policy Objectives

- To make employees and managers aware of and understand the requirements and expectations respecting impairing substances and the workplace, including the use of alcohol, cannabis, and illicit drugs in the workplace, and the requirement that all employees will be fit for duty.
- To provide managers with the knowledge, tools and supports to deal with the impact of impairing substances in the workplace.

Policy Directives

- Employees must report and remain fit for duty and unimpaired during their entire work shift, including while on standby duty.
- If an employee receives an unexpected call to return to work while they are impaired or not fit for duty, they must inform their supervisor that they are not fit for duty and decline the callback.
- Employees must not use, distribute, offer for sale or sell alcohol, cannabis, or illicit drugs, in any Province of Nova Scotia workplace, with the exception of those situations covered under the corporate Hospitality Policy.
- An employee attending conferences or social functions as part of their work duties, where alcohol or other legal impairing substances are being served, must remain cognizant that they are representing the employer. Consumption of legal but impairing substances is not prohibited in these situations, however, employees may only do so reasonably and responsibly, and ensure their conduct remains professional and in keeping with the Values, Ethics and Conduct for Nova Scotia's Public Servants.
- Employees must not carry alcohol or cannabis on their person while carrying out their regular duties. Any such products brought into the workplace must be kept unopened, out of sight, and must not emit an odour into the workplace.
- If an employee suspects another employee is impaired and their impairment gives rise to a safety concern, they must address the safety concern to the best of their ability, and inform their manager/supervisor, or other appropriate authority, as quickly as is reasonably possible. Any employee who themselves becomes impaired or unfit for duty while at work must inform their manager/supervisor immediately.

- Employees are required to manage potential impairment due to the legitimate use of medications while they are at work, as per the process outlined in the Workplace Impairment Guidelines, and the Duty to Accommodate Physical and Mental Disability Guidelines.
- Where an employee believes they are in need of a workplace accommodation related to a substance use issue, the process for requesting and receiving such an accommodation is outlined in the Duty to Accommodate Physical and Mental Disability Guidelines. Employees can also contact the Employee and Family Assistance Program which offers professional and confidential assessment, short-term counselling, and referral services aimed at helping employees and family members work through personal issues or concerns.
- Any breach of this policy may result in discipline, up to and including the termination of employment.

Guidelines

This policy is supported by Workplace Impairment Guidelines that have been developed by the Public Service Commission (PSC) to support the policy and provide guidance for workplace impairment situations. Situations potentially requiring a workplace accommodation are supported by the Duty to Accommodate Physical and Mental Disability Guidelines. These guidelines are located on MyHR and will be reviewed and updated by the PSC as needed.

Accountability

DEPUTY HEAD is accountable to:

- Hold managers/supervisors accountable for their responsibilities under this policy and provide consistent support for the implementation and application of this policy.

MANAGERS/SUPERVISORS are responsible to:

- Ensure employees have read, understand and comply with the policy, and clarify any questions employees may have regarding this policy.
- Enforce compliance with this policy, and promptly address situations of impairment in the workplace amongst their staff.

EMPLOYEES AT ALL LEVELS OF THE ORGANIZATION are responsible and accountable to:

- Be informed of, and understand, this policy. Any questions an employee has regarding this policy should be referred to their manager/supervisor.
- Comply with all directives in this policy.

PUBLIC SERVICE COMMISSION is responsible to:

- Provide advice and support regarding the application of this policy.
- Develop and provide training for all managers/supervisors and employees.
- Coordinate the tools and resources required to support this policy, including the training, and education required for employees and managers, and communicate the availability of these resources to employees and managers.

Monitoring

The Public Service Commission is responsible for monitoring the effectiveness and consistent application of this policy. The Public Service Commission may periodically conduct reviews or evaluations of practices and require access to data maintained with respect to this policy

References

Nova Scotia Cannabis Control Act

Nova Scotia Motor Vehicle Act and Regulations

Nova Scotia Occupational Health and Safety Act

Nova Scotia Smoke Free Places Act

Hospitality Policy

Travel Policy

Workplace Health and Safety Promotion Policy

Values, Ethics, and Conduct: A Code for Nova Scotia Public Servants

Duty to Accommodate Physical and Mental Disability Guidelines

Workplace Impairment Guidelines

Employee and Family Assistance Program (EFAP)

Enquiries

All enquiries relating to this policy should be directed to your Human Resources Business Partner. If you, or a member of your family are struggling with substance abuse issues you can contact the Employee Family Assistance Program which offers short term counselling and referral services and can be contacted at 1-800-777-5888.

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