Substance Abuse Resource Guide for Employers

Contents

Tips for Effective Administration of a Substance Abuse program 2
Recommended Steps for Employers 2
The Interview Model – 7 Steps to a Successful Difficult Conversation 3-4
Checklist – Administration of a Substance Abuse Testing Program 5
Definitions and Terms of Reference 6-8
Other Resources and Legal Precedents 9
Tips for Effective Administration of a Substance Abuse program

- Determine the location of a testing facility before you need it
- Set up an account
- Print off directions to the facility
- Designate a driver to get the worker to the facility and to get the worker home safely
- Pre-determine who needs to know the results
- Review roles and responsibilities with your supervisors as frequently as required to ensure effectiveness
- Identify an offsite decision maker to help maintain a fair and consistent approach to testing/program

Recommended Steps for Employers:

- Establish substance abuse policy and inform workers
- Identify the problem - impairment
- Intervene
- Physician refers for:
  - Comprehensive Assessment
  - Primary Treatment
  - ‘Aftercare’
  - Medical Monitoring
- Return to Work
The Interview Model – 7 Steps to a Successful Difficult Conversation

STATE THE ISSUE
Case 1: “Peter! Do you have a moment please? I need to talk to you about your involvement in…..”
....be specific!
....be objective!

Case 2: “Today I saw you behaving in a manner which makes me uncomfortable about letting you finish your shift. I observed you…..(state objective, specific observations).

ASK FOR AN EXPLANATION
“Tell me what happened. “
....listen!
....confirm understanding!

ACKNOWLEDGE THE PERSON’S VALUED CONTRIBUTIONS
“Peter, you’ve been with us for …..(time). In my view, you’ve consistently done good work for me and got along with…. (crew). I appreciate your professionalism.

DEFINE THE PROBLEM AND CONSEQUENCES
Case 1: “Over the past two weeks you have been late 4 times, twice more than 30 minutes. I need to be able to depend on you and so does the rest of the crew. We need a course of action that will make that happen, so I need you to be open and frank with me. I can’t have you on the crew if this behaviour is going to continue, and I sure wouldn’t recommend you for transfer to another crew.”

Case 2: “Peter, given what I have observed and your explanation, I am going to refer you for substance abuse testing as I have reasonable suspicion that you may be under the influence of alcohol and / or drugs. Terry, your supervisor will drive you to the testing facility. You will be off site until such time as the results return. If you have not violated the company’s substance abuse policy, we can reinstate you with full backpay. If you have violated the Policy, we will have to discuss what steps can be taken. Depending on the circumstances, action can include discipline, up to and including dismissal.”
SEARCH FOR ALTERNATIVE SOLUTIONS

Case 1: “Peter, what steps can you and I take to make sure you get here on time?”

Case 2: “Peter, after the test is completed, you may wish to contact the company / union’s Employee and Family Assistance Program. Can I give you their information and number?”

AGREE ON GOALS

Case 1: “So, we agree, on time…..”

Case 2: “Peter, we’ll make sure you and your vehicle get home safely. We will be in touch with you once results are known…..”.

SET A TIME LINE

Case 1: “…..10 for 10 for next two weeks, right?”

Case 2: “… ..usually within 2-3 business days.”
Checklist – Administration of a Substance Abuse Testing Program:

1. Source and retain a 3\textsuperscript{rd} party collection and testing facility
2. Determine the location of a testing facility before you need it
3. Ensure the facility has kits as required
4. Set up an account
5. Print off directions to the facility
6. Establish the Policy
7. Communicate / Train Personnel
8. Communicate the policy to:
   - Your supervisors
   - Your workers
   - Sub contractor management and field supervision
   - Sub contractor workers
9. Determine and assign responsibilities
   - Supervisors
   - Workers
   - Sub contractor principles and field supervision
   - Sub contractor workers
10. Designate driver(s) to get the worker to the facility and to get the worker home safely
11. Pre-determine who needs to know the results
12. Follow up/ Aftercare
13. Confidentiality (who needs to know?)
14. Worker assessment
15. Employer options
16. Responsibilities going forward
   a. Employer to worker (predetermine who needs to know, resources available i.e: Treatment for addiction / counseling for termination)
   b. Worker to employer (communication and cooperation i.e: treatment)
17. Review roles and responsibilities with your supervisors as frequently as required to ensure effectiveness
18. Identify an offsite decision maker to help maintain a fair and consistent approach to testing/program
Definitions and Terms of Reference

Below are definitions from the Construction Industry of British Columbia Substance Abuse Testing and Treatment Program Policy, developed by Construction Labour Relations Association of BC and the Bargaining Council of British Columbia Building Trade Unions.


“Accident” – An event resulting in significant injury to a person or significant property damage.

“Alcohol” – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

“Company Premises” – Any and all property, facilities, land, parking lots, structures, and vehicles owned, leased, used or under the control of an employer, and/or any job site to which an employer assigns an employee.

“Diluted Test Result” – A test result where the specific gravity of the specimen is 1.003 or less and the creatinine level is less than 20 mg/dl.

“Employee” – Any individual employed by an employer under the terms and conditions of a collective agreement or contract of employment.

“Employer” – A participating contractor employing individuals under the terms and conditions of a collective agreement with a participating union.

“Medical Review Officer (MRO)” – A licensed physician who has knowledge of substance abuse issues and has received the appropriate medical training to interpret and evaluate an individual’s substance test result as it relates to the individual’s medical history and any circumstances.

“Medications” – Ingested or inhaled prescription drugs, non-prescription drugs, or herbal remedies which may impair mental or motor functions so as to affect the performance of job duties;

“Near miss” – A failure in work performance or other occurrence that nearly results in an accident.

“Negative Test Result” – A test result that indicates that an alcohol level is below .04 BAC and/or fails to confirm that the employee was, at the time of testing, under the influence of a substance.

“Personal information” – Personal information as defined in the British Columbia Personal Information Protection Act, including substance test results and medical information.

“Positive Test Result” – A test result which indicates that the alcohol level is .04 BAC or higher and/or a test result which confirms that the employee is under the influence of a substance.

“Possession” – The care, custody, control or ability to immediately access a substance.
“Reasonable Suspicion” – An understanding based on objective and articulated facts sufficient to lead a supervisor to form a reasonable suspicion that drugs or alcohol might be influencing an individual’s work performance.

“Safety Sensitive” - A characteristic of operations where error could result in serious harm to a person, property or the environment.

“Substance” – Alcohol or any substance listed on a schedule of the Controlled Drugs and Substances Act or any impairing agent or any medication used by an individual in a manner that is inconsistent with the instructions of the prescribing physician.

“Substance Abuse Professional (SAP)” (or Substance Abuse Expert (SAE)) – A licensed physician or certified counselor who has received the appropriate training in substance abuse disorders to provide rehabilitation, assistance and recommendations to individuals who have an addiction or a substance use problem.

“Substance Testing” – The analysis of the biological presence of a substance by means of urine, breath, blood and/or saliva sampling and analysis.

“Third Party Administrator” (TPA) – An independent third party professional organization that will administer testing, collect and store personal information and otherwise implement this Policy.

"Worker Eligibility Status" – An indicator of the worker’s compliance with the terms of this Policy which is available from the approved Dispatch System or through a link to the TPA’s Website.

Below are definitions from the Construction Owners Association of Alberta, Best Practices, Alcohol and Drug Guidelines and Work Rule:

http://www.coaa.ab.ca/Portals/10/documents/CanadianModel-for-ProvidingASafeWorkplace.pdf

**Alcohol**: Any substance that may be consumed and that has an alcoholic content in excess of 0.5 per cent by volume.

**Alcohol and drugs**: Alcohol or drugs or both.

**Alcohol and drug test**: A test administered in accordance with 4.8.1 of this alcohol and drug policy.

**Company**: A corporation, partnership, association, joint venture, trust or organizational group of persons whether incorporated or not.

**Company workplace**: Includes all real or personal property, facilities, land, buildings, equipment, containers, vehicles, vessels, boats and aircraft whether owned, leased or used by the company and wherever it may be located.
Drug paraphernalia: Includes any personal property which is associated with the use of any drug, substance, chemical or agent the possession of which is unlawful in Canada.

Drugs: Includes any drug, substance, chemical or agent the use or possession of which is unlawful in Canada or requires a personal prescription from a licensed treating physician, any nonprescription medication lawfully sold in Canada and drug paraphernalia.

Employee: Any person engaged in work on a work site where this policy applies.

Employee assistance services program (EFAP): Services that are designed to help employees who are experiencing personal problems such as alcohol and drug abuse.

Employer: A person who controls and directs the activities of an employee under an express or implied contract of employment.

Incident: An occurrence, circumstance or condition that caused or had the potential to cause damage to person, property, reputation, security or the environment.

Medical review officer (MRO): A licensed physician with knowledge of substance abuse disorders and the ability to evaluate an employee’s positive test results who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.

Negative test result: A report from the medical review officer that the employee who provided a specimen for alcohol and drug testing did not have an alcohol and drug concentration level equal to or in excess of that set out in 3.1(b).

Owner: The person in legal possession of a site.

Positive test result: A report from the medical review officer that the employee who provided a specimen for alcohol and drug testing did have an alcohol or drug concentration level equal to or in excess of that set out in 3.1(b).

Reasonable grounds: Includes information established by the direct observation of the employee’s conduct or other indicators, such as the physical appearance of the employee, the smell associated with the use of alcohol or drugs on his or her person or in the vicinity of his or her person, his or her attendance record, circumstances surrounding an incident or near miss and the presence of alcohol, drugs or drug paraphernalia in the vicinity of the employee or the area where the employee worked.

Rehabilitation program: A program tailored to the needs of an individual which may include education, counselling and residential care offered to assist a person to comply with the alcohol and drug work rule.

Substance abuse expert (SAE): A licensed physician; a licensed or certified social worker; a licensed or certified psychologist; a licensed or certified employee assistance expert; or an alcohol and drug abuse counsellor. He or she has received training specific to the SAE roles and responsibilities, has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders, and has an understanding of the safety implications of substance use and abuse.

Work: Includes training and any other breaks from work while at a company workplace.

Work site: A place at which a person performs work for an owner or employer.
Other Resources & Legal Precedents

Legal Precedents:

Entrop vs. Imperial Oil Limited

Imperial Oil Ltd. vs. C.E.P., Local 900, 2009
http://www.evansphilp.com/documents/Imperial%20Oil%202009%20ONCA%20420.pdf

Case studies (from the Association of Corporate Counsel):


Canadian Model:

http://www.coaa.ab.ca/Safety/CanadianModel.aspx

BCBCBTU / CLR BC Program: