

Fitness for Work Guideline

The University is committed to:

- Providing a safe and secure workplace that supports employee wellbeing, safety, and success, by prioritizing employee Fitness for Work.
- Providing education and training to assist employees and managers to identify behaviours and/or recognize warning signs that may indicate that they or another employee may not be Fit for Work and respond as required.

Scope

This Guideline applies to all University employees.^[1]

This Guideline will be applied in accordance with all applicable legislation, including but not limited to the *Occupational Health and Safety Act and the Human Rights Code*. This Guideline does not override or diminish the rights provided to Employees under **applicable collective agreements** and will be applied with appropriate regard to the rights established under collective agreements, where applicable.

Definitions

Fit for Work/Fitness for Work: Able to perform assigned duties safely and to an acceptable standard, without limitation caused by the use of or after-effects of an Impairing Substance(s).

Impairing Substance: Includes medication that has been legally obtained with a physician or nurse practitioner's prescription (including authorization for the use of medical cannabis), or purchased as an over-the-counter medication, as well as an illegal substance or a non-prescription substance, which has the effect of impairing its user and/or altering an employee's ability to perform assigned duties. This includes, but is not limited to, alcohol, opiates, hallucinogens and cannabinoids (e.g. cannabis).

Signs of Impairment: May include, but are not limited to, personality changes or erratic behaviour (such as increased personality conflict, overreaction to criticism, and/or threatening behaviour)^[2]; appearance of impairment at work (e.g. odor of alcohol, glassy or red eyes, unsteady gait, slurring or poor coordination); working in an unsafe manner or involvement in an accident/incident; consistent lateness; absenteeism; reduced productivity and quality of work, including frequent mistakes carrying out duties.

Workplace: Includes any place where employees engage in employment activity for the University, including employment activities outside the normal place of work, and employment activities that occur outside of normal working hours, including, but not limited to being on-call or called in to work after normal working hours.

Guideline

It is expected that employees and managers adhere to their respective responsibilities, outlined below, in order to support the University in providing a safe and secure workplace that supports employee wellbeing, safety, and success, by prioritizing employee Fitness for Work.

Employee Responsibilities

- Report to the Workplace Fit for Work and remain Fit for Work throughout the entire workday.
- Refrain from using, distributing, manufacturing, offering or selling an Impairing Substance^[3] at the Workplace (except where use is pursuant to an accommodation plan entered into in accordance with the [Accommodation of Disabilities in the Workplace Policy](#)). If in possession of a legal Impairing Substance, ensure that it is within the legal limits and that it is properly stored in the Workplace.
- Inform their manager or the University's **Return to Work and Accommodation Unit** about their use of an Impairing Substance that may affect their Fitness for Work.
- Leave the workplace if they are not Fit for Work and/or if requested to do so by their manager.^[4]
- Inform a manager if they are aware of or witness Signs of Impairment which suggest that another employee may not be Fit for Work.
- Co-operate with the University in the accommodation process in accordance with the *Human Rights Code*, and the University's [Accommodation of Disabilities in the Workplace Policy](#).

Management Responsibilities

In addition to their responsibilities as employees (as outlined above), managers have the following responsibilities:

- In accordance with the [Interim Workplace Harassment and Discrimination Policy](#), establish and maintain a work environment in which all employees are treated with dignity, and that fosters a climate of understanding and mutual respect for the value of each employee.
- Communicate with employees about the need to report to the Workplace Fit for Work and remain Fit for Work throughout the entire workday. This includes answering questions about this Guideline.
- Promptly identify and manage performance issues that may be related to the use of an Impairing Substance, and/or substance dependency or addiction.
- Ensure that employees are aware of the **resources and support** available to them in the context of the University's commitment to providing a safe and secure workplace that supports employee wellbeing,

safety, and success, by prioritizing employee Fitness for Work.

- Encourage employees needing support for substance dependency or addiction to seek professional care and support. This may be done through the **Employee and Family Assistance Program**, and/or through the Return to Work and Accommodation Unit.
- Ensure that employees understand the requirement to disclose the use of an Impairing Substance that may affect job performance or compromise their or others' health and safety in the Workplace.
- Identify situations where it appears that an employee in the Workplace may not be Fit for Work and address immediately, as follows:
 - Observe the employee for Signs of Impairment;
 - If workplace safety is an issue, contact [Campus Security and Emergency Services](#) immediately, and prior to taking any next steps;
 - If workplace safety is not an issue, take the following steps:
 - Discreetly remove the employee from the work area if showing potential Signs of Impairment;
 - Bring the employee to a private area;
 - Include another manager as a second observer, whenever feasible;
 - Ask the employee to explain the behaviour or ask if the employee has used an Impairing Substance;
 - Refer the employee for medical assistance, if necessary;
 - If it is necessary to send the employee home, arrange for alternate transportation;
 - Report the incident to the appropriate Director, Dean, or Department Head, and inform the Employee and Labour Relations Unit of Human Resources (non-academic staff) or the [Faculty Relations Unit](#) (academic staff) of the incident. In addition, if workplace safety is an issue, report the incident to the [Department of Environmental Health and Safety](#).
 - Contact the Return to Work and Accommodation Unit if you have questions about resources and support, if a Return to Work Plan pursuant to the [Return to Work Policy and Procedure](#) is required or an Accommodation Plan under the [Accommodation of Disabilities in the Workplace Policy](#).
- Maintain the confidentiality of personal information obtained during the process of addressing a concern regarding an employee's Fitness for Work and refrain from disclosing personal information

except to the extent that the disclosure is necessary for the purpose of investigating concerns, taking corrective action, protecting the health and safety of employees, or as otherwise required by law. For example, information may be shared with the [Department of Environmental Health and Safety](#) and/or [Campus Security and Emergency Services](#) if this is necessary for the safety of employees or where illegal substances are discovered in the Workplace.

- Bring any Impairing Substances found in the Workplace which the manager reasonably believes is, or may be, illegal, to the attention of [Campus Security and Emergency Services](#).

Human Resources Responsibilities

- Provide guidance and assistance to managers and employees with respect to their respective responsibilities in accordance with this Guideline.
- Ensure that an employee who discloses a disability related to an Impairing Substance is accommodated in accordance with the Human Rights Code and the University's [Accommodation of Disabilities in the Workplace Policy](#).
- Encourage employees needing support for substance dependency or addiction to seek professional care and support. This may be done through the Employee and Family Assistance Program, and/or through the Return to Work and Accommodation Unit.

[1] The Guideline applies to student employees when engaged in employment activity for the University. The [Student Code of Conduct](#) contains guidelines for use of alcohol and drugs by students in their capacity as students.

[2] Because these behaviours are not necessarily Signs of Impairment, managers should not make assumptions when approaching employees regarding their observations and should seek guidance from Human Resources if uncertain as to how they can approach an employee with respect to concerns.

[3] For information and regulations on using, distributing, offering or selling alcohol, refer to [Queen's University Alcohol Policy](#).

[4] Depending on the circumstances (including whether the employee has a disability under the *Human Rights Code*), loss of work time as a result of a failure to report to the Workplace Fit for Work may be unpaid.