



# TOWN POLICY

## ADMINISTRATION POLICY:

# Impairment

**DEPARTMENT:** Human Resources

**POLICY NUMBER:** HR-178

**EFFECTIVE DATE:** August 7, 2024

**SUPERSEDES:** HR-002

**UP FOR REVIEW:** August 7, 2029

### Policy Statement:

Employee impairment can, regardless of the cause, create a work site health and safety hazard.

### The purpose of this policy is to:

Protect both employees and the organization by providing guidelines for reporting, investigating, and accommodating impairments while maintaining confidentiality and compliance with relevant laws and regulations.

## 1. Definitions

- (1) Department head: the Chief Administrative Officer, Assistant Administrator, and employee of highest rank in the following departments: Electrical, Engineering, Golf, Office and Finance, Municipal Enforcement, Parks and Recreation, Public Works, and Water and Wastewater.
- (2) Impairment: a decrease in competence that affects an employee's ability to perform work safely and creates risk to themselves or others.
- (3) Mental disability: any mental disorder, developmental disorder, or learning disorder, regardless of cause or duration.
- (4) Physical disability: any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes epilepsy, paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, and physical reliance on a guide dog, service dog, wheelchair or other remedial appliance or device.





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## 2. Guidelines

### (1) Responsibilities

- (a) All employees have a role in mitigating hazards created by worker impairment. The chart below outlines these responsibilities as follows:

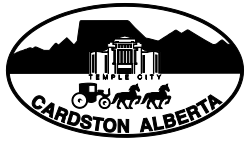
<b>ROLE</b>	<b>RESPONSIBILITIES</b>
<b>Employees (all)</b>	<ul style="list-style-type: none"><li>• Do not work impaired.</li><li>• Report health and safety concerns relating to impairment to their department head.</li><li>• Understand relevant policies and participate in related training.</li></ul>
<b>Department head</b>	<ul style="list-style-type: none"><li>• Determine level of employee impairment and appropriate response.</li><li>• Collaborate with the CAO to complete investigations, reports, and carry out appropriate discipline or support measures.</li></ul>
<b>Chief Administrative Officer (CAO)</b>	<ul style="list-style-type: none"><li>• Conduct investigations arising from impairment incidents.</li><li>• Provide guidance on appropriate discipline or support measures.</li><li>• Manage requests for accommodation.</li></ul>

- (b) In the event the department head is impaired, their responsibilities will be managed by the CAO.

### (2) Confidentiality

- (a) At any time, employees may confidentially report when they have been prescribed a medication that may cause impairment or when they feel they might be otherwise impaired to their department head.
- (b) All actions taken in response to suspected or confirmed impairment shall be conducted with the utmost discretion.
- (c) Information concerning an employee's impairment shall be disclosed only to implement reporting, investigation, or accommodation procedures as described in sections 3 through 5.





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- (3)** Accommodation
  - (a)** If an employee is suffering impairment due to a physical or mental disability, the Town will take reasonable steps to accommodate the employee as described in section 5.
  - (b)** The Town may be unable to accommodate an employee suffering impairment due to a physical or mental disability if accommodation would:
    - (i)** Result in undue hardship for the Town.
    - (ii)** Result in employee non-compliance with a standard, policy, or rule which is a necessary requirement of their job.

## **3. Procedure – Reporting**

- (1)** When an employee is exhibiting signs of impairment, the department head shall be notified immediately.
- (2)** The department head will act based on the level of impairment as follows; if the employee:
  - (a)** Needs medical assistance, contact emergency services.
  - (b)** Poses an immediate safety risk, stop the work and remove the employee to a safe location.
  - (c)** Does not pose an immediate safety risk, speak to the employee in a private area to discuss their behavior.
- (3)** Immediately following the incident, the department head shall complete a written report detailing the date, time, location, incident, and specific behaviors of concern.

## **4. Procedure – Investigation**

- (1)** The department head shall meet with the employee to discuss the contents of the report as described in subsection 3(3). The employee shall be encouraged to disclose all potential causes of impairment (medical conditions, prescribed medications, personal issues, substance abuse, etc.).
- (2)** If the impairment is related to personal issues or substance abuse, the department head shall offer access to an employee assistance program.





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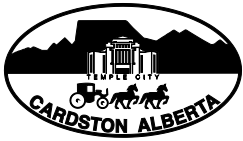
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- (3)** Following the meeting described in subsection 4(1), the department head, in consultation with the CAO, will determine the:
  - (a)** Level of risk the impairment poses to workplace safety or productivity.
  - (b)** Appropriate response; either,
    - (i)** disciplinary actions as prescribed by the current version of the Progressive Discipline Policy; or,
    - (ii)** supportive measures required as described in section 5.
- (4)** Results of the investigation and incident response shall be documented in a written report completed by the department head to be retained in the employee's file.

## **5. Procedure – Accommodation**

- (1)** All actions outlined in this section, and those following the delivery of decision as described in subsection 5(5) below, will be conducted in accordance with the *Alberta Human Rights Act* and with guidance from the Alberta Human Rights Commission.
- (2)** An employee who requires accommodation due to impairment arising from physical or mental disability shall make written request to the CAO. The request shall include the following information:
  - (a)** Medical documentation which explains the employee's functional limitations and necessary accommodations.
  - (b)** Suggestions of appropriate accommodation measures.
  - (c)** Length of time accommodation will be required.
- (3)** While conducting an investigation to assess its ability to accommodate, the Town will:
  - (a)** Consider the accommodation suggestions provided.
  - (b)** Be flexible and creative when developing accommodation options.
- (4)** In the course of its investigation, the Town may:
  - (a)** Request additional documentation about the employee's accommodation needs.
  - (b)** Consult with legal counsel or human resource professionals.





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- (5) Upon conclusion of its assessment, the Town will deliver an accommodation agreement to the employee, or written explanation of accommodation refusal.

## REVISION HISTORY

Date	Description
August 7, 2024	New Policy, supersedes HR-002

**APPROVAL:** ..... **DATE:** .....

*Chief Administrative Officer, Jeff Shaw* *(signed copy kept in CAO policy binder)*

