

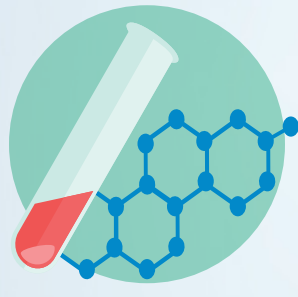
# Drug and Alcohol Policy Best Practices



Under Canadian federal human rights legislation, employees with substance dependencies needs to be assessed and accommodated on a case-by-case basis before they can be terminated. If they don't, then the employee may have the basis for a human rights complaint.

Even employees who don't have substance dependencies can make complaints against potentially discriminatory policies on behalf of those that do.

## Ensure your Drug and Alcohol Policy accommodates human rights with these best practices



Offer impacted employees substance use assessments by qualified substance abuse experts



Provide accommodation (to the point of undue hardship, in some jurisdictions) and accept requests for accommodation



Do not automatically terminate employees with substance dependencies who fail drug and alcohol tests



Obtain expert opinions or advice



Maintain employee confidentiality



Grant timely accommodation requests



Assume the cost of any medical information or documentation required



Keep a record of the accommodation request, the action taken, and why accommodation was impossible in specific circumstances.



Request medical information about restrictions or limitations that require accommodation only



Recognize and define the difference between recreational substance use and substance dependencies, and apply appropriate consequences for the different behaviours

Employers seeking medical information about an employee's disability are rarely entitled to an employee's diagnoses or medical treatment information. Seeking this information could be grounds for a complaint.

## Medical information request best practices

### Employers in certain jurisdictions may ask for information about:

- The expected length of an employee's absence or recovery period
- The employee's ability to return to work
- The employee's ability to perform pre-injury job tasks and modified work
- The expected length of time for any physical or mental limitations following the employee's return to work