

# Substance Use

## 1. Introduction

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### *Description*

Vancouver Coastal Health (VCH) is committed to protecting our patients, staff and the public. Employees, residents, medical staff, volunteers, students and contractors are responsible to perform their tasks productively and safely.

VCH believes that substance dependency is a treatable disease and offers early intervention programs to support Employees during their treatment, recovery and reintegration to the workplace. VCH promotes self-awareness and voluntary referral to enable Employees to achieve full recovery. VCH will support a regular Employee to access evidence-based addiction treatment since it is recognized that early intervention improves the probability of lasting recovery.

### *Scope*

This policy applies to all VCH staff which includes: Employees, residents, physicians, as well as volunteers, students, contractors and all others who carry out business or are working on the premises of a VCH owned or leased site. See 2.3 and 2.4 below for specific applicability for Non-VCH Employees and Medical Staff.

## 2. Policy

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### 2.1. *Substance Use at VCH*

VCH will not tolerate the use of substances that affect job performance, behaviours, safety, and/or attendance. If an Employee is suspected of being impaired he/she will be removed from the workplace by a Manager to eliminate any safety risk to our patients, staff and the public. All VCH staff are responsible to report any unsafe work acts they observe to the Supervisor, who will investigate the concern.

Staff who believe they have a substance use problem are expected to assume responsibility for their health and safety. Staff are encouraged to self-report and to seek assistance from a physician and/or Addictions Specialist. Unionized Employees may contact their union for guidance on how to self-report. VCH offers early intervention programs to support regular Employees who are struggling with substances before their job performance is affected.

When an individual's work performance is affected by substance use, the Manager will involve Employee Relations and WorkAbility. Where the Employee works in a Safety-Sensitive Position ([see 2.2.4 for definition](#)) and/or there are workplace issues, VCH will require the Employee to participate in an assessment by an Addictions Specialist. In the

event the Employee is a member of a licensed profession, there is a shared obligation to report this issue to the appropriate regulatory body.

VCH reserves the right to take appropriate steps regarding compliance of this policy. Non-compliance with this policy may impact the employment relationship, which includes circumstances when VCH has determined substance use poses undue hardship.

## 2.2. Procedures

### 2.2.1. Impairment Incident at Work

Where impairment is suspected, the Manager will assess if the staff member is fit for duty by meeting with the individual. Every effort will be made to contact a union steward to join this discussion. The Manager will contact the Human Resources Advisor (HR Advisor).

If the Employee is considered unfit for duty, the Employer retains the right to dismiss the Employee from his/her shift.

- The Manager will arrange paid transportation for the staff member to a safe location.
- The Manager will document their observations of impairment of the staff including their actions taken after the incident.
- A full investigation will follow the removal of the individual from VCH premises as per Procedure 2.2.4.

### 2.2.2. Workplace Issue(s) are Present

The Manager will meet with the Employee, HR Advisor and the union representative for unionized staff to outline the Employee's job performance, behaviours, safety and/or attendance problems. The Employee will be treated fairly, confidentially and respectfully. The Employee will be asked if there are underlying health problems that may be contributing to observations of his/her workplace issues. Workplace issues will be deemed to be Culpable unless the Employee provides appropriate documentation indicating a disability.

*If the Employee acknowledges that there is substance use the HR Advisor will:*

- a. Tell the Employee that a confidential, medical referral is available through WorkAbility;
- b. Identify if the Employee is in a Safety-Sensitive Position ([see 2.2.4 for definition](#)) in order to refer the individual to an Addictions Specialist for an assessment;

- c. Advise the Employee that proof of adherence to the treating physician's treatment plan and recommendations will be required; and
- d. Explain to an Employee who is part of a licensed, professional body that a duty to report is required. If the Employee does not self-report, the Employer will be obligated to report to maintain patient, staff and public safety.

WorkAbility is available to support the Employee with any medical referral.

*If the Employee denies there is substance use the HR Advisor will:*

- a. Remind the Employee that a referral to WorkAbility is an option and
- b. Explain that Procedure 2.2.3, Workplace Investigation will continue.

#### 2.2.3. Workplace Investigation

All workplace investigations will include an assessment of whether the use of substances is Culpable or Non-Culpable Behaviour. For Non-Culpable Behaviour, VCH would require a copy of the physician's assessment report including treatment recommendations. The medical documentation provided will supplement any non-disciplinary action. Where the behaviour is Culpable, disciplinary action will be issued.

VCH commits to keeping reports confidential and the sharing of information within reports will occur in order to complete any workplace investigation and ensure an Employee's integration back to work is handled in a safe and appropriate manner including any accommodation. For the purposes of the workplace investigation and accommodation, confirmation of diagnosis and any other related medical information will be shared with HR Advisors, WorkAbility Advisors and Managers where appropriate.

#### 2.2.4. Safety Sensitive Positions

VCH identifies that there are positions at VCH which are Safety-Sensitive. A Safety-Sensitive Position:

- a. has direct interaction with patients, or
- b. has indirect interaction with patients and whose work is directly related to patient care, or
- c. has a role in an emergency situation or is placed on-call, or
- d. operates potentially hazardous equipment or is required to operate a motor vehicle in the ordinary performance of the work, or
- e. has a significant, ongoing responsibility for decisions or actions likely to affect the safe operations, finances or reputation of VCH.

Any positions that do not meet the above criteria are considered non-safety sensitive.

#### 2.2.5. Treatment of Substance Use at VCH

The employer will approve appropriate leave(s) to support the rehabilitation and return to work of Employees who experience difficulties with substance dependency.

For Employees who have workplace issues in which substance use was a factor and who work in a Safety-Sensitive Position ([see 2.2.4 for definition](#)), VCH will mandate a referral to one of the VCH-approved Addictions Specialists. VCH will pay for all mandated assessments. The Addictions Specialist will recommend treatment and provide clarification about the individuals' fitness to return to work including limitations and restrictions and when necessary, propose a workplace accommodation.

VCH offers early intervention programs to support Employees during their treatment, recovery and reintegration to the workplace. For Employees who have self-disclosed their dependency and who have no previous workplace issues, VCH highly recommends the use of medical monitoring.

VCH will ensure that Employees are given sufficient time off for assessment, treatment and rehabilitation including access to any benefits to which they are entitled. VCH will collaborate with the Employee and union representative to reasonably accommodate the Employee's attendance at monitoring sessions, treating physician appointments and/or support group meetings.

#### 2.2.6. Return to Work and Accommodation

Return to work agreements, as informed by the treating physician; communicate in writing the agreement and expectations between VCH and the Employee to remain substance-free, to commit to their recovery program and to practice safe work. As required by VCH, these agreements will also address:

- any related job performance, behaviours, safety and/or attendance issues that will be monitored;
- any medical limitations, restrictions and recommendations;
- reference to professional undertakings;
- medical monitoring for compliance with the treatment plan and relapse prevention; and
- when reasonable suspicion of relapse occurs what steps may be taken.

Employer-required medical monitoring will be paid for by VCH.

For Employees who have self-disclosed their dependency and who have no previous workplace issues, VCH highly recommends the use of medical monitoring.

Employees are required to provide medical documentation declaring their fitness for work and detailing any limitations/restrictions that may require temporary modification of their duties or permanent accommodation under the Human Rights Code. In the event that insufficient or inappropriate information is provided to the employer to make a judgment about return to work, the employer reserves the right to require further medical clearance up to and including an assessment by an Addictions Specialist. Employer-requested Addictions Specialist reporting will be paid for by the employer.

While the nature of dependency tends to be characterized by relapse(s), which Return to Work agreements address, VCH will tolerate relapse(s) only up to the point of undue hardship which will be assessed on an individual basis.

### 2.3. **Policy Application for Non-VCH Employees**

The above [Policy 2.1](#) (Substance Use at VCH) and [Procedure 2.2.1](#) applies to non-VCH Employees which includes Volunteers, Contractors and Students. Reporting of any impairment, removal and reinstatement of Volunteers, Contractors and Students will adhere to their respective contract terms and conditions. [Procedure\(s\) 2.2.2](#) to [2.2.6](#) do not apply to non-VCH Employees.

### 2.4. **Policy Application for Medical Staff**

The [Policy 2.1](#) (Substance Use at VCH), Description and Scope statements apply to all Medical Staff which includes Physicians, Dentists, Midwives, Nurse Practitioners, and Scientific Staff. This section is to highlight any distinct procedures or departures from of the Substance Use Policy that apply to Medical staff who work in VCH programs and services. As directed by the Board of Directors it is the responsibility of the Senior Medical Director to establish policies that ensure the Medical Staff provide continuity of professional, competent care to patients/clients in VCH programs.

VCH will ensure Medical Staff become aware of this policy during their orientation process.

Any contravention of this policy will be considered grounds for either suspension or termination of privileges as outlined in the Medical Staff By-Laws. The requirement under Section 32.2 of the *Health Professions Act* of British Columbia that behaviours in breach of this policy are directly reportable to the BC College of Physicians and Surgeons, and to other Regulatory Colleges as per their Regulations for Dentists Midwives and Nurse Practitioners, and will be effected by the relevant Senior Medical Director and VP Medicine.

Under [Procedure 2.2.1](#), the Manager refers to the Medical Staff Department Head/Medical Director.

Medical staff are designated as Safety Sensitive positions as per the definition in [2.2.4](#).

Under [Procedure 2.2.4](#), Medical Staff will be referred to the Physician Health and Support program of the BC Medical Association (BCMA) and BC College of Physicians and Surgeons. Immediate assistance if desired will be provided by the Employee & Family Assistance Program (EFAP) while referrals to the joint BCMA/BC College Physician assistance program are initiated.

Under [Procedure 2.2.5](#) the decision to return a physician to practice is subject to approval by the BC College of Physicians and Surgeons and in accordance with the Medical Staff Bylaws and VCH Policies. The standard processes including the rights afforded the Physician in these processes will be followed as detailed in the Medical Staff Bylaws and Medical Staff Rules.

## 2.5. Responsibilities

### 2.5.1. Staff

- Performing their tasks productively and safely.
- Reporting any unsafe work acts they observe to the Supervisor or Manager, who will investigate the concern.

### 2.5.2. Managers

- Assessing if staff are fit for duty
- Making arrangements, working with the Human Resources Advisor, and documenting incidents when staff are not fit for duty.

### 2.5.3. Human Resources Advisor

- In collaboration with WorkAbility identifying when Employees are in Safety-Sensitive Positions
- Conducting workplace investigations

### 2.5.4. WorkAbility Advisor

- In collaboration with the Human Resource Advisor identifying when Employees are in Safety-Sensitive Positions
- Supporting Employees who have a substance use disorder to achieve recovery and return to work. .

## 2.6. Compliance

VCH reserves the right to take appropriate steps regarding compliance of this policy. Non-compliance with this policy may impact the employment relationship, which includes circumstances when VCH has determined substance use poses undue hardship.

Consequences for non-compliance depend on whether the behavior has been deemed Culpable or Non-Culpable. Where the behavior is Culpable, disciplinary actions will be issued.

## 3. References

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### *Tools, Forms and Guidelines*

None

### *Related Policies*

- [Safe and Healthy Workplace](#)

### *Keywords*

Substance use; substance abuse; drugs; alcohol; addiction; dependency; impaired; fit for work; intervention

### *Definitions*

“**Abuse**” means a maladaptive pattern of substance use leading to clinically significant impairment or distress occurs within a 12-month period. Significant impairment or distress can manifest itself as failure to fulfill job performance, disorderly conduct and anti-social behaviours that may pose danger to the Employee his/her co-workers and/or the workplace.

“**Addictions Specialist**” means a physician certified in the specialty of addiction medicine.

“**Contractors**” means any persons providing services to VCH under service contract or other agreement and not paid through any of the Health Authorities payroll systems.

“**Culpable behaviour**” means deliberate and/or intentional and is under the Employee's control. Culpable behaviour occurs when the Employee knows what is expected, and is capable of performing his or her duties but refuses.

**“Dependency”** means a maladaptive pattern of substance use leading to clinically significant impairment or distress as identified by the diagnostic criteria published by the American Psychiatric Association in the current issue of the Diagnostic and Statistical Manual. A primary, progressive, chronic and often fatal disease characterized by compulsive, obsessive use of substances. Dependency is characterized by a preoccupation with the substances, loss of control, increased tolerance, harmful consequences in one or more major life areas, denial and delusion.

**“Employee”** means a person who is in a direct employment contract with VCH, who is paid for work as an Employee of VCH.

**“Fit for Work”** means a staff member is medically able to perform the duties of the job with competence and in a safe manner to established performance standards.

**“Impaired”** means being unable to perform job duties in a safe and competent manner due to the influence of substance use. Impairment may include but is not limited to the following symptoms: odour of alcohol, slurred speech, red eyes, confusion, difficulty concentrating, apparent memory problems, poor condition, hang-overs, shakiness, tremors, sweats, unsteady walking, watery eyes, dilated or constricted pupils. \*Reference to WSBC Regs 4.19 & 4.20

**“Manager”** includes manager, physician leader or executive member of VCH. It may also include a Manager, who is acting as a manager’s designate.

**“Monitor”** means a health professional who has received training in both the management of individuals with substance abuse disorders and in the monitoring process. The monitor verifies, through face-to-face visits and laboratory testing, that the Employee is compliant with all aspects of the relapse prevention agreement and reports compliance or non-compliance to the employer.

**“Non-Culpable Behaviour”** means behaviour due to factors outside of the Employee's control.

**“Relapse”** means the recurrence of using substances and engaging in old behaviours following a period of improvement.

**“Substance”** means a psychoactive agent which may impair health or safety including but not limited to alcohol, illicit drugs, prescription psychoactive medicine, inhalants, steroids or other substances. These substances act on the central nervous system to negatively change or affect the way a person thinks, feels or acts. For purposes of this policy, substances of concern are those that affect an individual’s potential or ability to perform their job safely and productively.

**“Staff”** means all Employees and persons who have an employment relationship with VCH and who are compensated through the Health Authority’s payroll system, including Employees, physicians, volunteers, students, contractors and all others who carry out business or are working on the premises of VCH.

**“VCH Business”** refers to all activities undertaken by any individual in pursuit of the objectives of any one of VCH whether conducted on or off the premises. This includes all situations when an individual is representing VCH or is performing services under contract to VCH.



“**VCH Premises**” includes all land, property, structures, facilities, vehicles and equipment owned, leased, operated or otherwise controlled VCH.

“**Workplace Issues**” includes but is not limited to inadequacies in the areas of attendance, job performance, behavior and/or safety.

### **Questions**

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