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# ADDRESSING WORKPLACE IMPAIRMENT

## DRUG AND ALCOHOL POLICIES PUT SAFETY FIRST

BY PAT ST. GERMAIN

**C**annabis use is high on the list of workplace safety concerns these days, but the Manitoba Heavy Construction Association is providing employers with the tools to nip it in the bud.

While recreational cannabis has been legal since Oct. 17, employers still have the right to prohibit use of marijuana, alcohol and other impairing substances in the workplace.

“The fact that something is legal doesn’t give you a right to use it at work, and it certainly doesn’t give you a right to be impaired from doing your job properly,” says lawyer Jamie Jurczak, who specializes in labour and employment law at Taylor McCaffrey LLP.

“So, what’s changed after legalization? Well, nothing in the sense that you still can’t come to work high. You still need to be fit for duty.”

Jurczak and Joel Gervais, an addictions and training specialist at CBI Health Centre, say cannabis isn’t a new issue in the workplace, but legalization has focused attention on the importance

of establishing clear drug and alcohol policies, or enhancing existing policies.

It’s important not to jump to conclusions, and to keep in mind that some signs of impairment could be due to a medical issue that requires immediate attention. “Fitness for duty and impairment is just one piece of performance. You can have an employee who’s performing poorly for a lot of reasons and supervisors should be trained to recognize poor performance whatever the cause, whether it’s sleep deprivation, alcohol use, illness or disability,” she says.

“It’s not about the substance causing the impairment, it’s just about the fact that you are impaired. If there’s too much focus on the ‘what,’ you might start missing the more important issue, which is the fact that somebody should not be operating heavy machinery or should not be out there in the field or on the floor potentially putting themselves, their co-workers or, depending on the nature of the job, maybe members of the public in danger.”

Maple Leaf Construction safety manager Mike Burtnick has made all the right moves to bring the company’s drug

**“IT IS REALLY A SAFETY-SENSITIVE OCCUPATION BECAUSE WE ARE WORKING WITH HEAVY EQUIPMENT AND IN TRAFFIC A LOT OF TIMES... IT DOESN’T MATTER WHAT IT IS, ANYTHING THAT CAN ALTER SOMEONE’S PERCEPTION OR THEIR MOOD OR THEIR ABILITY TO OPERATE EQUIPMENT AND HAVE THEIR WITS ABOUT THEM — WHETHER IT’S ALCOHOL OR CANNABIS, OPIATES, COUGH MEDICINE, WHATEVER — IS NOT SOMETHING THAT WE NEED TO HAVE ON JOB SITES WHEN PEOPLES’ LIVES COULD BE AT STAKE.”**

and alcohol policy in line with the times.

He attended Gervais and Jurczak’s WORKSAFELY seminars and followed up with them and other sources to revise the policy. He also made sure it was distributed to all workers and discussed at weekly safety meetings.

“And we had Jamie speak with all of our supervisory staff again to clue them in on what I think a lot of people already knew, but to make sure they understood it, because as supervisors and foremen that’s one of their jobs, to make sure people are ready to work,” Burtnick says. “It is really a safety-sensitive occupation because we are working with heavy equipment and in traffic a lot of times... It doesn’t matter what it is, anything that can alter someone’s perception or their mood or their ability to operate equipment and have their wits about them — whether it’s alcohol or cannabis, opiates, cough medicine, whatever — is not something that we need to have on job sites when peoples’ lives could be at stake.”

Jones conducted the first WORKSAFELY Managing Impairment in the Workplace course in Winnipeg on Nov. 13. The next course will be held in Brandon on Dec. 4, and it will be offered to MHCA members throughout the province as required. »»



Maple Leaf Construction safety manager Mike Burtnick and MHCA WORKSAFELY™ Education & Safety advisor Jackie Jones. PHOTO BY DARCY FINLEY



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