

OPIOIDS AT WORK

EMPLOYER TOOLKIT



Impairment, Safety and Opioids

Workplace impairment is an ongoing occupational health and safety issue. Impairment can cause both physical and behavioral changes that impact a person's capacity to work safely, creating safety concerns and hazards.

In this document, learn about:

- How impairment impacts the workplace
- Employer and employee responsibilities concerning impairment
- Recognizing impairment
- The relationship between opioids and impairment
- Developing workplace impairment policies and procedures

Key steps are located on the last page for easy reference.

IMPAIRMENT AND THE WORKPLACE

Impairment can cause changes in a person's mental and physical ability to function. These changes may include:

- Reduced capacity to concentrate, think clearly, evaluate situations and make appropriate decisions in a timely manner
- Decreased motor coordination and sensory perception, slower reaction time
- Other psychological impacts including personality changes, mood changes or irritability

Many people think of impairment as resulting from substance use, including various substances such as alcohol, prescription and non-prescription medication, medical and recreational cannabis, and other drugs. However, impairment can result from many different situations, including:

- Fatigue (physical or mental) as a result of having a young child, working more than one job or working an unbalanced schedule, medical conditions or other reasons
- Illnesses or medications that cause fatigue, dizziness or nausea
- Experiencing stress or trauma at home (family or relationship conflicts or crises) or in the workplace (conflict with a supervisor or employer, bullying or sexual harassment)
- Exposure to extreme physical conditions at work (heat, cold, excessive mental or emotional stress, lighting that causes headaches or eyestrain)

Employer and employee responsibilities

Employers have a responsibility to ensure the safety and health of workers. This includes learning to recognize impairment in employees, not allowing employees to work while impaired, developing impairment policies and procedures, enforcing policies in a fair, consistent manner, and making sure employees are aware of their responsibilities and policies regarding impairment.

Examples of employee responsibilities include awareness of when they may be impaired (fatigued, taking impairing medications), and notifying appropriate personnel of potential impairment in themselves or others.

Substance use disorders (SUDs), including opioid use disorder, are long-term, relapsing diseases that impact people in different ways. Some people may be in the early stages of a SUD, and some may have been living with a SUD for years.

Signs and symptoms of SUDs vary from person to person. Supervisors are often among the first to notice physical or mental changes, or signs such as a decrease in job performance. While it is not the job of the supervisor to act as a counselor or to diagnose a SUD, training supervisors to understand SUDs is a critical part of reducing stigma and supporting employees with a SUD.

Recognizing impairment

Impairment can manifest in different ways. Sometimes, there may be physical signs and symptoms. Other times, it can manifest as a behavior pattern or change that is concerning. These signs, symptoms and behavior changes do not necessarily mean that someone is impaired or has substance use disorder. Here are some common signs that could indicate impairment or substance misuse.

Remember, these are signs and symptoms that can be caused by more than one situation. Avoid jumping to conclusions about *why* someone is acting differently. Follow the policies and procedures in place to ensure fair, consistent handling of potential impairment in the workplace.

SIGNS OF POTENTIAL IMPAIRMENT

Physical	Mental	Performance
<ul style="list-style-type: none"> • Rapid shift in physical appearance (hygiene, weight loss or gain) • Tremors • Unsteady gait, loss in manual dexterity, working in an unsafe manner • Odor of alcohol or other drugs 	<ul style="list-style-type: none"> • Inappropriate verbal or emotional responses or behaviors • Irritability • Memory loss • Unusual isolation from colleagues • Lack of concentration, confusion, forgetfulness • Lying 	<ul style="list-style-type: none"> • Calling in sick frequently • Unexplained tardiness, early departure, extended breaks • Errors in judgment • Deterioration in performance and quality of work • Testing positive on a drug screen

Opioid Impairment in the Workplace

Opioids, even when taken as prescribed, can impair both mental and physical functioning. [Some side effects can include](#) sleepiness, nausea, dizziness and slower reaction times. Any of these side effects can cause impairment, posing a hazard to the workplace. Employers should have policies and procedures in place to manage employees who are being prescribed opioids, including but not limited to providing reasonable accommodation during the duration of the prescription, reminding the employee of resources available (short- or long-term disability, FMLA, etc.), and procedures in place to return to work or their position after the risk for impairment is gone.

Impairment may be a symptom of an opioid use disorder, as one symptom of opioid use disorder is the use of opioids in spite of negative consequences. While it is not their responsibility to diagnose a SUD, supervisors and HR professionals should know how recognize warning signs and how to refer employees to the appropriate services.

It can be difficult to identify when impairment is caused by opioids, because it can look similar to impairment that is caused by alcohol, other drug use, fatigue and more. This is why it is important to have robust workplace impairment policies and procedures that address all types of impairment.

DEVELOPING A WORKPLACE IMPAIRMENT POLICY

Having a clear, robust workplace impairment policy is essential to reducing the risks impairment presents. It should be constructed to both establish and maintain safety in the workplace, and to provide help and support for employees when needed. The policy should clearly set out the employer's approach to workplace impairment in understandable language, and it should contain the following elements:

- A statement of purpose
- Definition of impairment
- Policies
- Procedures

Statement of purpose

A statement of purpose should clearly state the employer's and employee's commitment to safety. An example could look like this:

"Leadership at (insert company name) is deeply committed to providing safe workplace. Safety is our number one value. To keep our workplace safe, we have implemented the following policies and procedures on workplace impairment. These policies and procedures will help protect everyone at our workplace. It is everyone's responsibility to abide by these policies and to use appropriate personnel procedures to avoid unsafe workplace practices."

Defining impairment

Defining impairment is also very important. Again, impairment can result from more than substance use, and it is important to communicate that to your employees. A definition of workplace impairment could look like this:

“Being impaired means that you are physically or mentally unable to perform work functions safely. This impairment can result from using alcohol, prescription or over-the-counter medication, medical and recreational cannabis, or other illegal drugs. Impairment can also result from fatigue, illness, stress or trauma and other conditions.”

Policies

When developing workplace impairment policies, employers should collaborate with several parties to ensure that the policies will be comprehensive, effective and understandable. These parties include employees, safety and health committee members or representatives, occupational health providers, union representatives (if applicable) and human resources professionals. Policies and procedures should clearly delineate roles and responsibilities for everyone involved. It is important to be clear about who is covered by the policies and procedures, as well as to be clear on employee’s rights to confidentiality and privacy.

It is important to stay consistent when enforcing workplace policies. Many companies are moving away from “zero-tolerance” policies, in part because it is becoming more difficult to hire people who can pass a pre-employment drug screens, but also because zero-tolerance policies don’t allow for flexibility based on individual circumstances. Companies may consider avoiding zero-tolerance policies, and instead use a “second chance” policy that allows the employer to evaluate the situation on a case-by-case basis to avoid terminating an employee with an opioid use disorder who needs treatment, and to create a supportive, compassionate workplace culture for people who need treatment.

While each workplace has different needs, consider implementing a policy that :

- Includes a clear identification of safety-critical positions, clearly defining the position and essential job duties
- Requires that employees not work if they are too impaired to perform essential job duties
- Requires employee disclosure to their supervisor, HR or both if impaired for any reason
 - Consider what will happen in the event of voluntary disclosure; employees are less likely to come forward when experiencing impairment if they believe they will be terminated or are unsure of the consequences
- Requires employee disclosure to their supervisor, HR or both if concerned about another employee’s potential impairment
- Restricts or bans the presence or use of alcohol, cannabis and illegal drugs in the workplace
- Requires employees to disclose prescription of medications with impairing effects, and focuses on classes of drugs rather than brand names or medical conditions
- Spells out actions that will be taken in event of a policy violation

Procedural training

The causes of impairment at work may not always be clear. Providing trainings on specific procedures and impairment scenarios can help understand what to do in situations that could be difficult to navigate.

Provide employee training on:

- Recognizing signs of impairment in themselves and others
- Clearly defining and stating the results of policy violations
- Clearly defining how employees can inform their supervisor or HR if they are impaired, and the results of voluntary disclosure of impairment
- Clearly defining how employees can confidentially inform their supervisor or HR if they are being prescribed an impairing medication
- Clearly defining how employees can inform their supervisor or HR if a coworker is impaired, and the results of this disclosure

Providing supervisor training on (see the document on Training Supervisors in the toolkit)

- Assessing for impairment
- Actions for supervisors to take to handle active impairment in the workplace

Training on HR processes that:

- Assist those in need of support (for example, referral to an employee assistance program)
- Provide reasonable accommodation in case of voluntary disclosure of impairment, or to reduce risk for impairment in a safety-critical position due to potential impairment (for example, an employee who is prescribed an impairing medication for two weeks)
- Define return-to-work policies after removal for impairment
- Clear drug testing protocols following removal for impairment and after reinstatement



Key Steps For Employers

- ✓ Ensure everyone in the workplace understands how to recognize impairment, and what to do in event of impairment in themselves or others
- ✓ Develop policies and procedures that clearly address impairment in the workplace, and are consistently enforced
- ✓ Emphasize that safety is a shared responsibility between employers and employees – it's everyone's responsibility to keep the workplace safe



Legal Implications

Every component of the drug free workplace program must:

- Be developed in partnership with the organization's legal advisers
- Safeguard employee confidentiality
- Comply with federal, state and local regulations, including but not limited to OSHA, the Americans with Disabilities Act, Mental Health Parity Act and HIPAA
- Comply with union and industry regulations

The Opioids at Work Employer Toolkit has been developed to raise awareness with businesses about how to respond to the risks associated with the misuse of opioids and other drugs. The content is meant for educational purposes only and not for the purpose of providing legal advice or replacing the work needed to develop a responsible drug-free workplace program. As such, it should not be used as a substitute for consultation with a legal professional, or other competent advisor.

Medical advice and information in this document were approved by NSC physicians who advise the Council on our substance use harm initiatives. These doctors also are members of the [NSC Physician Speakers Bureau](#).