



# UNTAPPED TALENT

## B2B GUIDE TO INNOVATIVE HIRING AND RETENTION

### ACCOMMODATING ADDICTIONS AT WORK

#### **Accommodating Addiction**

If an employer believes that an employee has a substance addiction, or if an employee has self-disclosed that they have a disability due to addiction, the employer has a responsibility to approach the issue in a supportive, respectful and collaborative way.

Here are four steps to accommodate addiction in the workplace:

#### **Step 1: Recognize the Signs**

A supportive employer knows their employees and can recognize changes in their behaviour, appearance and work performance. The following can be signs of addiction:

- Personality changes (overreaction to constructive criticism or increased interpersonal conflicts) or erratic behaviour
- Consistent lateness or absenteeism
- Reduced productivity or quality of work

#### **Step 2: Talk About It**

If you have observed changes in your employee, it's important not to make assumptions. Ask if something is happening in their life that is impacting them in the workplace. If you think that addiction could be the problem, this triggers a legal obligation called the Duty to Inquire. Denial is often a characteristic of addiction and to those who experience addiction and other mental health issues stigma is a powerful deterrent from talking about it. You may need to have more than one conversation.

#### **Step 3: Accommodate**

Substance dependence is considered a disability under the Canadian Human Rights Act. Employees with addiction have a legal right to be accommodated up to the point of undue hardship as any other employee with a disability would.

An important consideration through the accommodation process is that relapse is a reality for many people who experience addiction. This means that an employer may need to accommodate an employee through multiple relapses.

As part of the accommodation plan for an employee who is returning to work after a short or long term disability leave, you should draft a return to work agreement in collaboration with

the returning employee. A return to work agreement can include expectations for an employee's conduct when returning to work such as attendance, safety, performance and compliance with an existing drug and alcohol policy. It should *not* include details of an employee's confidential treatment plan or treatment expectations.

Sometimes an employer will use a last chance agreement or relapse prevention agreement. These things don't exclude you from the legal obligation to accommodate an employee with a disability up to the point of undue hardship.

#### **Step 4: Assess and Adjust**

Once you have an accommodation plan in place it is essential to check in with your employee on a regular basis. Assess if the accommodations are effective or need to be adjusted for the employee's evolving health situation. You may also require additional medical updates from the employee's health care provider(s).