

FIT FOR DUTY POLICY SCORE CARD



A powerful and effective Fit for Duty Policy is the foundation of every successful Fit for Duty System. An effective policy is one that is compliant and aligned with legislative and industry standards, and is thorough, pragmatic, and clear and easy to understand for all involved parties.

Directions: This Score Card has been designed to help you evaluate how compliant, thorough, and legally defensible your Fit for Duty policy is. Below are 11 important policy components – each with 2 scenarios representing opposite ends of a spectrum of answers. Please rate where your policy falls within the spectrum for each component, using the rating scale below:

- 3
- = The scenario on the left best describes my policy
- 1
- = The scenario on the right best describes my policy
- 2
- = My policy falls somewhere in between the 2 scenarios

Your policy is focused on and addresses worker Fitness for Duty, rather than focusing solely on substance use.

Reference to and requirements around fatigue, mental health conditions, medical conditions, physical impairments, injuries, illness, and drug and alcohol use are all included within the policy.

POLICY FOCUS

Your policy is titled “Drug and Alcohol Policy” or some variation thereof. The focus is solely on substance use.

There is no reference to any other impairment sources / Fitness for Duty factors such as fatigue, mental health conditions, medical conditions, physical impairments, injuries, or illness.

Rating:

3

2

1

Your policy contains a glossary or list of definitions for all vague terms, industry-specific jargon, and acronyms. There are at least 20 different definitions outlined within the Glossary / Definitions section.

Some important definitions include the following:

- Cannabis product
- Company Business
- Company Premises and/or Worksite Drug
- Employee
- Fitness for Duty / Fit for Duty
- Impairment
- Medication
- Safety Sensitive Tasks / Positions

POLICY CLARITY

There are no definitions included within your policy. Workers are left to decipher what the terms within the policy mean.

Rating:

3

2

1

Keeping your workers healthy and safe.

A review is completed on your policy annually, with the last formal review occurring within the last 12 months. The last review date and reviewer name are documented somewhere within the policy (typically at the front, in the footer, or in a revision tracking table at the back).



There is no review schedule set for your policy. Your policy has not been reviewed for more than 12 months. The last review date and reviewer name are not documented within your policy.

Rating: 3 2 1

Your policy contains reference to your company's obligation to accommodate persons with disabilities to the point of undue hardship.



Your policy does not contain any reference to accommodation or your company's obligation to meet this Human Rights requirement.

Rating: 3 2 1

Your policy includes a process for investigating disclosed or identified medical / mental health conditions or medications that could potentially cause a safety risk. This is clearly outlined for the workers so that they know what to expect in this situation and what will be required of them.



Your policy does not outline a process for investigating disclosed or identified medical / mental health conditions or medications. These situations are typically handled as they come up, without a formal process in place.

Rating: 3 2 1

Confidentiality and privacy are addressed within your policy. Items to which confidentiality and privacy are clearly outlined including drug / alcohol / occupational health testing results, disclosed medical or mental health conditions, disclosed medications, substance abuse assessment reports, etc.



Your policy does not address confidentiality or privacy. There is no information included regarding what policy-related documentation may be subject to privacy requirements, who will receive or have access to this information, or how / where it will be stored.

- Your policy clearly identifies:
- who within the organization will be receiving confidential information (titles, not actual personnel names).
 - how and where confidential documentation will be stored.
 - who within the organization will have access to confidential information and documents

Rating: 3 2 1

Your policy includes a “Duty to Disclose” clause or specific obligations and processes related to the disclosure of potential Fitness for Duty issues (ie. medical conditions, medications, physical impairments, injuries, etc.).

There are disclosure mechanisms, including an outline of who to disclose to (positions or departments), the process for disclosure, and the investigation processes that may occur as a result of the disclosure.



have no idea that they are required to report medications they are taking, medical / mental health conditions they have, or injuries that they have sustained.

The are no disclosure mechanisms outlined within your policy as to what is required to be disclosed, who it should be disclosed to, or the investigation that will flow from the disclosure.

Rating: 3 2 1

All relevant worksite parties are indicated, and responsibilities / obligations are clearly defined for each group.

At a minimum, this should include workers, supervisors / managers, and the company / ownership.



The specific roles and responsibilities of workers, supervisors, and the company itself are not outlined within your policy.

Rating: 3 2 1

Your policy outlines all policy-related costs and who is responsible for the payment of these costs. This includes testing costs (if applicable), costs related to required and requested substance abuse and mental health assessments, counselling / treatment costs, and medical clearance costs.



Your policy does not include any reference to payment responsibilities for testing, assessments, investigations, counselling, or medical clearance costs. It is a surprise to your workers when they are required to pay for something relating to your Fitness for Duty policy.

Rating: 3 2 1

If a drug and alcohol testing program is in place to support the policy, your policy outlines the reasons why a worker might be tested under the policy, the methods through which testing may be completed, the substances for which they worker might be tested, and the cut off levels of each substance that denote a policy violation.



If a drug and alcohol testing program is in place to support the policy, there is no mention of this within the policy. The reasons why testing may be completed, test methods, tested substances, and associated cut off levels are not included within the policy.

Rating: 3 2 1

Your policy outlines the different ways in which a policy violation occurs. This includes refusals to comply with requests to disclose required information, refusals to test or comply with the testing program (if applicable), being not Fit for Duty, having a positive drug or alcohol test result (if applicable). Investigation processes related to the above potential or confirmed policy violations are outlined. In many of the above situations, this may include the requirement to complete a Substance Abuse Assessment in order to confirm whether or not a diagnosed disability is at play.



Policy violations are not discussed within the policy or are included in a vague manner. The result of policy violations in accordance with your policy is always immediate termination without any preceding investigation with a professional (ie. a Substance Abuse Assessment).

Rating:

3

2

1

Rating Outline:

27-33

Your policy provides good legal protection and has a high level of compliance with required / recommended legislative and industry standards. There is room for improvement to achieve a policy with full active protection and that is clearly written for all involved parties. A quick review of your policy by a policy expert or lawyer and some small tweaks are recommended.

19-26

19-26 Your policy provides moderate legal protection and meets some of the required / recommended legislative and industry standards. Some policy components need to be expanded or clarified, and some additional processes likely need to be put in place.

11-18

Your policy is insufficient and provides limited legal protection. Important legislative and industry requirements have not been met and your policy is not only inadequate but is likely putting your organization and people at risk. It is recommended to connect with a policy expert or lawyer immediately to initiate policy revisions or the development of a new policy. Training is also recommended for those are involved with the development and management of your Fitness for Duty policy.