

Occupational Health and Safety

Pilot Project:

Reducing Safety Risks Related to the Use of Alcohol and Other Drugs

**Guidance Document for the Oil Sands Operations and
Maintenance, Industrial Construction, and Industrial
Maintenance Industries**

i Preface

A Pilot Project has been established by representatives of a range of stakeholders in the industrial construction and maintenance industries, and in oil sands operations. The principles governing the Pilot Project are articulated in “*DRUG AND ALCOHOL RISK REDUCTION PILOT PROJECT (DARRPP) SEPTEMBER 20, 2010*” [The “DARRP Principles”]. This Guidance Document sets out ways in which Pilot Project participants may adhere to the DARRPP Principles governing the Pilot Project. While prescriptive and detailed, it is recognized that this Guidance Document does not articulate exclusively the ways in which participants may comply with the DARRPP Principles.

ii Disclaimer

This Guidance Document has been developed and is being made available for general information purposes. The contents of this Guidance Document and any related communication and information are not intended and should not be considered an opinion or representation on the law pertaining to workplace drug and alcohol testing. **DO NOT RELY** on this Guidance Document or any related communication or information for that purpose.

If you or your organization is considering participating in the *Reducing Safety Risks Related to the Use of Alcohol and Other Drugs* pilot project, or undertaking any other decision or action in respect of assessing, reducing or otherwise managing risks associated with drugs and alcohol in the workplace, then it is strongly recommended that you consult relevant professionals to assist you, including medical specialists, lawyers, health and safety specialists, privacy specialists and information technology specialists.

This Guidance Document, which was developed by a Working Group, is an approach to accommodating and harmonizing the legal requirements pertaining to drug and alcohol testing in the workplace, including random alcohol and drug testing. The companies and organizations comprising the Working Group and the DARRP Co. and their respective representatives, directors, officers, employees, agents and contractors will not be liable or otherwise responsible, in any way, to you or your organization for your use of the information contained in this Guidance Document or any decision or action made or taken in respect thereof.

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A1 *Canadian Model for Providing a Safe Workplace*

1.0 Introduction

The *Drug and Alcohol Risk Reduction Pilot Project* (the Pilot) was established to create and evaluate new guidelines that address safety risks related to the use of alcohol and other drugs, which aim to reduce the risk of workplace injuries.

Workers, if under the influence of alcohol or drugs while working, can pose risks to safety. In an attempt to reduce these risks, some employers have introduced drug and alcohol testing programs as a means of screening for workers who pose risks to safety so that the risks can be managed.

Pursuant to the Pilot, participants may adopt a system where, in addition to traditional types of testing, random oral fluid testing is used to measure recent substance use as a method to control safety risks. Random oral fluid tests are designed to detect substance use that occurred within an approximate 24 hour window prior to collecting an oral fluid sample (and not detect substance use that occurred before this window).

The Pilot was developed to focus on Alberta's oil sands operations and maintenance, industrial construction, and industrial maintenance industries. The Pilot was designed to work within and comply with the existing legislative framework established under Alberta's *Human Rights Act*, *Occupational Health and Safety Act*, *Personal Information Protection Act*, *Labour Relations Code* and the *Criminal Code of Canada*; refer to section ii, Disclaimer, for further context.

During the Pilot's development, input was received from presentations made by:

- The Alberta Human Rights and Citizenship Commission.
- The Office of the Information and Privacy Commissioner of Alberta.

Prior to this Guidance Document being finalized, an earlier draft version, along with a preliminary Privacy Impact Assessment of the Pilot, was presented to the Office of the Information and Privacy Commissioner of Alberta for the purpose of obtaining feedback from the Privacy Commissioner's office.

Great care was taken to ensure that the concepts and feedback presented by both Commissions were recognized and duly addressed in the final version of this Guidance Document, which was adjusted accordingly.

To further assist with the development of this Guidance Document, additional privacy experts and project evaluation experts were called in to assist at various times.

The *Canadian Model for Providing a Safe Workplace, A best practice of the Construction Owners Association of Alberta, Alcohol and Drug Guidelines and Work Rule, October 2005 – Version 2 – Effective October 1, 2010*, [the *Canadian Model*], has been adopted as the base policy model for the Pilot that participants in the Pilot are expected to follow.

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“The *Canadian Model* is a best-practice alcohol and drug policy that stakeholders within the construction industry across Canada can adopt and follow. The purpose of the *Canadian Model* is to ensure a safe workplace for all workers by reducing the health and safety risks associated with the use of alcohol and other drugs.”

The *Canadian Model* is attached in Appendix 1 and is also available online from the Construction Owners Association of Alberta’s website, <http://www.coaa.ab.ca/>.

The Pilot builds on the *Canadian Model* by establishing a structure that:

- More clearly defines the obligations of organizations to ensure the protection of personal information and privacy of individuals who are tested.
- Increases definition of random alcohol and drug testing protocols for safety sensitive worksites and occupations.
- Enables the collection of common statistics across industries.
- Ensures that participants in the Pilot are complying with the same principles and working toward the same goal.

Organizations applying this Guidance Document must:

- Have a mechanism in place for assessment by a third party, of individuals who test positive for alcohol or drug use, to determine whether any individual suffers an addiction (disability).
- Offer rehabilitation and accommodation for at least those who are diagnosed with an addiction (disability).
- Have controls in place that ensure protection of privacy and personal information of workers who are tested.

This Guidance Document also includes:

- Protocols that protect privacy and personal information for information shared between organizations participating in the Pilot.
- A dispute resolution process.

2.0 Alberta's laws

The Pilot and this Guidance Document have been designed to work within Alberta's current legislative framework.

The following have been identified as the most relevant laws that participants in the Pilot must abide by:

- (1) *Human Rights Act.*
- (2) *Occupational Health and Safety Act.*
- (3) *Personal Information Protection Act.*
- (4) *Labour Relations Code.*
- (5) *Criminal Code of Canada.*

It has been identified that there exists a possibility that an amendment to the *Health Information Act* may become relevant to the Pilot during the project's term.

The focus of the Pilot is to develop an approach that complies with all applicable laws to protect the safety and rights of workers, in a manner that allows owners, labour providers, employers and employees to fulfill all of their legal obligations.

2.1 Human Rights Act (HRA)

The *HRA* is designed to prevent and address discrimination in a number of areas and under a number of protected grounds. The areas protected include services, accommodation and facilities (such as transportation and camp services), membership (such as trade unions and occupational associations), and employment, including terms and conditions of work, terminations, job advertisements, interviews, applications and recruitment. The grounds protected include mental and physical disability as well as a variety of other grounds such as race, colour, gender, and religious beliefs.

Of relevance to the Pilot, drug and alcohol dependencies are medically recognized disabilities under the grounds of mental and physical disability under the *HRA*. A worker who has failed an alcohol or drug test required by an employer, and is assessed and medically diagnosed to have a disability, is protected by human rights legislation. The employer is expected to explore and assess available options to accommodate a disabled worker, and accommodate the disabled worker to the point of undue hardship. According to information provided by the Alberta Human Rights Commission, a recreational user of alcohol or drugs who does not have a dependency is not protected under the *Act*.

The Human Rights Commission has publicly stated that it does not have jurisdiction to tell an employer when or whether they can or cannot require a drug or alcohol test. However, the Commission has identified circumstances where human rights law may place conditions or restrictions on the testing done.

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Refer to section 7, References, for additional information.

2.2 Occupational Health and Safety (OHS) Act

The *OHS Act* is designed to protect the health and safety of workers. Employers have the duty to assess their worksites for all known health and safety hazards and then to control the hazards to prevent injuries to workers. Workers have the duty to cooperate with their employer for the purpose of protecting health and safety.

Of relevance to the Pilot, workers who use alcohol and other drugs may be at increased risk of injury while at work or may place other workers at increased risk. The effects of alcohol and drugs use can reduce a workers ability to conduct their work activities safely, especially when on a safety sensitive worksite or in a safety sensitive occupation. A reduced capacity to safely perform work is considered a hazardous condition, which is subject to control measures that protect health and safety. A comprehensive program that helps to control the risks associated with the use of alcohol and other drugs is a method to control workplace hazards.

2.3 Personal Information Protection Act (PIPA)

PIPA governs the means by which private sector organizations handle personal information in a manner that recognizes both the right of an individual to have his or her personal information protected and the need of organizations to collect, use or disclose personal information for purposes that are reasonable.

Of relevance to the Pilot, alcohol and drug test results, and medical assessment information of individual workers are deemed personal information. The part of this information that the employer requires to manage the employment relationship (i.e., for purposes of establishing, managing or terminating employment) is deemed personal employment information.

An employer may collect only the personal information that is reasonably required for a reasonable purpose, and in doing so, may only collect a reasonable amount of information (i.e., minimum amount to meet the purpose). When collecting personal information, an employer is expected to utilize practices that are the least intrusive that meet reasonable business purposes. A worker's voluntary consent is generally needed to collect his or her personal information. However, an employer may collect certain personal information, necessary to manage the employer-employee relationship without consent if notice is given to the employee before the information is collected, and the employee is advised of what personal information will be collected and the purpose(s) for collecting the information.

In relation to the Pilot, alcohol and drug test information may only be collected and used for the hiring, maintaining and termination of the employment relationship as it relates to compliance with an employer's alcohol and drug testing, occupational health and safety, and human resources policies.

2.4 *Labour Relations Code*

In Alberta, employees have the right of collective bargaining with their employers. The *Labour Relations Code* guarantees this right and establishes methods for employees to choose trade union representation. The *Code* describes how trade unions, employers and employer organizations negotiate the terms and conditions of employment to arrive at a collective agreement. Rules are set out that govern the labour relations activities of trade unions, employers and employees.

With respect to the Pilot, there may be a need to update collective agreements to allow for the Pilot to be fully implemented. Individual workers are bound to the undertakings of their collective bargaining agreements, including consent to testing.

2.5 *Criminal Code of Canada*

The *Criminal Code of Canada* has specific provisions that pertain directly to employers. Section 217.1 under the heading “duty of persons directing work” states:

Everyone who undertakes, or has the authority, to direct how another person does work or performs a task is under the legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

In relation to the Pilot, a breach of the above section could result in criminal charges to the persons involved.

2.6 *Health Information Act (HIA)*

The *HIA* is an Alberta law that falls outside the scope of the Pilot at the time of the writing of this Guidance Document. It has been identified that the *HIA* regulations are presently under review and their provisions may apply to the Pilot depending upon the nature of the final wording. Hence, attention will be required to ensure that the project complies with the *HIA* in the event of any applicable changes.

3.0 *Implementation*

3.1 *Communication & Notice*

Before implementing the testing phase of the Pilot, employers should inform their employees of their workplace policies relating to the Pilot. All existing employees who will be subject to testing programs should be given a minimum of 30 days’ notice prior to implementing any changes to workplace policies. New employees who will be subject to testing programs should be informed of the policies prior to a job offer being made.

In addition, organizations participating in the Pilot should inform their employees / members of the safety risks associated with the use of alcohol and drugs and of the assistance that is available under the applicable employee assistance program.

3.2 Ending participation in the Pilot

An organization who has been approved to participate in the Pilot and who applies this Guidance Document may at any time withdraw their participation by informing, in writing, the Pilot's Project Administrator. The conditions of ending participation are as follows:

- Continue the provisions of Employee Assistance Program services to any persons to whom such services are being utilized as a result of those persons' participation in the Pilot
- Understand that all information the participant provided to the Pilot, prior to ending participation, will continue to belong to the Pilot.
- When requested, provide the DARRP Co. or a 3rd party consultant hired by the DARRP Co. all statistical data (no identifiable personal information) collected by the organization that is related to the Pilot for the purpose of evaluating the Pilot.

4.0 Protection of personal information

Alberta's privacy legislation allows for the reasonable collection of personal information. Organizations participating in this Pilot may refer to the following guidance publications from Service Alberta and from the Office of the Information and Privacy Commissioner of Alberta to assist them in developing their workplace policies:

- *Personal Information Protection Act, A Summary for Organizations*, Alberta Government Services and the Office of the Information and Privacy Commissioner, December 2003
<http://www.oipc.ab.ca/ims/client/upload/PIPASummary.pdf>
- *Alberta's Personal Information Protection Act on a Page*, Alberta Government Services
<http://www.oipc.ab.ca/ims/client/upload/ACF20D3.pdf>
- *Personal Employee Information, Personal Information Protection Act, PIPA Information Sheet 5*, Service Alberta, July 2005
<http://pipa.alberta.ca/resources/pdf/PerEmployeeInfo.pdf>

Individual cases relating to workplace alcohol and drug testing programs may be considered by Alberta's privacy commissioner from time-to-time. In the event of a precedent-setting decision where jurisprudence changes during the term of the Pilot, participants will be expected to make adjustments to their programs, if necessary, to align with the jurisprudence.

5.0 Owner and employer policies and procedures

A participant in the Pilot who is applying this Guidance Document must have a policy or policies in place that comply with all applicable legislation and address the following security, confidentiality and administrative issues:

- Retention and disposition of data:
 - Explicit retention schedules.
 - Disposition procedures, including procedures for the secure disposition of personal information.
- Access controls for personal information:
 - Policies, procedures and technical measures, to limit access to personal information to those with a demonstrable need and authority for such access.
- Security safeguards:
 - Explicit descriptions of measures taken, including physical, administrative and technical measures.
- Review and audit:
 - Audit logs (e.g., chain of custody) and periodic reviews.
- Demonstrated employer commitment to privacy:
 - Explicit privacy policies and procedures.
 - Privacy officer in place.
- Agreements and contracts, including:
 - Privacy provisions.
 - Data sharing provisions.
 - Security provisions.
- Worksite information exchange:
 - Limits on Personal Employment Information (PEI) collection, use and disclosure.
 - Minimum access to PEI at highest feasible anonymity.
 - Policies, procedures and agreements between parties.
 - Worker notice.
 - Demonstrable necessity of testing to support worksite safety.

5.1 Random testing

On a monthly basis, an owner or employer participant applying this Guidance Document will randomly select 4.17% of their safety sensitive workforce for alcohol and drug testing. Such a participant may not exceed testing 4.17% of the safety sensitive workforce in a given month (excludes follow-up testing as part of a worker's return-to-work agreement and carry-over of persons drawn for testing in previous months but for whom samples could not be collected).

Alternatively, a participant applying this Guidance Document may elect to randomly select workers for random testing on a weekly, rather than a monthly, basis; in being consistent, this equates to testing 0.96% of the safety sensitive workforce in a given week, and not exceeding this amount (subject to the above exclusions).

Every safety sensitive worker must have an equal chance of being randomly selected for testing each month (or week). The system to randomly select workers for testing must be computer generated and not discriminate against any identifiable worker or group of workers.

The random tests must be conducted in an unannounced fashion to limit any advance notice to workers of the test requirement. These tests must be completed in a timely manner following each random draw. Tests that are not completed due to a worker's unavailability will be carried over to the next random draw and be included with the new listing of required tests until all workers that have been selected for a random testing have completed the tests.

The procedure for random drug testing pursuant to this Guidance Document is to be based on oral fluid samples. The procedure for random alcohol testing is to be based on the collection of breath samples as described in the *Canadian Model*.

Randomly selecting 4.17% of the safety sensitive workforce each month (or 0.96% each week), on average, equates to selecting 50% of the safety sensitive workforce over the period of a year. Since the selection process is completely random and since there is always a chance that a worker can be selected the next month (or week), it is possible that some workers could be selected for random testing more than once in a given year.

5.2 Alcohol and drug test cutoff concentrations for oral fluid and breath tests

A worker participating in the Pilot Project must comply with the Alcohol and Drug Work Rule articulated in the *Canadian Model*, including the confirmation concentrations set out therein.

6.0 Dispute resolution process

Owner and employer participants in the Pilot, who are applying this Guidance Document, must ensure employee participants in the Pilot have the opportunity to question the

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delivery of the Pilot and the application of this Guidance Document by making application to an umpire-based dispute resolution process. An Umpire, which would often be referred to as an ‘expert tribunal,’ serves as the appeal mechanism and oversees any disagreements between affected parties. The Umpire, for example, could review decisions of Case Managers in relation to an ‘in-active’ status of a worker.

Questions of the Pilot’s delivery must be submitted to the Pilot’s Project Administrator. An Umpire with the necessary expertise to review the issue on a case-by-case basis will be appointed by or on behalf of each owner and employer participant applying this Guidance Document.

The Umpire’s powers are limited to the terms of the Pilot and this Guidance Document. The Umpire does not have authority, for example, to direct the actions of an employer and may not override the decision of a Medical Review Officer as outlined in the *Canadian Model*.

7.0 Roles and responsibilities

As outlined below, everyone participating in the Pilot and applying this Guidance Document has a specific set of roles and responsibilities, which they must follow to ensure that clear lines of communication with affected groups and individuals are in place, personal information is protected, and that the Pilot runs smoothly.

Each participating organization in the Pilot must ensure the following components are in place:

- Random testing mechanism.
- Case management process including accommodation and return to work processes.
- Employee Assistance Program (EAP) including Substance Abuse Expert assessment and treatment for owners’ and employers’ workers (refer to Appendix B of the *Canadian Model*).

7.1 Owner participants

Owner participants in the Pilot applying this Guidance Document must:

- Establish terms in commercial contracts appropriate to the Pilot to include requirements for:
 - Employee Assistance Program including a Substance Abuse Expert assessment component
 - Random testing mechanism.
 - Case management program.
- Participate and fully cooperate with any audit of the Pilot, administered by the Project Administrator, to ensure Pilot’s standards are being met.

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- Ensure data (as set out in the DARRPP Principles) is collected throughout all phases of the Pilot, which may be used for evaluation purposes.
- Provide all relevant statistical data (as set out in the DARRPP Principles (no identifiable personal information) to the Project Administrator.
- Participate in the evaluation of the Pilot if requested to do so by the Project Administrator.

7.2 Employer participants

Employer participants in the Pilot applying this Guidance Document must:

- Ensure that any collective agreement or individual employment contract affecting any of their employees permits participation in the Pilot and the application of this Guidance Document.
- Notify existing employees of the terms of employment requirement for them to participate in the Pilot (minimum 30 days' notice).
- Arrange for or participate in multi-employer approaches to production of the monthly or weekly random selection compliant with 5.1 herein.
- Provide monthly statistical information to the Project Administrator, to monitor the Pilot's progress (statistics to be maintained are listed in the DARRPP Principles).
- Participate in periodic reviews of the Pilot led by the Project Administrator.
- Provide for or participate in a database, and to query that database to determine if a worker is listed as 'in-active' and not hire 'in-active' workers to work on safety sensitive worksites or in safety sensitive occupations covered by the Pilot (as described in the employer's application to participate in the Pilot).
- Comply with return to work conditions established through Case Management.
- Notify owners of the site respecting which there was employee non-compliance with terms of the Pilot.
 - Enter into commercial contracts to only employ sub-contractors who agree to be bound by the terms of the Pilot for worksites covered by the Pilot. Pursuant to such commercial contracts, sub-contractors will agree to:
 - Not send 'in-active' workers to safety sensitive worksites covered by the Pilot.
 - Provide statistical data (no personal identifiable information) to assist in evaluating the effectiveness of the Pilot.
 - Allow the owner or Project Administrator the capability to audit contractor participation in the Pilot.

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- To support random draws, provide monthly or weekly (consistent with the random draw frequency), the names of all employees engaged in work that is subject to the Pilot.
- Enter, if applicable, into contractual agreements with alcohol and drug testing program service providers to ensure that privacy and personal information is protected.
- Comply with communication and education obligations of the Pilot.
- Accept into employment individuals who were previously ‘in-active’ and have fulfilled conditions to be removed from ‘in-active’ status, subject to the employer’s disciplinary policies.
- Continue to provide Employee Assistance Program services included in the treatment plan for ‘in-active’ persons, and for persons who were ‘in-active’ but are redeployed and remain in prescribed treatment, relapse prevention, and aftercare when the Pilot ends.
- Arrange for case management services and services of a Substance Abuse Expert for assessments.
- Participate in the evaluation of the Pilot if requested to do so by the Project Administrator.

7.3 Labour unions

Labour unions participating in the Pilot must:

- Ensure that participation in the Pilot and the application of this Guidance Document are permitted by any collective agreement affecting an employee who is a member of the respective union’s bargaining unit and who may participate in the Pilot.
- Notify workers, where applicable, of the requirement for them to participate in the Pilot.
- Query the applicable database(s) to determine if a worker is listed as ‘in-active’ and not dispatch ‘in-active’ individuals to safety sensitive worksites covered by the Pilot.
- Ensure all workers have access to an Employee Assistance Program including Substance Abuse Experts as described by the *Canadian Model*, and mandatory case management.
- Provide monthly statistical information to the Project Administrator, to monitor the Pilot’s progress (as set out in the DARRPP Principles).
- Participate in periodic reviews of the Pilot led by the Project Administrator.
- Comply with return to work conditions established through Case Management.
- Facilitate the Pilot to affect changes to applicable collective agreement(s) when necessary.

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- Assist in communications relating to the Pilot's objectives.
- Take a leadership role in educating and providing awareness to members on the prevention of substance abuse.
- Enter, if applicable, into contractual agreements with alcohol and drug testing program service providers to ensure that privacy and personal information is protected.
- Continue to provide Employee Assistance Program services included in the treatment plan for 'in-active' persons, and for persons who were 'in-active' but are redeployed and remain in prescribed treatment, relapse prevention, and aftercare when the Pilot ends.
- Participate in the evaluation of the Pilot if requested to do so by the Project Administrator

7.4 Case Managers

Case Managers of organizations participating in the Pilot and applying this Guidance Document must:

- Sign an agreement with the organization that retains them to bind them to the terms of the Pilot.
- Manage 'in-active' status of workers who are tested for alcohol and drugs and provide this information to the manager of the database in which the subject employer participates.
- Participate in the evaluation of the Pilot if requested to do so by the Project Administrator.

7.5 Project Administrator

The Pilot's Project Administrator must:

- Be under contract to the DARRP Co.
- Administer the application process for participation in the Pilot.
- Conduct, as necessary, periodic audits of organizations participating in the Pilot to ensure compliance with the terms of the Pilot.
- Monitor progress of the Pilot.
- Review all Umpire decisions to determine if any changes to the Pilot or this Guidance Document may be needed and if so, communicate the need for changes to the DARRP Co.
- Provide statistical information (no identifiable personal information) to the DARRP Co., (statistics to be maintained are set out in the DARRPP Principles).
- The Project Administrator reports to a designated representative of the DARRP Co.

7.6 Umpire

An Umpire appointed pursuant to this Guidance Document must:

- Sign an agreement with the Umpire's appointing party to bind them to the terms of the Pilot.
- Be familiar with safety sensitive occupations and worksite environments relevant to the Pilot.
- Have expertise in the subject matter relevant to the questions that have been raised by a participant in the Pilot.
- Have ability to discern what is reasonable from unreasonable in relation to the questions that have been raised by a participant in the Pilot.
- Inquire in to individual questions relating to operation of the Pilot, use professional judgment to make decisions, and issue written rulings outlining the decisions of the Umpire and reasons for same.
- Based on the outcome of inquiries, make recommendations to the Program Administrator for program enhancements where necessary.
- Provide relevant statistics from the dispute resolution process (no identifiable personal information) to the DARRP Co. or the Project Administrator (statistics to be maintained are set out in the DARRPP Principles).
- Participate in the evaluation of the Pilot if requested to do so by the Project Administrator.

8.0 References

¹*Drug and Alcohol dependencies in Alberta Workplaces*, Alberta Human Rights and Citizenship Commission, February 2009

http://www.albertahumanrights.ab.ca/DrugAlcoholDependencies_PW.pdf

This publication clarifies the Commission's role in preventing discrimination against employees who have drug and alcohol dependencies. The information sheet:

- Outlines the situations in which an employee may have the basis to make a human rights complaint related to drug and alcohol dependencies.
- Provides information about when an individual may make a complaint about a potentially discriminatory drug and alcohol policy.
- Provides information about the responsibilities of the employer and the employee in the accommodation process.
- Informs the public that the Commission does not have jurisdiction to tell an employer when or whether they can require a drug or alcohol test.

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²*Obtaining and Responding to Medical Information in the Workplace*, Alberta Human Rights Commission, October 2009

http://www.albertahumanrights.ab.ca/Bull_Obtaining_med_info_in_workplace_PW.pdf

The Alberta Human Rights Commission receives many inquiries from both employers and employees about medical information issues related to medical absences and an employee's ability to work. The Commission has developed this publication, which includes a *Sample Medical Absence Form* and a *Sample Medical Ability to Work Form*, to help employers, employees and doctors achieve good communication and effective workplace accommodations for employees.

³*Duty to Accommodate*, Alberta Human Rights and Citizenship Commission, May 2002

http://www.albertahumanrights.ab.ca/Bull_DutytoAccom.pdf

This interpretive bulletin provides information for people who:

- Are required to accommodate individuals in accordance with human rights legislation.
- Need accommodation.
- Are involved in the application of human rights law.

The information is intended to:

- Increase understanding of what accommodation means.
- Increase awareness about the duty to accommodate.
- Assist in the development of effective policies and procedures.

⁴*Personal Information Protection Act (PIPA), A PIPA Guide for Organizations: Understanding the Role of OIPC*, Office of the Information and Privacy Commissioner of Alberta, Revised September 2004

http://www.oipc.ab.ca/Content_Files/Files/Publications/PIPA_Guide_Organizations_2007.pdf

This Guide is intended to help organizations that are subject to the *Personal Information Protection Act* learn what to expect in their interactions with the Office of the Information and Privacy Commissioner of Alberta (OIPC).

9.0 Additional information

Members of the public, organizations or workers interested in inquiring specifically about the Pilot may contact:

Project Administrator
Reducing Safety Risks Related to the Use of Alcohol and Other Drugs
Pilot Project
c/o Pat Atkins
email: pmatkins@shaw.ca
phone: 403-730-9411

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cell: 403-466-8090

General information about workplace health and safety is available from Alberta Employment and Immigration, www.worksafe.alberta.ca.

General information about human rights is available from the Alberta Human Rights Commission, www.albertahumanrights.ab.ca.

General information about privacy and the protection of personal information is available from the Office of the Information and Privacy Commissioner of Alberta, www.oipc.ab.ca.

10.0 Definitions

“**Canadian Model**” is the *Canadian Model for Providing a Safe Workplace, A best practice of the Construction Owners Association of Alberta, Alcohol and Drug Guidelines and Work Rule*, Construction Owners Association of Alberta, as updated by the October 2010 Addendum.

“**In-active**” person is a person that while employed within the scope of the Pilot failed to comply with the *Canadian Model* or failed a random test, until the person completes all recommendations issued by a Substance Abuse Expert that are pre-conditions for return to work.

“**Random test**” is described in section 5.1 of this Guidance Document.

“**Safety Sensitive Worksites and Occupations**” are worksites and occupations, where based on the nature of the work environment or nature of the work, a company or organization participating in the Pilot and applying this Guidance Document has determined that a worker’s consumption of drugs or alcohol could result in an incident adversely affecting the health and safety of workers, the public or the environment. For the purposes of this Guidance Document:

- Safety sensitive worksites generally include industrial settings where substantial safety risks exist, and in contrast, generally exclude low safety-risk administrative settings or other low safety-risk environments, as examples.
- Safety sensitive occupations generally include industrial trades and operation of industrial equipment where the nature of the work has inherent high safety risks, and in contrast, generally exclude low safety-risk office work, as examples.

Appendix 1

Canadian Model for Providing a Safe Workplace



Adobe Acrobat
Document

- Double click the icon to open the embedded file.

The *Canadian Model* is also available online from the Construction Owners Association of Alberta's website, www.clra.org

