

# Workplace Impairment Challenges and Testing Update

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## Hierarchy of hazard control

**Elimination** - Physically remove the hazard.

**Substitution** - Replace the hazard.

**Engineering Controls** - Isolate people from the hazard.

**Administrative Controls** - Change the way that people work.

**PPE** - Protect the Worker with Personal Protective Equipment.

## Workplace Impairment Challenges

1. Who is facing the greatest challenge related to impairment?
2. What are the impairment challenges for 2018 and 2019?
3. Where are the impairment challenges the biggest concern?
4. When are impairment challenges going to be an issue?
5. Why is this important?
6. How are we going to address impairment challenges?

## Who is facing the greatest challenge related to impairment?

1. Canadian Business Owners and their bottom line.
2. Supervisors

## What are the impairment challenges for 2018 and 2019?

1. Fatigue and lack of sleep.
2. Financial concerns.
3. Giving unpaid care to family members.
4. Mental health problems, such as depression, anxiety, and stress.
5. Alcohol, drug, and cannabis use disorders.
6. Musculoskeletal conditions.

## What are the impairment challenges for 2018 and 2019?

7. Chronic health conditions and inflammation.

8. Workplace bullying.

9. Unrealistic time pressures and a high pace of work.

10. Strained work relationships.

11. Fixed and constrained postures.

12. Repetitious and forceful hand movements.

## Where are the impairment challenges the biggest concern?

1. Safety Sensitive Positions at remote sites, and working alone.
2. Driving on company business.
3. Construction sites and Turnaround Sites.
4. Major risk operations, proximity to moving and/or energized equipment.
5. Production facilities.

From the Enform "THE CANADIAN MODEL FOR PROVIDING A SAFE WORKPLACE - VERSION 6.0"

6. Decision critical work.

**“Decision-critical” work** may affect workers’ wellbeing and livelihoods, and impact employer oversight and stewardship of products and services, but without the same direct and near-term adverse effects as “safety-sensitive” work.

Despite the less dramatic workplace consequences, impairment in “decision-critical” workers (particularly of the neurocognitive variety) can still pose workplace difficulty with coworkers, supervisors and clients in the domains of attendance, performance, and workplace relationships, and result in financial, legal, reputational or psychological harm, and/or corporate liability.



We propose that one definition of “decision-critical” workers is workers whose continued occupational performance depends on the ability to consistently exercise judgment and insight in the workplace, but who would not be considered “safety-sensitive” workers."

J Occup Med Toxicol. 2016; 11: 22.,

Published online 2016 May 6.

doi: 10.1186/s12995-016-0115-8, PMCID: PMC4858878

PMID: 27158256,

“Decision-critical” work: a conceptual framework

Xiangning Fan, Charl Els, Kenneth J. Corbet, and Sebastian

Straubecorresponding author

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4858878/>

## When are impairment challenges going to be an issue?

1. Fatigue and lack of sleep. - Daily.
2. Financial concerns. - Daily.
3. Giving unpaid care to family members. - As the baby boomers begin to have greater health concerns this will increase.

Source: Population Projection, Alberta and Census Divisions, 2018–2046

In Alberta, 65% of families with children are dual-earner families. If a child is sick, one parent must stay home impacting the financial income of the family. Source: Employment patterns of families with children

<https://www150.statcan.gc.ca/n1/pub/75-006-x/2015001/article/14202-eng.htm>

## When are impairment challenges going to be an issue?

4. Mental health problems, such as depression, anxiety, and stress.

- Daily

5. Alcohol, drug, and cannabis use disorders.

- Alcohol daily

- Drug daily

- Cannabis on October 17, 2018

# Government of Canada - Impaired Driving Laws now in effect.

<b>Penalties for drug-impaired driving</b>		
<b>New Summary conviction offence</b>		
<ul style="list-style-type: none"> <li>2 nanograms (ng) but less than 5 ng of THC per millilitre (ml) of blood</li> </ul>	Maximum \$ 1,000 fine	
<b>New Hybrid offences</b>		
<ul style="list-style-type: none"> <li>5 ng or more of THC per ml of blood</li> <li>Any detectable level of LSD, psilocybin, psilocin, ketamine, PCP, cocaine, methamphetamine, 6-mam</li> <li>5 mg/L of GHB</li> </ul>	First offence	Mandatory minimum \$1,000 fine
	Second offence	Mandatory minimum of 30 days imprisonment
	Third and subsequent offences	Mandatory minimum 120 days imprisonment
<ul style="list-style-type: none"> <li>50 milligrams (mg) of alcohol per 100 ml blood + 2.5 ng or more of THC per ml of blood</li> </ul>	First offence	Mandatory minimum \$1,000 fine
	Second offence	Mandatory minimum of 30 days imprisonment
	Third offence	Mandatory minimum 120 days imprisonment
<b>Drug-impaired driving that does not cause bodily harm or death – Maximum penalties</b>		
<b>Summary conviction</b>	18 months imprisonment	
<b>Indictment</b>	5 years imprisonment	
<b>Drug-impaired driving causing bodily harm – Maximum penalty</b>		
<b>Indictment</b>	10 years imprisonment	
<b>Drug-impaired driving causing death – Maximum penalty</b>		
Life imprisonment		
<b>Testing</b>		
Police can demand that a driver comply with either a standardized field sobriety test or provide an oral fluid sample if they reasonably suspect a drug is in the driver's body. If they have reasonable grounds to believe that an offence has been committed, they can demand a blood sample or a drug recognition evaluation.		

## **US Department of Transportation**

<https://www.fmcsa.dot.gov/faq/does-legalization-use-and-possession-marijuana-state-or-other-country-has-d>

**Does the legalization of the use and possession of marijuana by a State, or other country that has drivers who operate in the United States, change the treatment of marijuana use under federal regulations applicable to drivers operating a commercial motor vehicle (CMV) (as defined in 49 CFR § 390.5)?**

No. Marijuana, including a mixture or preparation containing marijuana, continues to be classified as a Schedule I controlled substance by the Drug Enforcement Administration (DEA) in 21 CFR § 1308.11. Under the Federal Motor Carrier Safety Regulations (FMCSRs), a person is not physically qualified to drive a CMV if he or she uses any Schedule I controlled substance such as marijuana. (See 49 CFR §§ 391.11(b)(4) and 391.41(b)(12)). In addition to the physical qualification requirements, the FMCSRs prohibit a driver from being in possession of or under the influence of any Schedule I controlled substance, including marijuana, while on duty, and prohibit motor carriers from permitting a driver to be on duty if he or she possesses, is under the influence of, or uses a Schedule I controlled substance. (See 49 CFR §§ 392.2 and 392.4). Legalization of marijuana use by States and other jurisdictions also has not modified the application of U.S. Department of Transportation (DOT) drug testing regulations in 49 CFR parts 40 and 382

## When are impairment challenges going to be an issue?

6. Musculoskeletal conditions. - Daily
7. Chronic health conditions and inflammation. - Daily
8. Workplace bullying. - Corporate leadership dependent.
9. Unrealistic time pressures and a high pace of work.- Daily
10. Strained work relationships. - Daily
11. Fixed and constrained postures.- Some jobs, daily
12. Repetitious and forceful hand movements. - Some jobs, daily

## Why is this important?

Canadian Employers need to address workplace impairment for many reasons.

1. Occupational Health and Safety Requirements
2. Employee health is a foundation of successful production and quality service delivery
3. Supervisors need to be able to Supervise the workforce
4. Prevention of added costs to production and service delivery

## How are we going to address impairment challenges?

Supervisors should interact face to face daily with their workers prior to the worker starting work.

Telephone conversations should occur at the start of each shift between the Supervisor and workers that are working alone or working remotely.



## How are we going to address impairment challenges?

Lifeloc SENTINEL allows an Employer to screen workers everyday for alcohol in a cost effective manner.



No formal staff training.

No disposable straws.

365 / 7 / 24 availability.

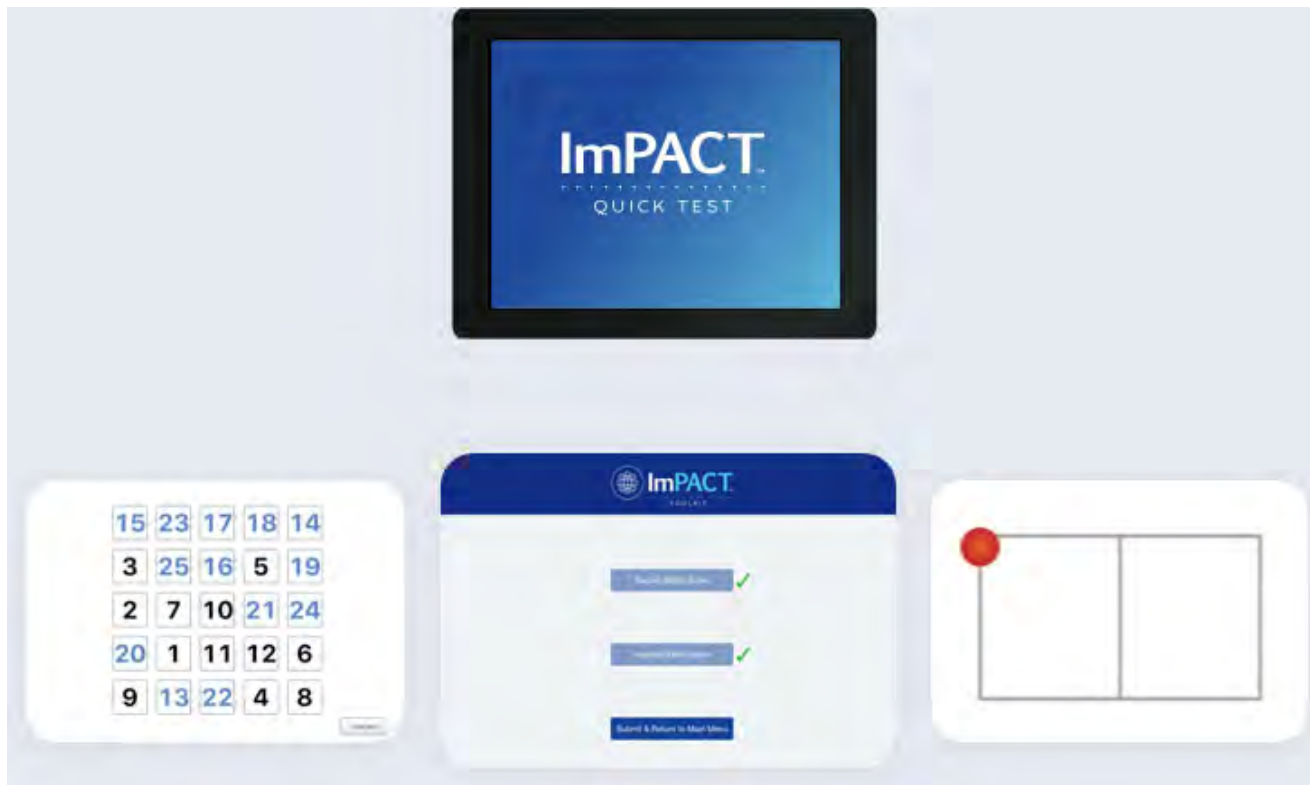
Placed in the work area.

Can be linked to open gates and turnstiles.



## How are we going to address impairment challenges?

**Quick Test** allows an Employer to assess a worker's cognitive function status for memory, attention, and motor speed in the work area in about 5 minutes.



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## How are we going to address impairment challenges?

**SafetyScan** is a real-time Fitness for Duty screener for psychomotor impairment by alcohol, drugs and cognitive fatigue. Ideal for rapid pre-access screening.



## How are we going to address impairment challenges?

Work area changes to reduce hazards that are related to the causes of impairment.

Cannabis Drug Testing - many challenges ahead

Updated Drug and Alcohol Policies

Impairment Policies

Supervisor and Worker Impairment Related Training

Changing policies in reaction to new case law.

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