

# Impairment at Work

## Impairment at Work - Policy and Recognition

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### What may be considered impairment at work?

We often think of impairment as a result of substance use or in terms of addiction or dependence on alcohol or drugs (used legally or illegally). While not formally defined by the Canadian Human Rights Commission, the appearance of impairment at work is described as: “e.g. odour [sic] of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, poor coordination.”

However, impairment can result from various situations, including many that are temporary or short-term. Northwest Territories and Nunavut define “impaired” as “having a deteriorated or weakened state of judgment, physical abilities, or both, as a result of fatigue, illness, alcohol or other drugs, that causes a departure from the normal abilities required to safely complete a worker’s duties.” [Occupational Health and Safety Regulations, Section 35.1]

Issues that may distract a person from focusing on their tasks include those that are related to family or relationship problems, fatigue (mental or physical), traumatic shock, or medical conditions or treatments.

Many organizational and personal factors contribute to impairment.

Organizational factors may include (but are not limited to):

- exposure to toxic products used in the workplace (for example, exposure to chemicals that can affect the central nervous system may cause impairment-like effects)
- fatigue (due to work, shiftwork, injury, illness, etc.).
- injury resulting in permanent or temporary disability, psychological harm, post-traumatic stress disorder, etc.

- shock or insecurity after a workplace incident, fire, or robbery.
- bullying, harassment, violence, or sexual harassment (from within the workplace).
- exposure to extreme cold (results in lower mental alertness, less dexterity in hands, etc.) or heat (results in increased irritability, loss of concentration, loss of ability to do skilled tasks or heavy work, etc.).
- operational factors (workload, scheduling, deadlines, performance pressures, stigma, etc.).

Personal factors may include (but are not limited to):

- unresolved conflicts with the employer or among workers.
- fatigue (poor sleep, personal events, working multiple jobs)
- bullying, harassment, violence, or sexual harassment (from outside the workplace).
- events at work or home that cause stress and distraction (both negative and positive).
- family or relationship issues (both positive and negative).
- preparation for an external activity such as an exam or a wedding.
- caregiver responsibilities.
- medical conditions (illness or treatments with side effects, such as radiotherapy causing tiredness, prescription medication causing slow reflexes, unmanaged diabetes, cognitive decline, or antibiotics causing nausea).
- the effects of substance use.

Note that other issues, such as problematic gambling or shopping, may also be a cause of distraction, inattention, or making inappropriate decisions while at work. As such, they may also be considered a form of impairment.

This document covers information about impairment policy and how to recognize impairment. Please see the OSH Answers document [Impairment at Work - Reporting and Responding](#) for more information.

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## When should a workplace respond to impairment?

In general, employers should consider if there is a risk to the individual's safety or the safety of others. For example:

- Does the person have the ability to perform the job or task safely (e.g., driving, operating machinery or equipment, use of sharp objects)?
- Is there an impact on cognitive ability or judgement?

- Are there any health issues that require urgent attention, or side effects of the medical condition or treatment that need to be considered?

Each situation should be assessed on a case-by-case basis.

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## What elements should be in a policy about impairment?

Elements of the policy about impairment should include:

- Statement of the purpose and objectives of the policy and program
- Definition of impairment
- Definition of what the employer considers to be impairment
- Statement of who is covered by the policy and program
- Commitment to provide support without stigma
- Statements about where the policy applies, including on-site or off-site work locations, at organizational events, while driving an organizational vehicle, when wearing clothing that identifies the person as a worker of the organization, personal vehicles used for employment purposes, etc.
- How to report concerns of impairment
- Statement of the employee's rights to privacy and confidentiality
- The procedures to follow when the worker or others need to report when they have been prescribed a medication that may cause impairment, or are concerned about their fitness for duty. (See the OSH Answers [Impairment – Reporting and Responding](#) for what should be done if impairment is suspected)
- Statement regarding whether either medical, therapeutic, or non-medical substances are allowed on the premises, or under what circumstances they would be allowed
- That arrangements have been made for employee education (e.g., general awareness)
- Training and education about the policy and procedures, how to recognize signs and symptoms of impairment in themselves and others, self-disclosure, causes of impairment and impacts, impact of fatigue, awareness of stigmas, a general awareness regarding disability due to substance dependence, etc.
- provisions to address the impact of organizational factors
- Provisions for assisting all workers (such as employee assistance programs or other health supports), including those with a disability due to substance dependence
- Processes for accommodation, return to work, or remain at work
- Provisions for appropriate sick leave or benefits

- A statement regarding under what circumstances substance testing will be conducted, how the tests will be conducted (oral, breath, urine or a combination of), scope of drugs included, as well as the criteria for testing and interpretation of test results
- Provision for a hierarchy of disciplinary actions

Employers should collaborate with workers, the health and safety committee or representative, and the union (if present) to design a policy which outlines what an acceptable code of behaviour and an acceptable level of safety performance.

Workplaces are encouraged to establish a policy and procedure so that safety is maintained, concerns regarding safety performance are addressed fairly and appropriately, and, where necessary, help can be coordinated or offered in a professional and consistent manner.

The policy may also need to state how discussions will take place, what options are available if the ability to work safely is a concern (e.g., assigned less safety-critical work, sent home, etc.), and actions that may be taken. If an employee may be sent home, it should be clear if this action is taken, under what circumstances it is appropriate and whether it is done via sick time or how pay will be affected, if relevant.

Supervisors should be educated and trained regarding how to recognize impairment. In most cases, when assessing an individual for impairment, it is suggested that a second trained person be present to help make sure that there is an unbiased assessment.

**Note: it is not the role of the supervisor or employer to diagnose** a medical issue, or a possible substance use or dependency problem. Their role is to identify if an employee is impaired and to take the appropriate steps following the organization's policy.

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## What can impairment look like?

Because impairment may be the result of various circumstances, the employer should develop a clear statement of what is considered to be impaired behaviour within their workplace. The Canadian Human Rights Commission uses the following characteristics as they relate to changes in an employee's attendance, performance, or behaviour:

- personality changes or erratic behaviour (e.g. increased interpersonal conflicts; overreaction to criticism)
- appearance of impairment at work (e.g., odour of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, poor coordination)
- working in an unsafe manner or involvement in an incident
- consistent lateness, absenteeism, or reduced productivity or quality of work

### **Don't assume.**

There could be many reasons that explain these situations, such as:

- disability or temporary medical condition
- conflicts at work
- job dissatisfaction or low morale
- the stress in balancing work and caregiving obligations
- personal issues unrelated to work

Sometimes, there are immediate signs and symptoms present. Other times, it is a pattern of behaviour that may be a concern. The following table is from “[Problematic Substance Use that Impacts the Workplace](#)” as published by the Atlantic Canada Council on Addiction (ACCA), which can be used to help determine impairment in general.

ACCA notes the following about using signs and symptoms:

- They may be different from person to person.
- When used alone or in combination, they do not necessarily mean that somebody has a substance use problem. However, they may be indicators that your employee is in trouble or in need of some help (regardless of whether the issue stems from problematic substance use or another cause).

**Table 1**  
**Signs and Symptoms of Problematic Substance Use**  
**(not specific to any causal agent)**

|                                              | Indicators                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Physical                                     | <ul style="list-style-type: none"> <li>• deterioration in appearance or personal hygiene</li> <li>• unexplained bruises</li> <li>• sweating</li> <li>• complaints of headaches</li> <li>• tremors</li> <li>• diarrhea and vomiting</li> <li>• abdominal or muscle cramps</li> <li>• restlessness</li> <li>• frequent use of breath mints, gum or mouthwash</li> <li>• odour of alcohol on breath</li> <li>• slurred speech</li> <li>• unsteady gait</li> </ul>                                                                                                                |
| Psychosocial impacts                         | <ul style="list-style-type: none"> <li>• family disharmony (e.g., how the colleagues speak of family members)</li> <li>• mood fluctuations (e.g., swinging from being extremely fatigued to 'perkiness' in a short period of time)</li> <li>• inappropriate verbal or emotional response</li> <li>• irritability</li> <li>• confusing or memory lapses</li> <li>• inappropriate responses/behaviours</li> <li>• isolation from colleagues</li> <li>• lack of focus/concentration and forgetfulness</li> <li>• lying or providing implausible excuses for behaviour</li> </ul> |
| Workplace performance and professional image | <ul style="list-style-type: none"> <li>• calling in sick frequently (may work overtime)</li> <li>• moving to a position where there is less visibility or supervision</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                              |

**Table 1**  
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**(not specific to any causal agent)**

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|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"><li>• arriving late for work, leaving early</li><li>• extended breaks; sometimes without telling colleagues they are leaving</li><li>• forgetfulness</li><li>• errors in judgement</li><li>• deterioration in performance</li><li>• excessive number of incidents/mistakes</li><li>• non-compliance with policies</li><li>• doing enough work to just 'get by'</li><li>• sloppy, illegible, or incorrect work (e.g., writing, reports, etc.)</li><li>• changes in work quality</li></ul> |
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Please see the OSH Answers document [Impairment at Work - Reporting and Responding](#) for more information.

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