

IMPAIRMENT AND ACCOMMODATION POLICY

1. DEFINITIONS

The following terms have these meanings in this Policy:

- a) *“Accommodation”* – The obligation to take steps to adjust rules, policies, or practices that have a negative impact on Individuals based on prohibited grounds of Discrimination.
- b) *“Discrimination”* – Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.
- c) *“Individuals”* – All categories of membership defined in Triathlon Canada’s Bylaws, as well as all individuals employed by, or engaged in activities with, Triathlon Canada including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, employees, contractors, and Directors and Officers of Triathlon Canada.
- d) *“Prescription Medication”* – throughout this Policy shall be understood to be medication that an Individual has been validly prescribed by a medical practitioner.
- e) *“Workplace”* – Any place where business or work-related activities are conducted. Workplaces include but are not limited to, Triathlon Canada’s office, work-related social functions, work assignments outside Triathlon Canada’s offices, work-related travel, training and competition venues, and work-related conferences or training sessions.

2. PURPOSE

This Policy describes how Triathlon Canada will manage situations of impairment or potential impairment in the Workplace from an Individual’s use of legal or illegal drugs or substances, alcohol, or prescription medication, as well as potential sanctions for Individuals who are found to be impaired in the Workplace in a manner that contravenes this Policy or any of Triathlon Canada’s relevant and applicable policies.

This Policy also describes how and when Triathlon Canada will make accommodations for Individuals who require the use of prescription medication that may cause impairment in the Workplace or who have a diagnosed substance dependency on any legal or illegal drug or substance, alcohol, or prescription medication which may or may not cause impairment in the Workplace. Such substance dependency may be considered to be a disability if diagnosed by a relevant healthcare professional.

3. SCOPE AND APPLICATION OF THIS POLICY

This Policy applies to all Individuals and to situations arising in the Workplace.

Whenever this Policy is found to be in conflict with relevant and applicable legislation, the legislation shall prevail.

4. IMPAIRMENT

Impairment in the Workplace, subject to the Accommodation section of this Policy, is not permitted.

Impairment by Individuals in areas other than the Workplace may or may not be permitted, pursuant to the category of Individual and level of impairment, as described in Triathlon Canada's standards of conduct for each category of Individual.

Signs of Impairment

The following are signs of impairment:

- a) Personality changes or erratic behaviour (e.g., increased personal conflicts, over-reaction to criticism);
- b) Nervousness, sleepiness, poor memory, overly talkative, fatigued;
- c) Working in an unsafe manner;
- d) Altered appearance (e.g., odour of drugs or alcohol, glassy or red eyes, sweating, unsteady gait, slurring, poor coordination or balance);
- e) Slurred speech, rambling, confused;
- f) Citations for driving under the influence, or tickets or arrests for other criminal acts; or
- g) Consistent lateness, absenteeism, or reduced productivity or quality of work.

5. ACCOMMODATION

Individuals seeking an accommodation from Triathlon Canada shall provide Triathlon Canada with documented evidence from their relevant healthcare professional with a written description of the Workplace accommodations that the Individual's healthcare professional considers to be appropriate.

If Triathlon Canada becomes aware of a medical prescription for a diagnosed medical condition, a diagnosed substance dependency, or prohibited substance use by an Individual who is an athlete (either by voluntary disclosure, complaint, or positive drug test), Triathlon Canada will follow the steps as described in the **Substance Use by an Athlete** section of this Policy.

Disclosing Medical Prescription/Condition

An Individual who has a medical prescription for a diagnosed medical condition that may cause impairment in the Workplace may be accommodated by Triathlon Canada. Triathlon Canada will provide reasonable accommodation, to the point of undue hardship, unless there is reasonable justification to consider otherwise. In these cases, Triathlon Canada will:

- a) Discuss accommodation, based on the measures that the Individual's healthcare professional considers to be appropriate and which have been provided to Triathlon Canada by the Individual.

Disclosing Substance Dependency

An Individual who discloses a diagnosed substance dependency to Triathlon Canada will be treated with compassion and respect and may be accommodated by Triathlon Canada. Triathlon Canada will provide reasonable accommodation, to the point of undue hardship, unless there is reasonable justification to consider otherwise. In these cases, Triathlon Canada will:

- a) Assist the Individual with obtaining support and resources that will accommodate their Workplace circumstances; however, such support and resources may or may not include financial resources, as determined by Triathlon Canada; and
- b) Discuss accommodation, based on the measures that the Individual's healthcare professional considers to be appropriate and which have been provided to Triathlon Canada by the Individual.

Triathlon Canada Becomes Aware of Substance Dependency

Triathlon Canada is aware that not all Individuals will disclose a diagnosed substance dependency. Triathlon Canada understands that it has a duty to inquire when it recognizes Signs of Impairment (described in Section 4 of this Policy) that may require reasonable accommodation or for Triathlon Canada to take necessary and proportionate steps to manage an Individual's diagnosed disability.

Should the Individual display signs of impairment, but not have or admit to a diagnosed substance dependency or ask for an accommodation, Triathlon Canada will outline potential consequences of the Individual's behaviour (such as sanctions, complaints, or dismissal in the case of an employee or contractor).

Procedures

Any medical information voluntarily shared by the Individual with Triathlon Canada will not be disclosed to any third-parties or to any Individuals or supervisors who are not directly involved with the Individual's work and/or any Workplace accommodation.

After reviewing written documentation from an Individual's physician or healthcare professional, Triathlon Canada will provide reasonable Workplace accommodation for the Individual, to the point of undue hardship or there is reasonable justification to consider otherwise.

In preparation for the Workplace accommodation, Triathlon Canada will review the Individual's tasks and objectives and determine what needs to be accommodated, and what can and cannot be accommodated. Such determinations will form the basis of the Individual's Workplace accommodation plan.

An Individual's Workplace accommodation plan should:

- a) Be completed and signed by Triathlon Canada, the Individual, and the Individual's supervisor
- b) (if any);
- c) Identify the specific Workplace accommodation measures or solutions;
- d) Be flexible;
- e) Identify certain behaviours that may be significant; and
- f) If necessary, describe a 'return to work agreement' in the event of a prolonged absence.

If an Organization provides Workplace accommodation to an Individual who may be impaired from the use of prescription medication for a diagnosed medical condition, or who has a diagnosed substance dependency defined as a disability, this will not preclude Triathlon Canada from imposing sanctions against the Individual as described in this Policy and/or Triathlon Canada's *Code of Conduct, Discipline and Complaints Policy* and as may be applicable and necessary in the circumstances.

Substance Use by an Athlete

Triathlon Canada is committed to clean sport and endorses the 2015 Canadian Anti-Doping Program and the World Anti-Doping Code. Triathlon Canada confirms that it has adopted and/or commits to respect the 2015 CADP as its primary domestic anti-doping policy.

Athletes are responsible for knowing whether they are using or will need to use any prescription medication(s) that contain prohibited substances. The current List of Prohibited Substances can be found online on website of the World Anti-Doping Agency or the Canadian Centre for Ethics in Sport.

Triathlon Canada will approach certain substance use by athletes in the following manner:

- a) *Athlete requires the use of a prescription medication that contains a prohibited substance* – the athlete must consult with the Canadian Centre for Ethics and Sport ("CCES") to determine whether the athlete can obtain a Therapeutic Use Exemption.
- b) *Athlete requires the use of a prescription medication that may cause impairment* – Triathlon Canada shall determine whether the athlete may continue to train or compete while using a prescription medication that may cause impairment or whether any accommodations can be made while the athlete requires the use of the prescription medication. Such a determination will be made by Triathlon Canada following consultation with relevant medical professionals and in consideration of the safety of the athlete and other participants.
- c) *Athlete reveals diagnosed substance dependency* – Triathlon Canada will provide the athlete with any assistance and/or resources that it can reasonably provide; direct the athlete to healthcare professionals as appropriate. Depending on the dependency, Triathlon Canada may or may not decide to prohibit the athlete from participating in training or competitions, either as a sanction (as described in this Policy or in any other relevant and applicable policy, including Triathlon Canada's *Code of Conduct, Discipline and Complaints Policy*) or as a preventive safety measure for the athlete or for the safety of other participants, or impose any other **Sanction** permitted by a relevant and applicable policy.

- d) *Athlete has positive drug test* – Triathlon Canada will respect to the 2015 Canadian Anti-Doping Program, as well as its own policies for Anti-Doping and Discipline and Complaints (as applicable), and any direction or sanction from the CCES or the World Anti-Doping Agency.

Sanctions

Triathlon Canada may apply sanctions in the following circumstances:

- a) When an Individual is impaired in the Workplace;
- b) When an Individual's impairment violates Triathlon Canada's Code of Conduct, Discipline and Complaints Policy; or
- c) When an Individual who has been provided a Workplace accommodation performs tasks that are outside the scope of that accommodation.

Sanctions that may be imposed include:

- a) Removal from the area or Workplace (by sending the Individual home with appropriate transportation, if necessary);
- b) Temporary suspension from safety-sensitive work or tasks in the Workplace;
- c) Temporary suspension from participation in the Workplace (until a complaint is filed under the terms of Triathlon Canada's *Code of Conduct, Discipline and Complaints Policy*);
- d) Temporary suspension of Workplace membership benefits or privileges (until a complaint is filed under the terms of Triathlon Canada's *Code of Conduct, Discipline and Complaints Policy*);
- e) If the Individual is an employee or contractor, requiring a fitness for work assessment;
- f) If the Individual is an employee or contractor, a leave of absence (with or without pay, depending on the circumstances) from the Workplace pending further investigation; or
- g) If the Individual is an employee or contractor, discipline pursuant to Triathlon Canada's policies for human resources or the Individual's Employment Agreement or Contractor Agreement (as applicable).

Additional sanctions may be applied if Triathlon Canada (or another Individual) submits a complaint against the Individual under Triathlon Canada's *Code of Conduct, Discipline and Complaints Policy*.

Review and Update

This Policy was last reviewed in **October 2018**. Triathlon Canada pledges to update this Policy as necessary to reflect changes in legislation, applicable policies or best practices, and will review the Policy annually for the first three years following its initial implementation in October 2018.

References

Triathlon Canada consulted the following references in the development of this Policy:

- a) *Blazing the Trail – What the legalization of cannabis means for Canadian employers*
- b) (Conference Board of Canada, 2018)
- c) *Impaired at Work – A guide to accommodating substance dependence* (Canadian Human Rights Commission, 2017)
- d) *Workplace Strategies: Risk of Impairment from Cannabis* (Canadian Centre for Occupational Health and Safety, 2018)