



Are you concerned about someone who reports to you?

As a supervisor you may notice that a worker has attendance problems, difficulty performing work, appears to be under the influence of drugs or alcohol, or even exhibits unsafe behaviors. You might find yourself or others “covering” for someone whose work is affected by their alcohol or substance use, or that their inability to get their work done impacts the general welfare of the entire workplace. How to handle this situation is unique in every case.

A few basic guidelines:

1. Notice causes of concern:

Don't try to diagnose - know the signs of on-the-job drinking or drug use (bloodshot or glassy eyes, dilated pupils, slurred speech, delayed reaction time, unsteady gait, erratic behavior, odor of alcohol or drugs, etc.). Document what you observe including dates, times, behaviors, and impact of behaviors; remember, this is about the worker's safe and effective performance of their job. Don't accuse a worker of being inebriated or high, as an illness or medication could be the cause of the behavior.

2. State your observations to the individual concerned:

Point out what you have observed without identifying alcohol or drug use. Provide backup documentation if appropriate, for example – documentation of what you observed. Have an HR or managerial witness present (e.g. steward, supervisor, business agent, department head, etc.). Be consistent in how you treat each employee. You can take into account extenuating circumstances such as recent bereavement, divorce, or other life situation, but be sure to document any exceptions you make and the reasons for them.

3. If there is reasonable cause of substance abuse or work impairment:

Remove the impaired person to a designated area away from the ongoing work or have them escorted home. Check with management and be sure to follow any existing policies and applicable law regarding drug or alcohol testing. Provide the individual with information about how to get help, including a list of resources. Check local, state and federal law and regulations, and company policy regarding your options to discipline, discharge or deny employment to an individual. Maintain the worker's privacy; limit the matter to those who need to know (e.g. supervisor, HR, department head).

4. Accommodations:

According to the EEOC, an alcoholic is a person with a disability and is protected by the Americans with Disabilities Act (ADA) if they are qualified to perform the essential functions of a job without putting others at risk. A person who is addicted to drugs is also protected under the ADA, but only if they are not currently using illegal drugs. The employer may be required to provide an accommodation to the individual. Accommodations include time off or flexibility to attend meetings, such as 12 step meetings, or to enter treatment. Accommodations do not include the use of alcohol or drugs, or being under the influence, in the workplace.

5. Anti-retaliation:

Employers must not retaliate against a worker who reports or helps confirm suspected substance abuse.