MODEL POST-INCIDENT DRUG &/OR ALCOHOL TESTING PROCEDURES

BENEFITS
Drug and/or alcohol testing in the workplace is complex. But employers are generally permitted to ask a worker to submit to a drug and/or alcohol test if the worker has been in a serious safety incident. So employers should have written procedures in place spelling out which safety incidents trigger a drug and/or alcohol test and the procedures for such testing.

HOW TO USE THE TOOL
Adapt this model procedure for your workplace, existing drug and/or alcohol testing policies and the terms of any collective agreement, if appropriate. Then train all workers and supervisors on it.

OTHER RESOURCES:

Drugs & Alcohol Testing, Part 1: What Are the Legal Limits on Testing Policies?
Drugs & Alcohol Testing, Part 2: How to Create an Enforceable Testing Policy
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Alcohol and drug testing is required after a significant work-related incident as part of a full investigation into the circumstances. The decision to refer a worker for a test will be made by the supervisor investigating the incident, with the agreement of a second level of supervision or management (such as, the immediate supervisor, the Department Manager, etc.). A significant incident is defined as:

- A fatality or serious personal injury to any individual;
- An environmental spill with significant implications;
- Significant loss or damage to any property, equipment or vehicles;
- Significant loss of any revenues; or
- A near-miss incident that had the potential to cause significant injury or damage.

In the case of an incident, the following procedures apply:

1) Workers are obliged to report the situation to their immediate supervisor as soon as possible following an incident.

2) Workers are expected to participate fully in any subsequent investigation into the incident.

3) Whether the incident is significant or not (i.e., categorized as minor, noticeable or a near miss), testing will be sufficiently justified when a worker provides reasonable cause though atypical behaviour or appearance (see, policy on reasonable cause testing for drugs and/or alcohol).

4) Only workers who are identified, with reasonable grounds, as having been directly involved in the chain of acts or omissions leading up to the event will be referred for a test.

5) A test is automatic after a significant incident, unless there is clear evidence that the acts or omissions of workers could not have been a contributing factor (such as the incident was the result of structural or mechanical failure).

6) Workers to be tested must not use alcohol for eight hours after the incident until tested or advised that a test is not required.