

Ask The Expert: Do Workers Have to Tell You If They Get a DUI?



QUESTION

Do workers have to inform their employer if they get a DUI?

ANSWER

It depends.

EXPLANATION

Factors to consider:

Your HR policies: Do your current policies require workers to notify you of their DUIs?

Conviction or arrest: If the worker was arrested but not convicted, he/she may be able to prove innocence (or may have already done so if the charges were dropped or the worker was acquitted).

Impact on job performance: Notification is required if the DUI has an actual or potential impact on job performance, such as if:

- The worker needs to drive to do the job;
- The job is safety-sensitive;
- The worker can't do the job with a revoked or suspended driver's licence;

- The job requires the highest standards of morality and conduct, e.g., law enforcement.

On or off duty: Notification is almost sure to be required if the DUI happened while the worker was on duty.