

Impairment and Accommodation Policy

Definitions

1. 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 Participants 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) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of XCSO who are subject to the policies of XCSO, as well as all people employed by, contracted by, or engaged in activities with, XCSO including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers
 - d) **Prescription Medication** – throughout this Policy shall be understood to be medication that a Participant 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, XCSO's office, work-related social functions, work assignments outside XCSO's offices, work-related travel, training and competition venues, and work-related conferences or training sessions

Purpose

2. This Policy describes how XCSO will manage situations of impairment or potential impairment in the Workplace from a Participant's use of legal or illegal drugs or substances, alcohol, or prescription medication, as well as potential sanctions for Participants who are found to be impaired in the Workplace in a manner that contravenes this Policy or any of XCSO's relevant and applicable policies.
3. This Policy also describes how and when XCSO will make accommodations for Participants 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.

Scope and Application of this Policy

4. This Policy applies to all Participants and to situations arising in the Workplace.
5. Whenever this Policy is found to be in conflict with relevant and applicable legislation, the legislation shall prevail.

Impairment

6. Impairment in the Workplace, subject to the **Accommodation** section of this Policy, is not permitted.
7. Impairment by Participants in areas other than the Workplace may or may not be permitted, pursuant to the category of Participant and level of impairment, as described in XCSO's standards of conduct for each category of Participant.

Signs of Impairment

8. Signs of impairment include, but are not limited to:
 - a) Personality changes or erratic behaviour (e.g., increased personal conflicts, overreaction 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.

Accommodation

9. Participants seeking an accommodation from XCSO shall provide XCSO with documented evidence from their relevant healthcare professional with a written description of the Workplace accommodations that the Participant's healthcare professional considers to be appropriate.
10. If XCSO becomes aware of a medical prescription for a diagnosed medical condition, a diagnosed substance dependency, or prohibited substance use by a participant who is an *athlete* (either by voluntary disclosure, complaint, or positive drug test), XCSO will follow the steps as described in the **Substance Use by an Athlete** section of this Policy.

Disclosing Medical Prescription/Condition

11. A participant who has a medical prescription for a diagnosed medical condition that may cause impairment in the workplace may be accommodated by XCSO. XCSO will provide reasonable accommodation, to the point of undue hardship, unless there is reasonable justification to consider otherwise. In these cases, XCSO will:
 - a) Discuss accommodation, based on the measures that the participant's healthcare professional considers to be appropriate and which have been provided to XCSO by the participant.

Disclosing Substance Dependency

12. A Participant who discloses a diagnosed substance dependency to XCSO will be treated with compassion and respect and may be accommodated by XCSO. XCSO will provide reasonable

accommodation, to the point of undue hardship, unless there is reasonable justification to consider otherwise. In these cases, XCSO will:

- a) Assist the Participant 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 XCSO; and
- b) Discuss accommodation, based on the measures that the Participant's healthcare professional considers to be appropriate and which have been provided to XCSO by the Participant.

XCSO Becomes Aware of Substance Dependency

13. XCSO is aware that not all participants will disclose a diagnosed substance dependency. XCSO understands that it has a duty to inquire when it recognizes **Signs of Impairment** (described in Section 8 of this policy) that may require reasonable accommodation or for XCSO to take necessary and proportionate steps to manage a participant's diagnosed disability.
14. Should the participant display signs of impairment, but not have or admit to a diagnosed substance dependency or ask for an accommodation, XCSO will outline potential consequences of the participant's behaviour (such as sanctions, complaints, or dismissal in the case of an employee or contractor).

Procedures

15. Any medical information voluntarily shared by the Participant with XCSO will not be disclosed to any third-parties or to any participants or supervisors who are not directly involved with the participant's work and/or any Workplace accommodation.
16. After reviewing written documentation from a participant's physician or healthcare professional, XCSO will provide reasonable workplace accommodation for the participant, to the point of undue hardship or there is reasonable justification to consider otherwise.
17. In preparation for the workplace accommodation, XCSO will review the participant'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 participant's workplace accommodation plan.
18. A Participant's Workplace accommodation plan should:
 - a) Be completed and signed by XCSO, the participant, and the participant's supervisor (if any);
 - b) Identify the specific Workplace accommodation measures or solutions;
 - c) Be flexible;
 - d) Identify certain behaviours that may be significant; and
 - e) If necessary, describe a 'return to work agreement' in the event of a prolonged absence.
19. If XCSO provides Workplace accommodation to a participant 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 XCSO from imposing sanctions against the

Participant as described in this policy and/or the *Harassment, Discipline and Complaints Policy* and as may be applicable and necessary in the circumstances.

Substance Use by an Athlete

20. XCSO is committed to clean sport and endorses the 2021 Canadian Anti-Doping Program and the World Anti-Doping Code. XCSO confirms that it has adopted and/or commits to respect the 2021 (or most recent) CADP as its primary domestic anti-doping policy.
21. 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 on the website of the World Anti-Doping Agency or the Canadian Centre for Ethics in Sport.
22. XCSO 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* – XCSO 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 XCSO following consultation with relevant medical professionals and in consideration of the safety of the athlete and other participants.
 - c) *Athlete reveals diagnosed substance dependency* – XCSO 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, XCSO 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 XCSO’s *Harassment, 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* – XCSO will respect the 2021 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

23. XCSO may apply sanctions in the following circumstances:
 - a) When a Participant is impaired in the Workplace;
 - b) When a Participant impairment violates the *Code of Conduct and Ethics*; or
 - c) When a Participant who has been provided a Workplace accommodation performs tasks that are outside the scope of that accommodation
24. Sanctions that may be imposed include:
 - a) Removal from the area or Workplace (by sending the participant 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 XCSO's *Harassment, Discipline and Complaints Policy*);
- d) Temporary suspension of workplace membership benefits or privileges (until a complaint is filed under the terms of the *Harassment, Discipline and Complaints Policy*);
- e) If the participant is an employee or contractor, requiring a fitness for work assessment;
- f) If the participant 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 participant is an employee or contractor, discipline pursuant to XCSO's policies for human resources or the participant's Employment Agreement or Contractor Agreement (as applicable)

25. Additional sanctions may be applied if XCSO (or another participant) submits a complaint against the participant under the *Harassment, Discipline and Complaints Policy*.

References

26. XCSO consulted the following references in the development of this Policy:

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