



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 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 Softball New Brunswick’s Bylaws, as well as all individuals employed by, or engaged in activities with, Softball New Brunswick including, but not limited to, athletes, coaches, convenors, officials, umpires, volunteers, managers, administrators, committee members, employees, contractors, and Directors and Officers of Softball New Brunswick
 - 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 location where Association business or operational activities take place. Workplaces include but are not limited to, Softball New Brunswick’s office, work-related social functions, work assignments outside Softball New Brunswick’s offices, work-related travel, training and competition venues, the field of play and facilities, and work-related conferences or training sessions

Purpose

2. This Policy describes how Softball New Brunswick 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 Softball New Brunswick’s relevant and applicable policies.
3. This Policy also describes how and when Softball New Brunswick 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.



Scope and Application of this Policy

4. This Policy applies to all Individuals 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 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 Softball New Brunswick's standards of conduct for each category of Individual.

Signs of Impairment

8. Signs of impairment include, but are not limited to:
 - 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.

Accommodation

9. Individuals seeking an accommodation from Softball New Brunswick shall provide Softball New Brunswick 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.
10. If Softball New Brunswick 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), Softball New Brunswick will follow the steps as described in the **Substance Use by an Athlete** section of this Policy.

Disclosing Medical Prescription/Condition

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

Disclosing Substance Dependency

12. An Individual who discloses a diagnosed substance dependency to Softball New Brunswick will be treated with compassion and respect and may be accommodated by Softball New Brunswick. Softball New Brunswick will provide reasonable accommodation, to the point of undue hardship, unless there is reasonable justification to consider otherwise. In these cases, Softball New Brunswick 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 Softball New Brunswick; and
 - b) Discuss accommodation, based on the measures that the Individual's healthcare professional considers to be appropriate and which have been provided to Softball New Brunswick by the Individual.

Softball New Brunswick Becomes Aware of Substance Dependency

13. Softball New Brunswick is aware that not all Individuals will disclose a diagnosed substance dependency. Softball New Brunswick 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 Softball New Brunswick to take necessary and proportionate steps to manage an Individual's diagnosed disability.



14. Should the Individual display signs of impairment, but not have or admit to a diagnosed substance dependency or ask for an accommodation, Softball New Brunswick will outline potential consequences of the Individual'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 Individual with Softball New Brunswick 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.
16. After reviewing written documentation from an Individual's physician or healthcare professional, Softball New Brunswick will provide reasonable Workplace accommodation for the Individual, to the point of undue hardship or there is reasonable justification to consider otherwise.
17. In preparation for the Workplace accommodation, Softball New Brunswick 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.
18. An Individual's Workplace accommodation plan should:
 - a) Be completed and signed by Softball New Brunswick, the Individual, and the Individual'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 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 Softball New Brunswick from imposing sanctions against the Individual as described in this Policy and/or Softball New Brunswick's *Discipline and Complaints Policy* and as may be applicable and necessary in the circumstances.



Substance Use by an Athlete

20. Softball New Brunswick is committed to clean sport and endorses the 2015 Canadian Anti-Doping Program and the World Anti-Doping Code. Softball New Brunswick confirms that it has adopted and/or commits to respect the 2015 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 online on the website of the World Anti-Doping Agency or the Canadian Centre for Ethics in Sport.

22. Softball New Brunswick 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* – Softball New Brunswick 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 Softball New Brunswick following consultation with relevant medical professionals and in consideration of the safety of the athlete and other participants.