



## Impairment and Accommodation Policy

**“Organization” refers to: The Manitoba Freestyle Ski Association Inc.**

### Definitions

1. Terms in this Policy are defined as follows:
  - 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. *“Athlete”* – An individual who is an Athlete Participant in the Organization
  - c. *“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
  - d. *“Participants”* – Refers to all categories of individual members and/or registrants defined in the By-laws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers
  - e. *“Prescription Medication”* – throughout this Policy shall be understood to be medication that a Participant has been validly prescribed by a medical practitioner
  - f. *“Workplace”* – Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and competition environment, and work-related conferences or training sessions



## **Purpose**

2. This Policy describes how the Organization 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 the Organization's relevant and applicable policies.
3. This Policy also describes how and when the Organization 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 the Organization'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 the Organization shall provide the Organization 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 the Organization becomes aware of a medical prescription for a diagnosed medical condition, a diagnosed substance dependency, or prohibited substance use by an *Athlete* (either by voluntary disclosure, complaint, or positive drug test), the Organization 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 the Organization. The Organization will provide reasonable accommodation, to the point of undue hardship, unless there is reasonable justification to consider otherwise. In these cases, the Organization will:



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

#### *Disclosing Substance Dependency*

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

#### *The Organization Becomes Aware of Substance Dependency*

13. The Organization is aware that not all Participants will disclose a diagnosed substance dependency. The Organization 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 the Organization 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, the Organization 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 the Organization 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, the Organization 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, the Organization 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 the Organization, 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 the Organization 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 the Organization from imposing sanctions against the Participant as described in this Policy and/or the Organization's *Discipline and Complaints Policy* and as may be applicable and necessary in the circumstances.



### **Substance Use by an Athlete**

20. The Organization is committed to clean sport and endorses the 2021 Canadian Anti-Doping Program and the World Anti-Doping Code. The Organization confirms that it has adopted and/or commits to respect the 2021 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. The Organization 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* – the Organization 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 the Organization following consultation with relevant medical professionals and in consideration of the safety of the Athlete and other participants.
  - c. *Athlete reveals diagnosed substance dependency* – the Organization 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, the Organization 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 the Organization's *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 a positive drug test* – the Organization 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. The Organization may apply sanctions in the following circumstances:

- a. When a Participant is impaired in the Workplace;
- b. When a Participant's impairment violates the Organization's *Discipline and Complaints Policy*s; 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 the Organization's *Discipline and Complaints Policy*);
- d. Temporary suspension of Workplace membership benefits or privileges (until a complaint is filed under the terms of the Organization's *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 the Organization's policies for human resources or the Participant's Employment Agreement or Contractor Agreement (as applicable)



25. Additional sanctions may be applied if the Organization (or another Participant) submits a complaint against the Participant under the Organization's *Discipline and Complaints Policy*.

<b>PSO Board of Directors Approval Date:</b>	<u>April 10, 2025</u>
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