My Substance Abusing Employee Needs to Get Help or Go



Provide your employee with the tough love option to get help or get lost

Question:

A manager has brought to my attention that his concerns about an employee's behavior have come to a head. Over the holidays, observations about this person's actions made us realize that he cannot continue to work until he addresses issues related to what we believe is a substance abuse problem. We have previously talked to him about his behaviours, but he has always managed to offer explanations. We provided warnings about his absenteeism, tardiness, and incomplete projects. Over the holidays, his behavior escalated out of control. Now we have to take decisive actions. How do I approach him and inform him that he has to get help or we will have to let him go?

Help Your Employee Help Himself

Addressing concerns about an employee's personal struggles, be they personal problems with family, mental or physical health or substance abuse is never easy. Depending on how you manage and approach the situation you could find yourself on the wrong end of a complaint. Approaching an employee without a plan could open you up to a claim of discrimination or constructive dismissal. Not addressing the issue could result in the employee making costly errors and open you up for liability in other ways.

Before taking action clarify your evidence and document your reasons for concern. Focus on his work performance, which includes absences, lateness, incomplete projects, and complaints related to his behaviours. Your concerns about substance abuse are secondary because he has not indicated he has a problem.

Do you want him to stay or should he go?

Ask yourself: Can the employee continue to perform? Are you willing to offer him modifications? Do you want to continue to deal with him or does he needs to go?

Until, and, unless he acknowledges that he has a problem, you do not need to continue to put up with the challenges he introduces to the workplace. If he acknowledges or admits he has an addiction, this changes the situation. Remember that substance abuse is considered a disability, and as such, if you discover this is the case, it is

your duty to accommodate.

Termination for Performance

Approach this employee with a mindset of concern and an interest in helping him to reflect on his actions and their costs. If you decide he cannot perform his duties at the current time, be prepared to tell him he is about to lose his job. Do not hedge your words. He has probably learned to talk his way out of situations and to manipulate people. You must be clear and unequivocal. You are looking out for the best interests of your organization and you are also trying to help this employee.

If he does not acknowledge a substance abuse issue, he cannot use a claim of disability to protect him from discipline or termination. Base your decision to terminate based on performance.

Addiction as Mitigating Circumstances

Ask your employee if there are any mitigating circumstances that he would like to tell you about. To help this employee, give him the opportunity to choose. He can choose to acknowledge he has a problem and obtain help, or he can choose to ignore his problem and face the loss of his job.

TODAY'S EXPERT

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If he tells you that he thinks he has an addiction problem, or indeed knows he has a problem, then you can offer him options. Inform him of these options if he would like to obtain help for his problems. Suggest he attend counseling and attend rehab. Let him know that you are willing to accommodate him while he attends rehab and you will re-evaluate his employment when he returns.

He may choose not to listen to you. He may not acknowledge he has a problem, and he may not be willing to change. If this is the case, and he will not change, you have the option to end this ongoing challenge in your workplace and let him go.

Resource

Canadian Human Rights Commission's Policy on Alcohol and Drug Testing