

PERSONNEL POLICY

TITLE: **DRUG AND ALCOHOL USE POLICY**

EFFECTIVE DATE: January 23, 2013

POLICY NUMBER: **P.6**

The Municipal District of Opportunity No. 17 (the Employer) is committed to the health and safety of its Employees, other persons, property and the environment.

The Employer recognizes and accepts the responsibility to provide Employees with a safe, healthy and productive work environment, and confirms that the use of drugs or alcohol can have serious adverse effects on the safety of the workplace.

The Employer further recognizes that substance dependency is considered to be a disability under the *Alberta Human Rights Act* and intends to comply with the requirements of the *Act* and any other applicable laws in the application of this Policy.

Employees recognize and accept the responsibility to report to work in fit condition capable of performing their tasks productively and safely.

1. Purpose

The purpose of this Policy is to establish the Employer's standards of Employee fitness to work as it relates to drug and alcohol use. The Policy sets out a system of notification, regulation, assessment methods, assistance and accommodation, and discipline which together contribute to enhanced Employee health and safety. Because this Policy is focused on safety, prevention and treatment, it applies to all Employees.

2. Definitions

"Drug or alcohol use problem" means an Employee is unable to perform work productively and safely due to the effects of drug or alcohol use, but does not include a Substance Dependency.

"Drug(s) or alcohol" means controlled substances such as prescription drugs, illegal drugs, and alcohol and non-controlled substances if use could result in impairment, such as non-prescription medications, inhalants, etc.

"Incident" means an event which caused injury to a worker or damage to property exceeding \$1,000 in value.

“Near-Miss Incident” is any incident that had the potential to result in serious personal injury or property damage, even though an incident did not ultimately result.

“Post-Incident” means the eight (8) hour period immediately following any incident that resulted in injury to a person or property damage over \$1,000.00, or the eight (8) hour period immediately following a Near-Miss Incident.

“Reasonable Cause” means the Employer believes, on reasonable grounds, that an Employee may have used drugs or alcohol such that their ability to perform work productively and safely is impaired, and grounds may include long- or short-term observations about the Employee such as:

- i. reduced productivity;
- ii. increased, sudden or unexplained absenteeism;
- iii. alcohol odour about their person, slurred speech, or atypical behaviour;
- iv. any appearance of physical or mental impairment;
- v. the discovery of drugs or alcohol or related paraphernalia found in locations to which an employee has sole or primary access, including employees’ lockers or assigned vehicles;
- vi. following an Incident or a Near-Miss Incident;
- vii. a complaint by a co-worker or third party that an employee may be using drugs, alcohol or other substances contrary to this Policy; and
- viii. a confirmed substance dependency.

“Substance Dependency” is a recognized disability and a condition that can be confirmed by empirical medical assessment.

3. Notice and Implementation

Notice of the Policy summarizing key elements will be periodically circulated to Employees and to all Employer worksites, with copies of the full Policy to be distributed at least once to all Employees.

- a) Employees are strongly encouraged to voluntarily disclose to the Employer any problems of drug or alcohol use before a Policy violation, a detrimental job performance, or a workplace safety risk occurs.
- b) The Employer may at its discretion utilize an outside certified contractor to perform drug and alcohol testing if and as required by the Employer.
- c) The Employer may utilize related services of an outside contractor such as more detailed testing, analysis of test results, and referral of Employees to the appropriate treatment providers.
- d) Throughout the implementation and exercise of this Policy, Employee information will be gathered, used and held only in accordance with applicable information and privacy protection legislation.

4. Regulation

- a) While on duty, whether on or in Employer property or engaged in employment-related activities elsewhere, no Employee may use, possess, distribute, sell or be impaired by drugs or alcohol.
- b) No employee may use, possess, distribute, sell or become impaired by drugs or alcohol during breaks from duty such as meal periods, rest periods, and on-call periods.
- c) Employees are required to report to the Employer any observation of Employee behaviour or unfit condition that may be an indicator of drug or alcohol use.
- d) The Employer may at its sole discretion refuse to allow an Employee to work if the Employer believes based on Reasonable Cause that the Employee is impaired.
- e) If an Employee is called back to work after regular hours and he or she has used drugs or alcohol, the Employee must disclose the use to a supervisor or manager instead of reporting to work.
- f) The legal use of prescription drugs in compliance with physician directions is permitted at work only if it does not impair the employee's ability to perform his or her work effectively and in a safe manner. Employees are required to disclose their immediate supervisor the use of prescription drugs which may affect their work performance or the safe execution of their duties. The Employer is committed to accommodating an employee's necessary use of prescription drugs to the extent reasonably possible without suffering undue hardship.

5. Reasonable-Cause Testing

- (a) The Employer may order an Employee to undergo Reasonable-Cause Testing when there is Reasonable Cause to believe that the Employee's ability to perform work productively and safely may be impaired by drugs or alcohol.
- (b) The factors underlying the decision to order the test will be documented in writing.
- (c) Following an Incident or a Near-Miss Incident, the employee may be required to undergo Reasonable-Cause Testing at the sole discretion of the Safety Coordinator, the Transportation Safety Director, the department manager, or the Chief Administrative Officer. The employee must comply with an order for Reasonable-Cause Testing within eight (8) hours of the Near-Miss Incident or will be in violation of this Policy.
- (d) In all situations where the Employer believes with Reasonable Cause that an Employee is in an unfit condition to work, the Employer may utilize first-aid to assess the Employee's need for immediate medical attention and:
 - i. Where immediate medical attention is found unnecessary the Employer may, at its discretion, arrange reasonable escort to ensure the Employee moves safely between the worksite, the testing site, and home;
 - ii. In cases where Employer First-Aid determines that an Employee is in need of immediate medical attention, emergency medical services will be called in.

- (e) In all cases where an order for Reasonable-Cause Testing has been made, the Employer and its representatives will interact with the Employee respectfully and in a manner to minimize the intrusive nature of testing.

6. Assistance and Accommodation

- (a) The Employer recognizes its responsibility to accommodate an Employee with a Substance Dependency to the extent reasonably possible without encountering undue hardship.
- (b) Assistance for an Employee suffering from a drug or alcohol use problem or Substance Dependency will include encouragement of the employee to access the Employee Assistance Program for education and counselling.
- (c) An Employee who discloses a Substance Dependency will be expected to meet the following requirements:
- i. complete a medical assessment confirming he / she has a Substance Dependency;
 - ii. to pursue and complete treatment, counselling and assistance programs or procedures recommended by the Employee's advising physician or addiction counselor;
 - iii. to provide written medical confirmation that the Employee has any Substance Dependency under control and is able to safely return to the workplace without danger to the Employee or others;
 - iv. accept an obligation to immediately cease performance of duties and notify a supervisor in the event the Employee finds themselves impaired by drugs or alcohol at any time during work hours following a return to the workplace;
 - v. to provide reasonably regular updates from the Employee's physician or addiction counselor confirming that the Employee continues to follow recommended treatment programs and continues to be fit for performance of duties without danger to themselves or others; and
 - vi. undergo periodic Reasonable-Cause Testing for up to two (2) years following return to work as the Employer deems necessary for Employee and co-worker safety.
- (d) Any Employee who is concerned that they have a drug or alcohol use problem or a Substance Dependency, or a past use problem or Dependency which affects the Employee's present ability to perform his or her job, is strongly encouraged to voluntarily disclose their concern to the Employer so that assistance and accommodation can be extended.

7. Discipline

- (a) The Employer views the rules contained in this Policy to be of the utmost importance. This is a zero tolerance policy; any deviation from the above terms will result in disciplinary action that may include immediate termination. All Employees will be provided with a copy of this Policy as notification that any resulting dismissal will be considered as "dismissal for just cause" and not subject to notice or pay in lieu of notice.

- (b) The Employer recognizes its responsibility to assist and accommodate Employees suffering from Substance Dependency. However, if an Employee neglects or refuses to disclose such a condition to the Employer, the Employer will be forced to deal with breaches of this Policy based on the understanding that the Employee is not suffering from Substance Dependency but has simply disregarded this Policy, in which case immediate and strict disciplinary action will be taken.
- (c) Employees suffering from a Substance Dependency who fail to co-operate with assistance or treatment programs or who engage in repeated infractions of this Policy will be subject to the normal disciplinary sanctions up to and including immediate termination for just cause.

Drafted for Review:	October 10, 2012
Finalized for Adoption:	January 17, 2013
Adopted by Resolution:	January 23, 2013
Amended:	March 26, 2014
Amended:	June 11, 2014