



## Drug and Alcohol-Free Workplace

| Section        | Date Passed      | Resolution # | Reviewed | Date Repealed | Resolution # |
|----------------|------------------|--------------|----------|---------------|--------------|
| Administration | October 16, 2018 | 2018-479     |          |               |              |

### POLICY

The Town of Neepawa is committed to the health, safety and wellness of its employees, elected officials, contractors, and the public. The Town recognizes the importance of promoting a safe, healthy and productive work environment. The use of illicit drugs, alcohol, cannabis, and the inappropriate use of medications can have serious adverse impacts in the workplace and the Town will take steps towards to ensuring a workplace that is impairment-free while respecting the privacy and human rights of employees.

### PURPOSE

To establish the expectations and obligations for appropriate employee conduct; to describe consequences for non-compliance with those expectations; to provide consistent guidelines; to establish a process for supporting employees through reasonable accommodation until the point of undue hardship; and outlining a fair and responsible approach to discipline.

### APPLICATION & ACCOUNTABILITY

This policy applies to Employees while engaged in Town business, working on Town premises or operating Town vehicles or equipment.

Accountability and compliance are imperative and as such the Chief Administrative Officer may conduct reviews, audits, or checks at any time without notice to ensure compliance with this policy.

Failure to comply could lead to appropriate corrective action, which may include discipline up to and including termination of employment.

### 1.0 DEFINITIONS

**Alcohol** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

**Cannabis** – means any substance or mixture of substances that contains any part of a cannabis plant, including the phytocannabinoids produced by or found in a cannabis plant, such as tetrahydrocannabinol (THC), and any substance or mixture or substances that is identical to any such phytocannabinoid regardless of how the substance was obtained (e.g. cannabis, synthetic cannabinoids).

**Drugs of Concern** – Illicit drugs, alcohol, cannabis, medications, solvents, inhalants or any other substance that may change or adversely affect the way a person thinks, feels, acts, or otherwise has the potential to impair an individual's ability to perform their job safely and productively.

**Employee** – any individual employed by the Town on a full time, part time, temporary or casual basis, including those individuals employed pursuant to a personal services agreement and any person who

reports to the Chief Administrative Officer and performs a service for, or otherwise acts on behalf of, the Town under contract (including contractors, consultants, and their employees), or in the capacity of agent, student or volunteer.

**Illicit Drug** – any drug or substance that is not legally obtainable and its use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g. street drugs such as cocaine, heroin, etc.), and includes prescription drugs that have not been lawfully prescribed to the employee.

**Impaired/Unfit for Work/Duty** – The inability to safely perform assigned duties without any limitations resulting from the use of drugs of concern, or otherwise being under the influence of drugs of concern.

**Medication** – A drug obtained legally either over the counter or as properly prescribed by a registered and regulated health professional.

**Safety Sensitive Role** – means any role that requires the employee to engage in a process, function or duty that has the potential for significant harm to the employee, his or her co-workers, other contractors and/or the general public, including, but not restricted to the operation of a vehicle and/or equipment.

**Substance** – Any substance that is ingested, consumed, or otherwise taken, and includes alcohol, illicit drugs and medication the use of which represents a misuse of medication.

**Supervisor** – an employee accountable for a particular department or area, including managers and others in supervisory positions directly responsible for the performance of employees.

**Town Business** – All activities undertaken directly on behalf of the Town by employees, or other persons affiliated with the Town of Neepawa, whether conducted on or off Town premises. It includes those situations where an individual is representing, or could be reasonably perceived as representing the Town of Neepawa.

**Town Premises** – Includes, but is not restricted to, all land, property, structures, installations, vehicles and equipment owned, leased, operated or otherwise directly controlled by the Town.

**Treatment** – a process approved by the Town, where an individual is participating in recovery related activities, which may include periods of absence away from work.

**Undue Hardship** – The limit of the Town's capacity to accommodate without experiencing an unreasonable amount of difficulty, having regard for health, safety and/or financial considerations.

## 2.0 ROLES AND RESPONSIBILITIES

2.1 **Employees** are responsible for:

- a) Reporting fit for work and remaining fit for work at all times throughout the workday or shift, while on Town of Neepawa business.
- b) Performing the duties of their job in a safe manner without the risk to their co-workers, the public or the environment.
- c) Informing their supervisor immediately if they are unable to safely and efficiently perform their duties due to the consumption of alcohol or legal or illegal drugs.

- d) Abstaining from any substance prior to or during a scheduled work shift that could impair their ability to safely and/or efficiently perform their duties.
- e) Refraining from the possession, distribution, offering or sale of illegal or legal substances at the workplace.
- f) Notifying their supervisor within five (5) calendar days of any conviction of a criminal drug or alcohol violation.
- g) Report their use of prescription or over-the-counter medication that may affect their ability to safely perform the duties of their job to the supervisor, before starting their shift.
- h) Exercise their right to refuse work in situations where he/she believes that a co-worker is putting himself/herself or others at risk because of substance abuse to the point that health or safety is compromised as per the requirements of the *Workplace Safety and Health Act*.
- i) Assuming responsibility for any substance related performance issues, and seek professional assistance, or other resources to resolve behavioral or health problems, which adversely affect their work performance.

2.2 **Management** is responsible for:

- a) Understanding their role and the procedures related to substance use in the workplace.
- b) Informing staff of the policy; applying same in a consistent manner and providing support for interpretation and application of this policy;
- c) Taking action when an employee's work performance is unacceptable or an individual's actions jeopardize the safety of themselves, others or the reputation of the Town of Neepawa;
- d) Removing employees from performing safety sensitive duties if there are indications of a safety risk;
- e) Discharging the Town's duty to accommodate until the point of undue hardship; and
- f) Keeping and maintaining a complete record of steps taken under this policy.

2.3 **Elected Officials** are responsible for:

- a) Reviewing, affirming and approving policy and any amendments thereto.
- b) Considering any necessary allocation of resources for the ongoing realization of this policy.

### 3.0 DRUGS, ALCOHOL AND MEDICATION

- 3.1 Unless the conditions in 3.2 apply, the following is not permitted while on Town premises, engaged in Town business, operating a Town vehicle or equipment, during work hours, during breaks/meals taken during an Employees shift (on or off Town premises), while at Town sponsored events, and whenever an Employee is representing the Town:

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- a) Reporting to work under the influence of alcohol, cannabis, or illicit drugs;
  - b) Consuming or selling alcohol, cannabis or illicit drugs;
  - c) Using, possessing, distributing, offering or selling illicit drugs or related paraphernalia;
- 3.2 Notwithstanding section 3.1, employees, when on Town business may use alcohol and cannabis responsibly and only as legally permissible: after work when on travel status, at the conclusion of a training event/seminar, when attending or hosting an event which involves alcohol or cannabis, or in other similar situations when appropriate, provided the employee is not also on duty, or on call; the formal business of the day has been fully completed, and alcohol and/or cannabis is not consumed to the point of impairment, subject to the employee assuming full liability for any actions/conduct arising from the use.
- 3.3 Employees are permitted to distribute, offer or sell alcohol only if they are required to do so as part of their job duties and as long as that employee meets other legislative requirements related to the service of alcohol.
- 3.4 Employees receiving standby pay for **on-call situations** are expected to be fit for work/duty and in compliance with these standards. If unexpected circumstances arise where an employee is requested to perform unscheduled services while under the influence of illicit drugs, alcohol, cannabis, or medications or is otherwise unfit for work/duty, it is the responsibility of that employee to decline the call.
- 3.5 **Medications**
- a) Employees must always use medications responsibly which includes consulting with their physician and/or pharmacist to determine whether a medication may impact their ability to perform work safely and productively and report and safety concerns to their supervisor.
  - b) If there is a possibility that a medication may impact an employee's ability to work safely and productively, the employee must:
    - i. Report the use of such medication to his or her supervisor;
    - ii. Report any requirement for modified work due to the risk of impairment from the use of medication to his or her supervisor;
    - iii. Provide medical information detailing any work restrictions resulting from the use of the medication;
    - iv. Attend an assessment with an appropriate medical professional if requested by the Town;
    - v. Follow any recommended course of action to minimize safety risks resulting from the use of the medication.
  - c) The intentional misuse of medications including but not limited to, using the medication other than prescribed, using someone else's prescribed medication, or combining medication and
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- alcohol use against direction are not allowed while on Town premises, while engaged in Town business, while operating a Town vehicle or equipment, during working hours, while at Town sponsored events, and whenever employees are representing the Town.
- 3.5 Employees are not in violation of this policy if they use medication, including cannabis obtained through the authorization of the healthcare practitioner, in the manner directed by their healthcare practitioner, or pharmacist and the use of such medication does not cause them to be unfit for work/duty.
- 3.6 **The Town has ZERO TOLERANCE for the use of alcohol, cannabis, or illicit drugs by employees when at work in a safety sensitive role. An employee found to be using alcohol, cannabis, or illicit drugs while at work will be terminated.**

#### 4.0 REPORTING

- 4.1 All employees share responsibility for reporting violations of this policy and shall promptly advise supervisors of any safety problems or performance concerns. Employees must immediately report violations or suspected violations of this policy to their supervisor, including but not limited to:
- a) if the employee is unfit for duty as a result of the use of alcohol, cannabis, illicit drugs or medication, or is otherwise in violation of this policy;
  - b) if the employee believes any other employee is unfit for duty as a result of the use of alcohol, cannabis, illicit drugs or medication, may be under the influence of alcohol, illicit drugs or medication, or may otherwise be in violation of this policy;
- 4.2 The Town is prepared to assist employees who voluntarily disclose a dependency, starting with a referral to a substance abuse expert for an alcohol and/or drug assessment. Accessing assistance or declaring a problem does not eliminate the requirement for compliance with this policy.
- 4.3 Employees will not be disciplined for disclosing the use of a drug of concern, substance dependence, or medical need for medication in advance of reporting for duty. Employees may, depending on the circumstances, be referred to a counseling program and the duty to accommodate may or may not be triggered. Employees who report unfit for work/duty without disclosing the use of a drug of concern, substance dependence, or use of medication may result in disciplinary action up to and including termination.
- 4.4 Every employee must report to their supervisor the use of any medication (including, but not limited to, opioids and medical cannabis), which has the potential to impact the employee's ability to safely perform their work. Reporting for duty without disclosing the use of such medication may result in disciplinary action up to an including termination.
- 4.5 Upon disclosing the use of medication, the employee must provide satisfactory proof that such medication has been prescribed or is otherwise medically and legally authorized, and provide either clearance to work under these conditions or provide the impact that such a treatment can have on the employee's ability to safely perform their work. Updates to the medical documentation may also be required at reasonable intervals

- 4.6 Employees complying with the disclosure requirement for medications shall engage in a mutual process of identifying potential accommodation efforts to the point of undue hardship. These efforts shall include determining:
- a) The nature of the employee's current medical condition and prognosis of recovery;
  - c) What accommodation is required and what alternative work the employee can perform.

## 5.0 INVESTIGATION

- 5.1 The Town reserves the right to investigate all situations where a violation of this policy is believed to have occurred and before disciplinary action is taken.
- 5.2 The Town has the authority and discretion to hold out of service, with pay, any employee who is believed to be involved in a situation that could lead to disciplinary action, pending the results of an investigation.
- 5.3 The Town will investigate any situation when there are reasonable grounds to believe that illicit drugs, alcohol or related paraphernalia are present on Town premises in violation of this policy. Supervisors are responsible for identifying situations where a search is justified based on a combination of indicators that could include behavior, odour, or presence of paraphernalia.

## 6.0 FIT FOR DUTY

- 6.1 Where there are reasonable grounds to believe that an employee is unfit for duty, the employee will be escorted to a safe place and given the opportunity to explain why he or she appears to be unfit for duty.
- 6.2 If the explanation is not reasonable, and/or the supervisor conducting the interview still believes that the employee is unfit for duty, the supervisor may take one of the following steps:
- a) The employee may not be permitted to remain on site or be allowed to return to work;
  - b) Sent home with another responsible adult or picked up by a family member. Under no circumstance will an individual suspected of being unfit for duty due to impairment, be allowed to transport themselves in his/her private vehicle, or in a work vehicle;
  - c) The employee may be referred for medical attention if there are immediate medical concerns or requested to seek help with a potential addiction;
  - c) The supervisor will meet with the employee to identify their concern, and the employee may be temporarily held out of service with pay and subject to further investigation;

## 7.0 TESTING

- 7.1 In very limited and specific instances when an employee demonstrates signs of increased safety risk and/or deviation from the typical behavior or appearance suggest that they may be unfit for

work/duty, the Town may pursue the legal use of drug and/or alcohol testing when associated with post-incident testing or testing for reasonable cause, including but not limited to, an employee smelling like alcohol or cannabis, slurred speech, aggressiveness, drowsiness, or other symptoms indicating some type of impairment.

- 7.2 An employee will not arbitrarily be asked to submit to substance testing.

## 8.0 COMPLIANCE

- 8.1 Employees found in violation or non-compliance with this policy may be subject to progressive discipline up to and including termination of employment for cause. In appropriate circumstances, termination for cause may occur without warning or other progressive discipline.
- 8.2 Prior to the Town making a final decision with regard to discipline or termination of an employee found to be in violation of this policy, the Town shall consider its duty to accommodate substance abuse disorders and may require an employee to meet with a substance abuse expert or other appropriate professional. The substance abuse expert, or other appropriate professional, shall make an initial assessment and provide appropriate recommendations.
- 8.3 The nature of an employee's positions, previous instances of reporting for work in an impaired state and whether an error or incident occurred because of an impaired state will be considered in the determination of an appropriate disciplinary measure.

## 9.0 CONFIDENTIALITY

- 9.1 Personal information collected and used by the Town to administer this policy is subject to the provisions of *The Freedom of Information and Protection of Privacy Act*.
- 9.2 All inquiries or complaints, including any information pertaining to a complaint, will be treated in the strictest confidence. The name of the Complainant and Respondent, and any circumstances relating to the complaint, will remain confidential and only disclosed where necessary for the purpose of investigating a complaint, taking disciplinary or legal action, or where required by law.

## 10.0 SALARY AND BENEFITS

- 10.1 The Town supports employees in seeking treatment and aftercare for substance abuse by providing time away from work.
- 10.2 Employees may use existing benefits including sick pay, vacation, and lieu time to maintain income while attending a treatment program. When using sick time, an employee is required to provide a doctor's note for the period of absence.
- 10.3 If an employee has no sick pay, vacation or lieu time, a Record of Employment will be issued by the Town. The Record of Employment will enable the employee to apply for Employment Insurance.