



Title: Drug and Alcohol Policy
Policy Number: 088

Resolution Number: 19-041
Date Approved: February 5, 2019

Purpose

The purpose of this Policy is to provide a safe working environment for employees and others subject to this Policy, by providing a workplace free from the effects of drugs and alcohol. To ensure all persons subject to this Policy are treated fairly, with respect and confidentiality; encourage and support self-referral for substance abuse related problems.

Statement of Policy

The Town of Conception Bay South (the Town) is committed to providing a safe work environment for all employees, residents, and those that do business with the Town. Safety is of the utmost importance in the daily operations of all lines of business and service provided by the municipality.

The purpose of this Policy is to provide a working environment that is free from the effects of drugs and alcohol. All employees are expected to arrive for and be at work, fit for work and ready to perform their duties in a safe and lawful manner. Impairment from the use of drugs and alcohol can inhibit an employee from performing their duties safely and may cause hazards to other employees, contractors, or the general public.

This Policy concerns “fitness for work” and does not require or focus on “proof of intoxication”. Employees and others covered by this Policy are not fit for work if they have in their possession open alcohol or psychoactive drugs, not declared and approved by the CAO or arrive under the influence of alcohol or psychoactive drugs.

Applicability

- All employees, including both union and management staff
- Contractors or subcontractors doing business with the Town or completing business on the Town’s authority
- Volunteers
- Students
- Council

Definitions

Aftercare: the treatment that an employee receives following a primary treatment plan (support groups, counseling sessions, etc.).

Alcohol testing: can include breath or saliva alcohol test.



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Drug testing: can include saliva swab or urine testing.

Contractor: any individual or organization, and its related employees, representatives, and subcontractors, who provide services or other business on behalf of the Town of Conception Bay South.

Drugs: refers to any substance, including but not limited to alcohol, illicit drugs, legal, recreational and medical marijuana, medication, or other mood altering substances that have the potential to alter or adversely affect the way an individual thinks, feels, or acts. For the purpose of this Policy, drugs of concern include those that inhibit or prevent an employee's ability to perform their job safely and productively, and includes any over the counter medication which contains warning "not to drive or operate machinery after use". Please see below for further definitions.

- Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl.
- Beverage alcohol: beer, wine, coolers and distilled spirits; essentially everything intended to be consumed, which contains alcohol
- Illicit drug: any drug or substance that is not legally obtainable and the use, sale, possession, purchase, or transfer is restricted or prohibited by law (e.g. street drugs such as cocaine, and methamphetamine).
- Marijuana: contains hundreds of chemical substances. Over 100 of these are known as cannabinoids, including THC and CBD. Cannabinoids have effects on cell receptors in the brain and body. They can change how those cells behave and communicate with each other. Various forms of marijuana include fresh or dried herbs material, cannabis oil, chemically concentrated extracts, physically concentrated extracts, edibles, sprays, and creams.
- Medication: a drug legally obtained, either over-the-counter or through a Doctor's prescription.
- Mood altering substance: any other product that is legally or illegally used, resulting in cognitive or physical limitations that negatively impact performance on the job (e.g. synthetic marijuana, cathinone "bath salts", doda, glues, aerosols, and other similar products, including "designer" drugs having like properties).



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Drug testing: can include a 9 Panel POCT (instant) or Lab Based Urine Test, including testing for amphetamine (AMP), cocaine (COC), MDMA, methamphetamine (MAMP), opiates (OPI), phencyclidine (PCP), cannabis (THC), oxycodone (OXY), and benzodiazepines (BZO)

Drug paraphernalia: any item belonging to an individual that is associated with the use of drugs or other chemical that may alter performance. This can also refer to an item that is intended to tamper with the results of a drug and alcohol test set up by a Third Party Administrator.

Employee: any individual who is employed directly by the Town of Conception Bay South, regardless of employment status (casual, part-time, full-time, etc.)

Employee Assistance Program: an external agency that is responsible for providing Town employees with requested assistance on a variety of confidential work and personal concerns.

Employer: refers to the Town of Conception Bay South.

Fitness or fit to work: the ability to complete required duties in a safe and responsible manner free from the effects of drugs and alcohol, subject to the Statement of Policy.

Medical Professional: a trained professional, licenced to practice in Newfoundland and Labrador, responsible for providing care to an employee who is experiencing substance dependency issues. This can include a Substance Abuse Professional as well.

Post-incident: after an accident has occurred.

Supervisor/Manager: any individual who is responsible for managing and directing the work of an employee or group of employees.

Primary Treatment Plan: an outpatient or residential treatment program that is designed to help an employee work through a substance abuse problem.

Reasonable grounds/belief: when an employee exhibits signs and symptoms that indicate they may be impaired by drugs and alcohol.

Refusal to test: occurs when an employee refuses to co-operate with a request made by the Town to participate in a drug and alcohol test following one of the three events listed in this Policy or refuses to provide a sample or follow instructions as requested by the Third Party Administrator or refuses to provide consent for the results to be provided to



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the official designated by the Town to secure and maintain confidentiality over such results

Safety-sensitive position: the Canadian Human Rights Commission defines a safety-sensitive position as one which if not performed in a safe manner, can cause direct and significant damage to property, and/or injury to the employee, others around them, the public and/or the immediate environment. For example: - all public works employees and contractors working with them work in a safety-sensitive environment. There may also be safety-sensitive duties included in various positions.

Senior Executive: a Director who is responsible for the oversight of a specific Department and the Chief Administrative Officer who oversees all Town operations.

Student: a student who is employed by the Town, or who receives funding granted to the Town, to assist in the provision of special events, summer camps, or other activities as assigned by a Town representative. For the purpose of this Policy only, a student will be classified as an employee.

Third Party Administrator: an external agency that is responsible for testing employees for the presence of drugs and alcohol following one of the three events as indicated in this Policy. A Third Party Administrator is responsible for the full testing process, from collecting the samples to reviewing the laboratory results.

Town property/premises: can include Town land, facilities, worksites, and vehicles (light and heavy duty) that are required during the course of employment and controlled by the Town of Conception Bay South.

Town business: any duty or responsibility that has been assigned to an employee during the course of employment by a management representative or work assigned to a Contractor by a Town representative to be completed on behalf of the Town at any location.

Volunteer: any individual who volunteers with the Town to assist in Town-related activities and events. For the purpose of this Policy, a volunteer will be subject to the requirements of the Policy respecting attendances on Town property/premises.

Responsibilities

Safety is of the utmost importance in the daily operations of all lines of business and services provided by the municipality. This is a shared responsibility of every employee of the Town. The Town commits to providing access to the Employee and Family



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Assistance Programs in order to assist employees as required, including access to support services for drug and alcohol problems where same are discovered. If a student or volunteer is not included in the Town's Employee and Family Assistance Program, then additional resources within the community can be availed of. This service will be provided in a way that respects the confidentiality of employees. Any employee who has an emerging or ongoing drug and alcohol problem is required to take ownership of the concern and immediately seek assistance as required. It is everyone's responsibility to comply with this Policy and ensure a safe work environment for fellow coworkers, contractors, and the general public.

- Employees:
 - Report to work fit for work being free from impairment that may negatively impact work performance and hinder a safe working environment.
 - Remain free from impairment while on duty.
 - Advise their Supervisor/Manager if they are unable to perform their job in a safe manner.
 - Immediately report any safety concerns to their direct Supervisor/Manager or the next level of management should they witness unsafe work performance.
 - Participate in any investigative processes as required by this Policy.
 - Immediately seek assistance for any ongoing or emerging drug and alcohol problem.
 - Participate in any accommodation process as may be required by this Policy.
 - Familiarize themselves with this Policy.
 - If there is an incident but the direct Supervisor/Manager is not working at that site or is otherwise unavailable, then the employee is responsible for immediately notifying another non-union employee who is working at that time.
 - If an incident occurs at the Fire Department but there is no Fire Captain or Fire Chief on shift at the time, then the employee is to immediately report the incident to another Fire Captain and/or the Fire Chief.
 - Impairment is a standard that does not require proof of inability to perform assigned tasks but arises from the presence of alcohol or drugs in the employee's body.

- Supervisors/Managers:
 - Educate employees about the Drug and Alcohol Policy.
 - Identify situations that may be a result of the misuse of drugs and alcohol.
 - Provide support to employees that may be seeking accommodation due to an addiction to drugs or alcohol.



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- Familiarization with the signs and indicators of use of drugs and alcohol in the workplace.
 - Inform and remind employees and contractors about this Policy.
 - Monitor work performance to ensure that all duties are being performed in a safe manner free from the effects of substance use.
 - Discuss performance problems with employees via workplace counselling or progressive discipline, as required.
 - Remind employees about the Town's Confidential Employee and Family Assistance Program and familiarize them with the various ways to contact the Program for assistance.
 - Refer or guide employees to the Town's Confidential Employee and Family Assistance Program when an employee seeks help for a personal problem, when a Supervisor/Manager has reason to believe that a performance problem may be health related, or when an employee discloses that they have a problem with drugs and/or alcohol. If the individual is a student or volunteer, then they should be referred to the appropriate external community service.
 - Follow up with the Occupational Health and Safety Coordinator and/or Human Resources Coordinator regarding any accommodations that may need to be made for an employee.
 - Follow the testing guidelines and processes as outlined in this Policy.
 - Refer an employee to drug and alcohol testing as required.
 - Safely remove employees from the workplace if they have been deemed unfit to work and transport, or provide a means of transportation, to the Third Party Administrator for testing. Following completion of the testing, the employee should be transported safely to their home via the above methods as well.
 - Require Contractor to immediately remove any of his/her employees believed to be not "fit for work" and advise the Senior Executive.
- Senior Executive:
 - Champion a safety culture in which the use of drugs and alcohol is prohibited, whether prior to reporting to work or at work, to ensure a safe working environment for staff, contractors, and residents.
 - Support Supervisors/Managers in the implementation of this Policy.
 - Provide the necessary resources as required under this Policy.
 - Human Resources/Occupational Health and Safety Coordinators:
 - Provide education and knowledge about resources to staff and management.
 - Provide support to staff and management regarding the Policy.



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- Update and publish the Policy as required.
- Assist Supervisors/Managers as required under this Policy.
- Assist with any accommodations that may be required.

- Union Executive:
 - Provide representation to employees as required and requested in a timely manner. If assistance is not received in a timely manner, the Supervisor/Manager will be required to proceed without involvement of the Union as they deem necessary under this Policy in order to not delay the testing procedures. Any delay of more than two (2) hours caused by excessive waiting for union representation or interference with the testing requirement, will constitute a refusal to test on behalf of the employee.

Workplace Rules

To ensure the safety of employees, residents, and those that do business with the Town and to assist in asset protection and efficient operations, the following rules apply:

1. Employees must report to work “fit for work” and remain that way for the full duration of his or her shift.

2. Should an employee ingest alcohol or any drug which could reasonably impair his/her abilities during his or her shift, they are expected to report this to their Supervisor/Manager immediately (e.g. Medical marijuana, prescription pain medication, over-the-counter medications, any alcoholic beverages or alcohol, recreational marijuana, and derivatives thereof).

3. If any employee has been prescribed medication/medical treatment that may adversely affect their ability to perform assigned duties, it is expected that they report the functional limitations and restrictions immediately to their Supervisor/Manager. The Supervisor/Manager will then advise Occupational Health and Safety/Human Resources Coordinators and in most circumstances, an accommodation will be made if necessary. If an employee works in a safety-sensitive position, there will be zero tolerance and alternate duties or work modifications will be reviewed and provided, if available and the employee is amicable and qualified.

4. The Town will not condone the usage, possession, distribution, or sale of any drugs, alcohol, or drug paraphernalia by employees on Town premises or in any vehicles that are the property of the Town or for which the Town is authorized to use.



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5. Employees are not permitted to consume drugs or alcohol during working hours or hours that they are expected to be on call. Employees must not ingest or consume any drug that may impair them or could prevent them from performing their duties in a safe manner. Doing so may lead to safety risks to fellow employees, clients, residents, property, and the environment.
6. Those employees who are required to operate vehicles on behalf of the Town must maintain a valid driver's license as a condition of employment. If an employee's license is lost, suspended or restricted for any reason then the employee must notify his or her Supervisor/Manager immediately and must not drive or operate such equipment.
7. All employees shall comply and cooperate with this Policy, including any testing requirements set forth within.

In accordance with the Town's high commitment to health and safety, any employee that does not comply with the above Workplace Rules and the requirements of this Policy may be subject to discipline, up to and including termination. Should this situation arise, it will be reviewed on a case by case basis and determined on the merits of the particular circumstance.

If a contractor, subcontractor, volunteer or student fail to meet the above Workplace Rules or not comply with the requirements of this Policy, they may be removed from Town property and banned from further work on Town property or events, unless there are exceptional and significant factors that have contributed to the situation.

Prevention

Safety is of the utmost importance in the daily operations of all lines of business and services provided by the municipality. The Town provides a Confidential Employee and Family Assistance Program to provide support to all employees who may require assistance in a number of areas, including substance abuse. The following steps will be taken to ensure that all employees have access to the resources required to follow the conditions outlined in this Policy:

1. Education and Prevention

The Town will provide ongoing education and continued awareness about the multiple benefits and accessibility of the Confidential Employee and Family Assistance Program. Training will be provided to all employees on the content of this Policy to ensure awareness before implementation. Furthermore, the Town will educate and inform all employees about the impact that alcohol and drug use can have on the workplace.



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2. Early Recognition and Monitoring

The Town acknowledges that early recognition and prompt treatment of substance dependency is in the best interest of both the employee and the Town. Such dependency can typically affect work in the following ways:

- Tardiness, absenteeism, noticeable difference in morning and afternoon behaviour, inability to concentrate, carelessness in appearance, inattention to job duties, conflicts with co-workers, mood swings, sloppy work, failure to meet deadlines, and isolation from co-workers.

The role that a Supervisor/Manager will play in the implementation of this Policy is crucial. As the direct manager of an employee, the Supervisor/Manager will observe behaviour on a first-hand basis and will be able to identify prolonged deviations from their normal behaviour that may identify that there is a concern that may require assistance. As such, Supervisors/Managers are expected to be aware of their responsibilities as outlined in this Policy.

3. Assessment and Rehabilitation

Should an employee require assistance with a substance abuse problem, confidential assistance can be sought in a number of ways, including their personal health provider or the Town's Employee and Family Assistance Program. If an accommodation is required, the Town will work directly with the employee and their medical professional to determine functional abilities. An accommodation or work modification will be made if alternate work is suitable and available. No employee shall be disciplined for voluntarily requesting help in overcoming any dependency problems.

While participating in or following a treatment program, employees will be required to follow the instruction of their medical professionals and participate in any activities required in their treatment plan. If a medical professional determines that an employee cannot safely perform the duties of their position, an accommodation or work modification will be made where alternate work is suitable and available. If an employee seeking assistance for a dependency issue holds a safety-sensitive position within the Town, then they will be moved to alternate work, if suitable and available provided that it is requested prior to an incident wherein the employee has been found to be under the influence.

The above does not eliminate the requirement of an employee to maintain satisfactory job performance.



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4. Aftercare

The Town supports employees participating in aftercare following the completion of a primary treatment program (i.e. outpatient or residential treatment programs). If an employee holds a safety-sensitive position with the Town, aftercare may be required upon the advice of the employee's medical professional. Prior to returning to work or original duties following an accommodation/work modification, the employee will be required to review aftercare protocols with their Supervisor/Manager and Occupational Health and Safety/Human Resources Coordinators to ensure it meets the safety requirements of their position. In every situation, the employee will be informed of the conditions of their return to work and the consequences of failing to meet those conditions. The aftercare program will include unscheduled testing up to one (1) year following the employee's return to work.

Testing Conditions

There are three situations under which an employee may be tested:

1. Post-incident, near miss, or potentially dangerous incident
2. Reasonable grounds/belief
3. Return to work program following primary treatment/aftercare

All three situations will be discussed in further detail below.

1. Post-Incident, Near Miss, or Potentially Dangerous Incident

Once an incident occurs, an individual will be sent for drug and alcohol testing if deemed necessary by the Supervisor/Manager. An incident will consist of any time there is damage done to the person or property and misuse of equipment. Furthermore, should a near-miss occur, meaning anytime an incident has almost occurred, or a potentially dangerous situation as deemed by the Supervisor/Manager, testing will be required of the employee(s) involved.

The decision for testing will remain with the Supervisor/Manager after consultation with a second non-bargaining unit employee (where possible). Please refer to the "Incident, Post-Incident, Reasonable Grounds for Alcohol & Drug Testing" form for guidelines to assist with this decision.

The testing is one tool to remove or confirm that the incident may have occurred by reason of substance(s) which impaired the individual. There shall be no requirement under this Policy to investigate and determine whether the incident is related to use of alcohol, medication, or illicit drugs.



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2. Reasonable Grounds/Belief

Reasonable grounds/belief that an employee is impaired constitutes one of the events that may result in an employee being sent for drug and alcohol testing. There are a number of factors to consider when looking at reasonable grounds. Five factors to consider are listed below:

Reasonable Grounds for Impairment: Five Factors to Consider

Table with 2 columns: Factor and Description. Factors include Impairment, Reliable Facts, Reasonable Facts, Documentation, and Timeliness.

[Note: Adapted from the City of Edmonton 'Drug and Alcohol Operating Procedures', March 2016 (taken directly from Municipalities Guide to Cannabis)]

Further to the five factors listed above, there are a number of signs and symptoms that Supervisors/Managers should be aware of when considering reasonable grounds for drug and alcohol testing. Observations that Supervisors/Managers will be expected to document are as follows:

- Has the employee been observed using a substance or is there direct evidence of substance use?
• Is the behaviour displayed by the employee out of character?
• Has the physical appearance of the employee changed?



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- Is there a lack of coordination in the movement of the employee? (i.e. staggering, stumbling, etc.)
Are there changes in the speech pattern of the employee? (e.g. slurred speech or lengthy verbal interaction with others particularly on unusual topics or interests)

It should be noted that the above is not a comprehensive list of what a Supervisor/Manager may witness to present concern that an employee is unable to safely perform their duties as a result of drugs and alcohol.

The below table is from "A Toolkit to Address Problematic Substance Use that Impacts the Workplace" by the Atlantic Canada Council on Addiction. Several notations about the table include that the signs and symptoms will differ from one individual to another, so individual experiences may change depending on the employee. Further to that, the signs and symptoms listed are not an assurance that the individual is impaired in the workplace. They may be indicative of other troubles that they are experiencing and may be a sign that further assistance is required.

Table with 2 columns: Category (Physical, Psychosocial Impacts) and Indicators (List of symptoms like Deterioration in appearance, Unexplained bruises, etc.).



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Workplace Performance and Professional Image	<ul style="list-style-type: none"> o Lying and/or providing implausible excuses for behaviour <p>Indicators:</p> <ul style="list-style-type: none"> o Calling in sick frequently (may work overtime) o Moving to a position where there is less visibility or supervision o Arriving late for work, leaving early o Extended breaks; sometimes without telling colleagues they are leaving o Forgetfulness o Errors in judgment o Deterioration in performance o Excessive number of incidents/mistakes o Non-compliance with policies o Doing enough work to just 'get by' o Sloppy, illegible or incorrect work (e.g. writing, reports, etc.) o Changes in work quality
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Reasonable grounds will only result in drug and alcohol testing when a Supervisor/Manager determines, after consultation with a second non-bargaining unit employee where possible, that there is a reason to believe that an employee may be unable to work in a safe manner due to the usage of drugs or alcohol. The Supervisor/Manager will review the above observations, signs and symptoms with the employee before the decision is made to test. Supervisors/Managers can refer to the "Reasonable Grounds Checklist" form for further assistance with this decision. Should a decision be made to test the employee, it is expected that the employee will immediately report for testing with the Third Party Administrator. Furthermore, possession of drugs and alcohol on Town property will constitute a direct violation of this Policy and will immediately result in drug and alcohol testing and be subject to discipline up to and including dismissal.

3. Return to Work Program Following Primary Treatment/Aftercare

Should an employee require professional treatment for a problem with drugs and/or alcohol, they may be tested prior to returning to work from a primary treatment program (i.e. outpatient services or residential program) or while in aftercare. Furthermore, testing may be completed on an unannounced basis for a defined period of time (usually one year) after the employee has returned to work. This may be completed as part of an agreement with the Town and will be done in conjunction with medical professionals and the Third Party Administrator.

In any of the above conditions, a refusal to test, deliberate delay or attempt to delay in reporting to a test, refusing to release the results of the test to management, or attempts



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to tamper with the test as confirmed by the Third Party Administrator will result in disciplinary action, up to and including termination from employment.

A breach of this Policy a second time within the defined period will ordinarily result in release from employment, except in the most unusual of circumstances.

Testing Processes

In the event that one or more of the above testing conditions is met and an employee is required to undergo drug and alcohol testing, the following process will apply:

1. Upon determination that testing is to be completed, the employee will attend the site of the Third Party Administrator for testing. If there are multiple Supervisors/Managers on site, then a Supervisor/Manager will transport the employee to the Third Party Administrator. If there is only one Supervisor/Manager available on site, the on site Supervisor/Manager will coordinate the transportation with another non-unionized employee or contact the testing provider if on-site services are available.
2. The employee will complete the testing as required by the Third Party Administrator and authorize the results to be released to the designated management representative.
3. Once the testing has been completed, the employee will return home while waiting for the testing results. The employee may be transported to their home by their Supervisor/Manager, another non-unionized employee or by a taxi service provider.
4. The employee will remain at home until the testing results are returned by the Third Party Administrator. The employee will be paid at the normal rate of pay for all regular hours that would have been worked while waiting for the results if the test results indicate that there were no drugs or alcohol present.
5. Once the results are available, the Third Party Administrator will notify the appropriate Town management representative of the results. The results will only indicate a pass or fail, not the specific amount or substance that may have been found.
6. The employee will be notified by their Supervisor/Manager as to the results of the test.
7. If the test result is negative, the employee will return to work immediately. There will be no loss of pay or benefits in the event of a negative test result.



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- 8. If the test result is positive, the employee will be required to attend a meeting with Human Resources, their Supervisor/Manager, and a Shop Steward (unless such representation is waived in writing by the employee). The employee may also be required to undergo a SAP (Substance Abuse Professional) assessment, to verify whether a dependency exist.

- 9. Upon a positive test result, further action may be taken by the Town, up to and including termination subject to any obligations toward accommodation.

Confidentiality

Any responsible party is required to respect the confidentiality of the processes outlined within this Policy. The only exception occurs when limited disclosure is required for related health and safety concerns. The information that is shared will be limited to those who are required to assess the employee’s fitness to work or participate in any related accommodations.

Revision:	Author:	Change Made:	Date: