



TOWN POLICY

Legal References:	Policy Department: Human Resources
Cross References:	Policy Number: HR 4
Adoption Date: May 6, 1992	Policy Title: <u>Alcohol & Substance Use Policy</u>
Revision Date: September 25, 2017	Review Date:

TITLE:	DATE:	POLICY NUMBER:
ALCOHOL & SUBSTANCE USE POLICY	January 25, 2010	HR4
PURPOSE OF THIS POLICY:		SUPERSEDES:
Outline terms and conditions regarding alcohol & substance use		146

POLICY STATEMENT:

1. General Prohibition

Town of Wembley recognizes that the quality and safety of all its services to employees relies upon employees who are well and focused while at work. To help ensure client, employee and public safety, the municipality intends not to be judgmental about the consumption of illicit drugs, alcohol or other controlled substances, but to establish clear boundaries prohibiting their use in the workplace and to encourage those employees with difficulties in these areas to acquire assistance in re-establishing good workplace performance.

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This policy applies at the work place to all employees and sub-contractors of the municipality, both inside and outside of regular business hours. All employees are required to be fit for work during their scheduled shifts, and to be able to perform safely and productively. Town of Wembley believes that use of illicit drugs, alcohol or the abusive consumption of prescribed or non-prescribed medications or other controlled substances, in the workplace, has serious, adverse effects on productivity, safety and the well-being of clients, the employee, their colleagues and the public. Town of Wembley cannot reasonably establish a threshold of impairment for each individual in a safety-sensitive position. Therefore, Town of Wembley will work to establish through testing whether an impairment-causing substance is present in order to address the risks which arise from impairment.

While operating heavy machinery or vehicles, or in other safety-sensitive positions, Town of Wembley has zero tolerance for the above mentioned substances in the workplace.

2 Definition of Terms

Workplace

For the purposes of this policy, the workplace includes all locations where employees are required to perform their work, including vehicles. This policy will not apply to municipal sponsored events unless the employee in question is acting in an official capacity as a representative of the company. In areas where doubt exists, establish whether the employee is being paid for his or her time and whether the employee's presence serves a function for the municipality.

Safety-Sensitive Work

For the purposes of this policy, safety-sensitive work is defined as any work which reasonably has the potential to cause a fatality, serious property damage, or injuries requiring medical aid. Examples of safety-sensitive work are the operation of vehicles and heavy equipment.

Sponsored Event

A sponsored event is one in which the municipality has paid for the facilities where the event is located.

Substance Use

For the purpose of this policy, substance use includes the use of illegal drugs or controlled substances and / or consumption of alcohol. Furthermore, no distinction is made between casual use and use stemming from addiction.

Illegal Drugs / Controlled Substances / Alcohol

For the purposes of this policy, illegal drugs / controlled substances / alcohol refers to all forms of alcohol, narcotics, depressants, stimulants, hallucinogens and all other drug types, whose use, possession,

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distribution, transportation, sale, purchase or transfer is restricted or prohibited by law.

Under the Influence

Refers to the use of one or more illegal drugs, controlled substances or alcohol, to the extent that the employees are:

- * Unable to perform their work in a productive manner
- * Are in a physical or mental condition that creates a risk to the safety and well-being of the employee, clients, other employees, the public or to the safety of Town of Wembley property
- * Displays signs of substance use (staggering movement, slurred speech, etc.)

3.

Policy

Employees who have cause to believe that a colleague or immediate supervisor is under the influence, as defined in the appendix to this policy, are required to report this belief immediately to the next level of management, take any and all steps available to them to ensure the safety of all persons in the workplace, and to hold the matter in confidence according to the principles of the *Employee Code of Ethics*. Employees undergoing prescribed medical treatment or using non-prescribed, 'over-the-counter' substances or drugs that may impair their work performance should report this situation to their supervisor or manager prior to the beginning of their shift and accept the supervisor's assessment of their ability to safely and competently perform their duties.

3.1

Addressing Suspected Influence

It is the responsibility of supervisors and managers to identify employees who may be under the influence of alcohol or using illicit substances. In the event that an employee is observed to be unfit for work, the supervisor or manager will:

- i. Remove the employee to a place where the matter can be discussed privately
- ii. Request a drug and / or alcohol test if there are reasonable ground to believe they may be a factor in the employee's condition
- iii. Suspend the employee without pay in the event that the employee confirms being unfit for work, or if the manager or supervisor determines that the employee is unfit for work
- iv. Transport the employee, at the Town of Wembley's expense, to the employee's home or into the care of another person
- v. Meet with the employee within 72 hours to discuss the incident and determine:
 - * Whether the employee should be referred to a medical facility for immediate concerns
 - * What disciplinary action, if any, is appropriate for an unsafe act, unsafe behavior, or unsatisfactory work performance

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- * A return-to-work plan with the employee and any medical professionals involved in the treatment of the employee

These events should be documented thoroughly to provide a solid historical record for reference.

4. Drug & Alcohol Testing

Testing may be deemed necessary from time to time in the following circumstances:

- * Reasonable cause – the behavior or appearance of an employee leads others to suspect the employee of drug or alcohol use. This may be due to a change in appearance, behavior or through observed use, as well as being admitted by the employee.
- * Post incident – testing may be requested after a significant work-related accident or incident. Significant accidents or incidents are situations in which a fatality or serious injury occurs, where damage to property, equipment, or vehicles costing in excess of \$500 occurs, or situations in which one of the previous may have reasonably occurred but didn't (near miss).
- * Historical indicator – the employee in question may have a previous record of using alcohol, illicit drugs, or prescribed medication inappropriately, or may be tested as part of an ongoing treatment program or regular monitoring.
- * Annual mandatory testing – employees operating heavy equipment or vehicles will be tested on an annual basis or upon being hired. Such testing will be announced prior to the commencement.

4.1 Drug Testing

Drug testing procedures will be as follows:

- i) The employee will provide a urine sample. The sample will be collected by an authorized agent of an independent lab contracted for this purpose.
- ii) All urine samples are to be split between two containers, one to act as the primary source and one as the secondary source. All samples are to be sealed until they arrive at the lab for testing. The lab will only test the primary source – if the test results are positive, the employee may elect to have the secondary source tested at his or her own expense.
- iii) An initial drug test is performed.
- iv) Follow up test is performed by the lab using gas chromatography/mass spectrometry analysis if the initial screening reveals a positive for one or more drugs.

4.2 Refusal to Test

An employee may indicate in writing that he or she declines to be tested for personal reasons. Town of Wembley respects that an employee may consider a drug or alcohol test to be an invasion of his or her privacy. The results of the employee's decision will be as follows:

- i. If the request to be tested is the result of reasonable suspicion, the possibility of drug or alcohol use will **be deemed to have been ruled out**. If the employee is determined as being unfit for work, the employee will be suspended from work. Supervisors or managers must make certain that the employee will be able to safely make it home or into the care of another person. If any doubt exists, the management will arrange for safe transport. Disciplinary action may follow for any unsafe acts or behavior, or for unsatisfactory work performance.
- ii. If the request to be tested is related to an incident, the possibility of drug or alcohol use will **be deemed to have been ruled out**. The investigation of the incident will proceed as though the test was negative. Any disciplinary action associated with the incident will be met out accordingly.
- iii. If the request to be tested is part of a plan to address historical indicators, the employee will be regarded as having failed to meet all the conditions of his or her treatment plan. The consequences of this will be in accordance with the return-to-work plan agreed to by the employee.
- iv. If the request is an annual or mandatory one, the employee will immediately refrain from performing any safety-sensitive work as defined in the appendix. The company may temporarily re-assign the employee to less safety-sensitive work at the company's discretion. If the situation persists, the employee's employment may be terminated. **At no time will Town of Wembley permit such an individual to work in a safety-sensitive position without first obtaining a negative drug test for the employee.**
- v. **Disciplinary action, up to and including dismissal, will occur if an employee deliberately adulterates his or her sample or otherwise attempts to interfere with his or her test, including by being unavailable for testing after an incident.** Town of Wembley will accept the opinion of the medical lab performing the test with regards to whether tampering has occurred. Town of Wembley will accept the opinion of a licensed physician when determining if there is a medical condition which precluded or may have precluded the employee from providing an adequate amount for the sample taking.

4.3 Mechanism for Testing

In accordance with generally accepted practices, Town of Wembley will contract with an independent third party for the sample collection and testing. A certified Medical Review Officer (MRO), operating

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independently of the lab performing the collection and testing and independent of Town of Wembley, will be made available to the employee to discuss the results of any drug tests. The MRO also determines how to communicate the results of the test to the company. The MRO's decision regarding the results of the test is final. In the instance of breathalyzer alcohol testing, the lab will advise Town of Wembley directly of the results.

At the time of the urine or saliva sample collection, the sample is to be divided into two containers. In the event that the employee feels that the lab did not perform the test accurately, the employee may request to have the unused sample tested at a certified lab of his or her choice. This second test will be at the employee's expense and must occur within 72 hours of the initial test. If this test results in a clean negative result, the MRO will report the results as "cancelled" to Town of Wembley. Town of Wembley will reimburse the employee for the cost of the second test only if this test is determined to be negative.

At this time, Town of Wembley will test for the presence of alcohol, amphetamines, opiates (codeine), cannabinoids (THC), cocaine, PCP, and methamphetamines. Other drugs may be added to this list over time, without prior notification of these changes, if the use of such drugs can result in impairment.

5. **Return-To-Work Plans**

Return-to-work plans should include the following information:

- * What the expected duration of the treatment or absence is
- * Whether the employee will continue to perform regular duties, alternate duties, or will be suspended (with or without pay) during treatment
- * What conditions must be met to confirm successful treatment
- * What will constitute a failure to successfully complete treatment
- * Whether there will be future tests, and if so, the nature of those tests (random, unannounced, duration of schedule)
- * What the consequences of a subsequent positive test will be
- * Acknowledgement by the employee that disclosure of an alcohol or substance use problem does not negate possible disciplinary action for work performance issues

Although each return-to-work plan will be unique, there will be some aspects which will remain consistent. Employees experiencing work performance issues related to substance abuse will be treated respectfully and confidentially by Town of Wembley but are expected to actively engage in treatment and/or management of the performance issues arising from their condition. **While failure to engage in treatment will not result, in itself, in job loss or demotion, failure to resolve**

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work performance issues relating to substance use may result in such action.

6. Commitment to Support

Town of Wembley seeks to be supportive of employees experiencing alcohol and substance use issues affecting work performance and wishes to create an environment that encourages these employees to seek assistance and treatment in successfully overcoming such challenges. Towards these ends Town of Wembley is committed to:

- * The provision of an Employee & Family Assistance Program (EFAP) for all employees who have completed 6 months of employment and non-casual employees. Information on what is offered through EFAP services and how employees can access these services will be generically provided to all employees.
- * Respecting employee human rights and confidentiality of personal information relating to treatment.
- * Training / education of employees (re: Recognition/Awareness of substance abuse; intervention techniques; peer support/ communication; etc.)

Employees dealing with an alcohol or substance use problem, whether they believe it affects their job performance or not, are encouraged to seek personal assistance and / or treatment. Seeking such assistance will not jeopardize an employee's job. Furthermore, the highest level of confidentiality will be maintained for employees seeking assistance in these matters.

7. Alcohol and the Workplace

Town of Wembley acknowledges that the appropriate use of alcohol in some social situations is acceptable and normative in our community and culture. Although appropriate consumption of alcohol by persons with disabilities is permitted, **at no time will an employee consume alcohol in work situations.**

- 7.1** At no time will staff partake in the consumption of alcohol within the workplace.
- 7.2** At any Town of Wembley sponsored function where alcohol may be provided, Town of Wembley will:
 - * Ensure the provision of food
 - * Ensure alternative transportation is available
 - * Encourage employees not to drink and drive
 - * Ensure easy availability of non-alcoholic beverages
- 7.3** Employees attending or making presentations in public or professional environments are considered representatives of Town of Wembley and are expected to conduct themselves in a manner respectful of Town of Wembley, themselves and others.

Town of Wembley recognizes that such environments may include the availability and voluntary consumption of alcohol. In such environments employees are advised:

- * **That consuming alcoholic beverages is not in any way a requirement of your work or presence at the event.** Consumption of alcohol is wholly a matter of personal choice.
- * That if being in the presence of the use of alcohol is anticipated to be problematic for the employee on such occasions, the employee is encouraged to discuss the situation beforehand with their supervisor and make alternative plans. Under no circumstances will such a discussion be used to negatively impact the employee.

8. Potential Disciplinary Action

In addition to work performance issues, the following circumstances or conditions will also be grounds for disciplinary action:

- * Possession, distribution, acquiring or attempting to acquire, use, offering or an offer to sell illicit drugs or illicit drug paraphernalia
- * Possession of prescribed medication without a legally obtained prescription, and distribution, offering or an offer to sell such medications (trafficking)
- * Possession, distribution, use, offering or an offer to sell alcohol during work hours, including during meals and breaks
- * Use of alcohol within 8 hours of an accident or incident unless tested or advised by GPDAPDD that a test is not necessary

9. Legal Considerations

Town of Wembley reserves the right to contact the authorities if they suspect that an employee's possible drug or alcohol use is endangering or may endanger the health and safety of the employee or of another person.

Should the results of a positive test performed by the RCMP or other legal authorities come to the attention of Town of Wembley, the provisions of Articles 3.1 and 5 will take effect.

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