



Policy 2020.05.05-02
Last Revised: April 17, 2020 – Motion 2020-232

DRUG AND ALCOHOL POLICY

(A)

1. PURPOSE

- 1.1. The purpose of this policy is to ensure a safe working environment for employees of the Hamlet of Enterprise (the “Hamlet”), in a manner that promotes the health and well-being of Hamlet employees.

2. SCOPE

- 2.1. This Policy applies to all Hamlet employees, while performing duties for the Hamlet, whether they are working on-site or off-site.
- 2.2. This Policy applies to contractors and sub-contractors, with the necessary modifications. Contractors will be expected to enforce the requirements for their employees and subcontractors while performing work for the Hamlet.
- 2.3. This Policy is subject to ongoing review and evaluation, and modifications will be made as necessary to respond to current circumstances and evolving needs.

3. DEFINITIONS

- 3.1. “**Employee**” means all Hamlet employees, as well as students and volunteers working for the Hamlet.
- 3.2. “**Cannabis**” means a cannabis plant and any of its parts, or derived products or related substances as may be defined by the federal Cannabis Act.
- 3.3. “**Drug Paraphernalia**” means any equipment, product or material intended or designed for use in compounding, concealing, preparing or introducing an Intoxicant into the human body’.
- 3.4. “**Fit for Work**” means the ability to perform one’s work safely and adequately, without limitation or risk due to the effects or the use of Medication, Illicit Drugs or other Intoxicants.
- 3.5. “**Hamlet Workplace**” means any place where the Hamlet performs work or delivers services, including, without limitation, real property, buildings, facilities and vehicles.

- 3.6. “Illicit Drug”** means any drug or controlled substance that is illegal under the Controlled Drugs and Substances Act, under the Criminal Code of Canada, or any other applicable legislation or regulation.
- 3.7. “Impairment”** means a deteriorated or weakened state of judgment, physical abilities or both, as a result of fatigue, illness, Medication, Illicit Drugs, or other Intoxicants that causes a departure from the normal abilities required to safely complete an Employee’s duties.
- 3.8. “Incident”** means an occurrence, circumstance, situation, or near miss that caused or had the potential to cause, injury to person, damage to property or equipment, or damage to the Hamlet’s reputation.
- 3.9. “Intoxicant”** means a substance, which can be legal or illegal, that may cause a state of intoxication. Intoxicants include, but are not limited to, cannabis and alcohol.
- 3.10. “Medication”**: includes (i) medication prescribed to the employee by a medical professional; (ii) over-the-counter medications; or (iii) medication obtained through a Health Canada authorization, such as medical marijuana.

4. GUIDELINES

4.1. PROHIBITED CONDUCT

- 4.1.1. Employees and Contractors are required to comply with this Policy and report Fit for Work and without impairment, and remain Fit for Work and without Impairment at all times while performing Hamlet work, delivering Hamlet services, at a Hamlet Workplace or on call. Failure to report to and remain in the Workplace, or on call, in a condition that is Fit for Work and without Impairment may result in serious discipline, up to and including termination of employment.
- 4.1.2. If unexpected circumstances arise where an Employee is requested to perform unscheduled services while Impaired or otherwise under the influence of Illicit Drugs or Intoxicants, it is the responsibility of that Employee to refuse the request and ask that the call to work be delegated to another person.
- 4.1.3. Employees who are at a Hamlet Workplace, performing Hamlet work or delivering Hamlet services must appear to be Fit for Work, and may be required to leave the Workplace if, by reason of physical appearance, odour, speech, judgment, conduct and/or behaviour, employees do not appear to be Fit for Work.

a. Illicit Drugs

The use, consumption, possession, trafficking or distribution of Illicit Drugs or Illicit Drug Paraphernalia while at the Hamlet Workplace, performing Hamlet work or delivering Hamlet services is strictly prohibited.

Being under the influence of Illicit Drugs at the Hamlet Workplace, performing Hamlet work or delivering Hamlet services is strictly prohibited.

b. Intoxicants

The use, consumption, distribution, offering or sale of intoxicants while at the Hamlet Workplace, performing Hamlet work or delivering Hamlet services is strictly prohibited.

Possession of Cannabis or open containers of alcohol while at the Hamlet Workplace while performing Hamlet work or delivering Hamlet services is strictly prohibited.

Employees who are at a Hamlet Workplace, performing Hamlet work or delivering Hamlet services must remain at all times Fit for Work, and able to effectively perform their assigned work.

c. Medication

Employees may use Medication when at Hamlet Workplace, performing Hamlet work or delivering Hamlet services, provided that it is available over-the-counter, or it has been prescribed or authorized for use for the individual, it is being used as prescribed or authorized, and it does not cause the individual to be Impaired or otherwise not Fit for Work.

Employees are prohibited from:

- Possessing or using prescribed or authorized Medication without a legally obtained prescription or authorization; and
- Distributing, offering for sale or selling Medication.

All Employees are expected to use Medication in a safe and responsible manner. The intentional misuse of Medication (e.g. using Medication in a manner that is different from the way it has been prescribed, using someone else's prescription Medication, combining Medication and Alcohol use against direction) while at a Hamlet Workplace, performing Hamlet work or delivering Hamlet services, is strictly prohibited.

Medications may affect an individual's ability to perform their job safely and productively. In the interest of safety, Employees who need to use Medication in the Workplace are required to:

- Investigate (through their medical professional) whether a Medication can affect the ability to perform required work duties safely by explaining their job functions;
- Where available, choose a safe alternative Medication (e.g. non-drowsy) in preference to a Medication that may affect safety or performance; and
- Advise the Senior Administrative (as the case may be) if they are taking a Medication that may affect their ability to perform required work duties safely.

Where the Employee advises that a Medication may affect their ability to perform required work duties safely, the Hamlet will assess whether there is a safety concern and a potential need to modify a work assignment.

The Hamlet may require additional information from the Employee to assist in assigning alternative duties, where available, to accommodate the Employee's medical condition and to ensure the general safety of the workplace.

All medical information provided will be treated confidentially and will not be disclosed to any person other than a person who needs to know to discharge a legal obligation.

In all cases, medical information will be sought only to the extent necessary to assess the safety concern and the need for accommodation.

Where the Hamlet has approved the use of Medication, then the use and possession of that Medication will not amount to a breach of this Policy so long as the Employee complies with any conditions imposed by the Hamlet on the use or possession of that Medication.

4.2. DUTY TO DISCLOSE PRIOR TO BREACH

- 4.2.1. All Employees who believe they may be unable to comply with this Policy must immediately disclose this fact to the Hamlet.
- 4.2.2. No Employee with an addiction to an Illicit Drug, Intoxicant or Medication will be disciplined or involuntarily terminated because of the Employee's involvement in rehabilitation or for voluntarily requesting rehabilitative help in overcoming the addiction to an Illicit Drug, Intoxicant or Medication. However, involvement in rehabilitation or seeking rehabilitative help for an addiction to an Illicit Drug, Intoxicant or Medication after an Incident has occurred relating to the Employee's use of an Illicit Drug, Intoxicant or Medication, or after the Employee has attended the Workplace when the Employee is not Fit for Work, will not prevent the Employee from being disciplined or terminated.
- 4.2.3. The disclosed information will be treated in confidence and will be used to assess the existence and extent of any legal duty on the Hamlet to accommodate. Disclosure does not eliminate the requirement for compliance with this Policy.

4.3. REASONABLE ACCOMMODATION

- 4.3.1. The Hamlet will comply with applicable Human Rights law where an employee discloses that they are unable to comply with the Policy by reason of addiction or dependence on an Illicit Drug, Intoxicant or Medication, as addressed in Section 6 of this Policy.
- 4.3.2. Where an Employee is using Medication that is required for a medical condition and is prescribed by a medical professional or authorized by Health Canada, the Hamlet may require proof of prescription or authorization, together with specific information regarding the frequency, volume and method of ingestion relating to such medical use, for the purposes of assessing the impact of the Medication upon the Employee and the ability to perform the work safely, perform the essential duties of the position, and to determine appropriate accommodation, if applicable.
- 4.3.3. The Hamlet has the right and duty to require clear medical documentation from the Employee's medical professional regarding the impact of a Medication on the Employee, the

Employee's Fitness for Work while using the Medication, and any Impairment or limitations on the Employee's ability to perform their duties, which result from using the Medication.

4.4. EXPECTATIONS

4.4.1. Management is required to:

- a. Identify, assess and take appropriate steps to deal with any situation that may cause concern regarding an Employee's Fitness for Work and/or Impairment.
- b. Provide training to Employees on how to identify and report Impairment in the Workplace.
- c. Provide accommodation to the point of undue hardship where an Employee identifies an inability to comply with this Policy by reason of addiction or dependency.
- d. Provide accommodation to the point of undue hardship where an Employee requires a Medication which may cause Impairment in the Workplace
- e. Ensure any Employee who asks for help due to a drug or alcohol dependence will not be disciplined for doing so.
- f. Remove any Employee from the Workplace who is assessed and suspected to be Impaired or otherwise not Fit for Duty, and arrange for the Employee's transportation home.
- g. Document any incidents of Impairment or suspected Impairment.
- h. Ensure compliance with this Policy.
- i. Provide ongoing performance management to ensure safe operations and effectiveness of this Policy.

4.4.2. All Employees and Contractors are required to:

- a. Comply with the provisions of this Policy and actively promote safe work habits.
- b. Take appropriate action, by ensuring their Supervisor or any other appropriate individual is informed when they suspect an Employee of Impairment or not being Fit for Duty, or there is a safety risk or potential violation of this Policy. Failure to report such an individual is a breach of this Policy and of the Employee's obligations under the *Safety Act* and the *Occupational Health and Safety Regulations*.
- c. Document any incidents of Impairment or suspected Impairment.
- d. Disclose to the Senior Administrative Officer if they are Impaired in the Workplace or otherwise not Fit for Work.

- e. Disclose to the Senior Administrative Officer if they are unable to comply with the Policy due to addiction/dependence.
- f. Disclose to the Senior Administrative Officer if they are taking any Medication that may cause impairment in the Workplace.

4.5. CONSEQUENCES OF VIOLATION

4.5.1. Employees who fail to comply with this Policy will be subject to discipline up to and including termination, subject to any requirements of applicable human rights legislation. The appropriate level of discipline in a particular case depends upon the nature of the Policy violation and the circumstances of the situation.

ATTACHMENTS

N/A

REFERENCES

N/A