



Policy Name	SUBSTANCE ABUSE POLICY ("Policy")
Policy Number	HR-01-1000-01- _____
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Policy Statement	This Policy outlines the requirements for all employees to be fit for work.
Scope	All employees, council members, volunteers and contractors of the Town of Riverview.

## 1. PURPOSE & APPLICATION

The Town of Riverview ("Town") is committed to providing a safe and healthy workplace. Recognizing that reporting to work while impaired poses a serious health and safety risk, the Town requires all of its employees to be fit for work when reporting for duty. The Town is committed to improving safety, supporting employee health and wellbeing, ensuring access to treatment and rehabilitation for substance abuse and maintaining respect and dignity for all employees.

The Town is a workplace that is free of alcohol, cannabis, drugs and the inappropriate use of medications. The use of these substances on the job can pose serious safety and health risks both to users, their coworkers and the public. This Policy is adopted to assist in preventing such occurrences and dealing with them if they do occur.

The Policy applies to all employees of the Town. All contractors retained by the Town will be advised of the applicable provisions of this Policy, and will be expected to enforce these requirements for themselves, their employees, sub-contractors and agents as a condition of contract.

## 2. KEY DEFINITIONS

**Alcohol** - refers to beverage alcohol, beer, wine and distilled spirits, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl and includes the intoxicating agent found in medicines or other products, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts.

**Cannabis** - as defined by the *Cannabis Act*, is a cannabis plant, regardless of whether or not it has been processed. It is a federally regulated psychoactive drug that has the ability to impair cognitive functioning. Like other drugs of concern, Cannabis (intended for recreational or medical or other use) has the potential to change or adversely affect the way a person thinks, feels or acts, and potentially compromise an employee or contractor's ability to perform their job safely and productively.

**Drug**- a substance, whether legal or illegal, that has the potential to alter or negatively impact the way a person thinks, feels or behaves. For the purpose of this Policy, drugs of concern are those that inhibit or impair an employee's ability to safely and effectively perform their job, and includes cannabis.

**Employee**- any full time, part time, on call, temporary, casual or permanent employee, student, intern, volunteer, contractor or Councillor of the Town.



**Medication** - refers to a regulated pharmaceutical medicine that requires physician or other qualified healthcare professional authorization before it can be obtained in the jurisdiction where personnel are performing services and includes medically authorized cannabis. Non-prescription, over the counter drugs which can be obtained without authorization are included in this definition when their use can influence fitness for duty.

**Need to Know Basis-** where facts of a case regarding an employee dependency, suspicion of impairment or investigation are shared by the Department of Human Resources with a supervisor or Director to assist with an investigation, to facilitate an accommodation plan or to manage the use of alcohol, drug, cannabis or medications in the workplace.

**Safety Sensitive Position-** a position where the employee is required to be alert, physically co-ordinated and exercise sound judgement as to prevent injury to themselves, their coworkers and members of the public and to prevent loss or damage to Town property or the environment. In principle, a safety-sensitive position is one that has direct influence on the safety of the operation, has considerable ability for independent action and/or limited supervision and can not necessarily rely on other prevention or technical controls when performing their job.

Any employee in direct supervision of an employee performing in a safety sensitive position will also be considered to work in a safety sensitive position.

For the purposes of this Policy, the following non-exhaustive list contains examples of what are considered to be safety-sensitive positions:

- Firefighters/paramedics; Equipment Operators; etc

**Undue Hardship-** a culmination of factors such as financial costs, service disruption, health and safety concerns, etc. that the employer considers under the duty to accommodate an employee's disability in the workplace.

**Workplace-** Any location in which Town councillors, employees and/or volunteers are engaged in Town business activities necessary to perform their assignments including Town buildings, parking lots, the actual work site, washrooms, lunchrooms/break rooms, vehicles, training sessions, conferences, business travel, work-related social gatherings or any other locations in which Town business is conducted.

### 3. PROHIBITED BEHAVIOUR

The following behaviours are strictly prohibited, and may incur disciplinary action up to and including termination of employment, and any legal ramifications consistent with the necessary involvement of law enforcement agencies.

#### Alcohol, Cannabis and Drugs

Employees are prohibited from:

- Reporting to work or remaining at work under the influence of alcohol, cannabis or drugs.



- Using, possessing, selling, manufacturing or dispensing any alcohol, cannabis or drugs in the workplace.
- Consuming alcohol after an incident until tested or advised by the Town that a test is not required.

Due to the unpredictable length of time during which cannabis can cause impairment, employees in safety-sensitive positions must not consume any cannabis within 24 hours of active duty.

The Town recognizes that employees may receive authorization by a physician for the use of cannabis for medical purposes and will accommodate medical requirements up to the point of undue hardship. In cases where an employee is prescribed cannabis for medical purposes, the employee is required to:

1. Inform their supervisor
2. Provide proof of authorization
2. Provide confirmation of use for medical purposes from the authorizing physician
3. Provide details on when, method of use and dosage
4. Physician should provide a description of work limitations.

In such cases, the Town reserves the right to obtain a review of the authorization of the use of cannabis for medical purposes by an Occupational Health Physician. The Occupational Health Physician will keep all private medical information confidential and will determine if the physician has followed the prescribed procedures for the authorization and advise the Town if the employee is:

- a) fit for duty
- b) fit for duty with accommodation or
- c) not fit for duty

Any employee in a safety-sensitive position who has obtained the proper authorization for medical cannabis from a medical practitioner must disclose this to his or her supervisor and/or Human Resources so that accommodation can be explored.

### **Medications**

Medications of concern are those that inhibit or may inhibit an employee's ability to perform their job safely and productively. Employees are expected to responsibly use prescribed, medically authorized and over-the-counter medications and to comply with the following while reporting to work:

- The use or possession of prescribed medications, without a legally obtained prescription from a licensed doctor, is prohibited.
- The misuse of medications is prohibited.
- Employees are expected to consult with a physician, pharmacist or licensed health care professional and disclose the nature of their employment responsibilities, to determine if



the use of a medication could inhibit the employee's ability to perform their job safely and productively and must take appropriate steps to minimize any associated risk(s).

- An employee using a medication that could affect safe and productive performance is required to disclose the medication to his or her manager or supervisor prior to work in order to be able explore any potential need for modified work duties as a result of such medication use, or alternative treatment options.

#### **4. RESPONSIBILITIES**

##### **Department Directors**

**Department Directors are responsible for the following:**

- Identify any situations that may cause concern regarding an employee's ability to safely perform their job functions.
- When necessary, escort any employee in violation of this Policy from Town premises.
- If any employee is in violation of this Policy, the violation must be reported in writing to the Chief Administrative Officer.
- Collaborate on the development and implementation of the Policy and its review and evaluation.
- Provide assistance with and support for treatment of substance dependency and abuse.
- Provide employees with opportunities for awareness, education and training on substance abuse in the workplace, Town policies and extended benefits that support treatment for addiction.
- Exercise due diligence in protecting the safety of all employees, patrons and members of the public.
- Provide reasonable accommodation to an employee who has advised management that they are taking prescribed medications that may affect their ability to safely perform certain tasks.
- Protect the privacy and human rights of all employees.
- Provide mentoring, coaching and feedback related to performance to any employees who have substance abuse issues.
- Ensure that any documentation related to substance abuse in the workplace is maintained solely by the Department of Human Resources.

##### **Employees**

**Employees are responsible for the following:**

- Abide by the provisions of this Policy.
- Report fit for duty for any and all scheduled duty and remain fit for duty while on Town business and premises and when on call.
- Notify a supervisor or manager if another employee appears to be in violation of this Policy or is otherwise not fit for duty.
- Report a significant incident to their supervisor as soon as possible after it occurred and participate fully in any subsequent investigation.
- Use medications responsibly.
- In the event that an off duty employee is requested to come in to work, it is their responsibility to refuse the request and ask that the request be directed to another person if the employee is unfit for work.



- Any non-bargaining employee or any employee represented by I.A.F.F Local 2549 convicted of, or who pleads no contest to any substance related offense that may lead to the suspension of their driver's license and the operation of a motor vehicle or machinery that is integral to their job duties, must inform the Town within five (5) days of the conviction. Failure to report the conviction will result in disciplinary action up to and including termination of employment. In this case, the Town will determine whether disciplinary action will be taken, including the appropriateness of continued employment. Employees represented by CUPE Local 2162 should refer to the collective agreement for more information on the suspension of a driver's licence due to impairment.
- Participate in awareness, education and training relating to substance abuse in the workplace.
- Collaborate on the development, review and evaluation of this Policy.
- Cooperate with accommodations.
- Reveal any substance dependency or medication use that could potentially affect the safe and efficient performance of their job duties.
- Participate in the alcohol and drug testing program as and when required to do so under this Policy.

### **Human Resources Department**

The Department of Human Resources ("HR") plays a key role in the prevention and management of substance abuse in the workplace. HR can serve as a resource for the services and benefits available to employees. HR is responsible to coordinate Town-wide employee education and engagement initiatives to foster a clear understanding of expectations to coach supervisors in assisting employees to meet those standards. HR's roles and responsibilities include:

- Serve as a liaison and resource for extended health benefits and the employee assistance program;
- Develop a Town-wide education initiatives related to substance abuse in the workplace;
- Coach supervisors and management in the appropriate approach to dealing with situations of substance abuse in the workplace;
- Maintain all employee records related to substance abuse in respect of employee privacy and human rights legislation
- Advise management on privacy and human rights legislation.

### **5. INVESTIGATION**

In all situations when there are grounds to believe an employee is unfit for work, an investigation will take place. The employee will be escorted by the supervisor to a safe/private place and will be given an opportunity to explain why they appear to be in a condition unfit for work.

If there are immediate medical concerns, the supervisor will make arrangements to accompany and transport the employee for appropriate medical attention at a local hospital or clinic and shall notify a representative of the HR Department.

A unionized employee has the option to request union representation at the onset of any investigation provided it does not unduly delay the investigation. Alternative representation options should be sought if the delay is too great.



Employees in safety sensitive positions will be subject to substance use testing where there is reasonable cause. Substance testing will occur through a third party examiner through the least invasive method possible under specific circumstances.

### **Reasonable Cause**

Where the Town has reasonable grounds to suspect that the actions, appearance or conduct of an employee while on duty, or upon reporting for duty, are indicative of impairment, the Town has a duty to inquire, and a legal obligation to initiate with the employee as to the cause of the observed impairment.

In the event that there is reasonable suspicion to believe an employee is impaired, the employee will be escorted off Town premises using a safe and efficient manner. In the appropriate circumstances, the employee will be provided with safe transportation to their home or to the hospital immediately.

When such a case arises, an investigation will be conducted and the employee suspected of impairment may be subject to substance testing where reasonable grounds are in place. Reasonable grounds could include the actions, appearance or conduct of an employee while on duty that could be indicative of impairment and must be documented immediately. The decision to refer an employee for substance testing will be made by the supervisor in consultation with the HR Department considering the following:

1. The employee is currently demonstrating a form of impairment while on duty through their physical appearance, behaviour, actions or work performance
2. Reliable and reasonable facts that have been documented and written observations of any witness(es)

Where there is a finding that an employee was impaired on the job, the employee may be referred to treatment for substance abuse and/or may be subject to disciplinary action up to and including termination of employment.

### **Post-incident**

Drug and/or alcohol testing may be required after a significant incident or near miss as part of a full investigation into the circumstances, even in the absence of reasonable cause. The decision to refer an employee, or a group of employees, for a drug and/or alcohol test will be made by the supervisor investigating the incident and with agreement of another management representative whenever possible.

In deciding whether to request a test, the Town shall apply the following principles:

- i. An investigation into the significant incident or near miss must be conducted to determine whether drug or alcohol use is a realistic causal factor. Only in circumstances where drug or alcohol use cannot be ruled out as a cause of the significant incident or near miss should a test be requested.
- ii. The decision to request a test under this section is discretionary and must be made on a case-by-case basis by the person conducting the investigation and/or HR. Factors such as the employee's job duties, the extent to which safety is



inherent in those duties, and the employee's level of involvement in and/or responsibilities in relation to the significant incident or near miss, will be considered.

- iii. The incident or near miss must be significant. Trivial incidents or near misses or those causing minor property damage or personal injury will not normally alone provide reason for a drug and/or alcohol test.
- iv. Before deciding to request a test, the employee's right to privacy and bodily integrity, and the impact the test will have on those rights, must be taken into consideration.

Drug and/or alcohol testing will not be required if there is immediate factual evidence to indicate that other factors were the sole cause of the significant incident, and the acts or omissions of employees were not contributing factors (e.g. structural or mechanical failure).

### **Return to Work**

Substance testing may also be part of return-to-work conditions for any after treatment for a substance dependency or as part of a last chance agreement.

Employees who test positive for substances at such a level as to cause impairment may be subject to disciplinary action up to and including termination of employment. All records pertaining to substance testing will be maintained by the Department of HR in respect of the New Brunswick Right to Information and Protection of Privacy Act. Substance testing results will be disclosed only on a need to know basis while maintaining the respect and dignity of the employee.

### **Searches**

The Town reserves the right to inspect any and all property on its premises for the presence of alcohol, cannabis and drugs where it has reasonable grounds to believe that these substances may be at the workplace. The Town also reserves the right to require its employees to cooperate with any searches of their work area or property that might be used to conceal alcohol, cannabis or drugs. Employees found to be in possession of alcohol, cannabis or drugs and employees who refuse to cooperate in the searches may be subject to disciplinary action up to and including termination of employment.

## **6. CONFIDENTIALITY**

The Town recognizes that the protection of privacy is of the utmost importance in ethically dealing with substance abuse in the workplace. HR will serve as the records maintenance administrator with all documentation related to the substance abuse of a particular individual. All employee records must be stored and maintained according to the New Brunswick Right to Information and Protection of Privacy Act and the Town's records management procedures with care and due diligence. It is understood that any information or knowledge about an employee's use of any substances must be kept confidential and all employees must adhere to the Town of Riverview Confidentiality Policy.





Access to information will be dealt with on a need to know basis with requests only considered from those in a supervisory or management role on a case-by-case basis. HR reserves the right to determine the validity of any such request. Requests for access to information by employees for their own files will be considered, given 24 hours' notice. Bargaining employees represented by CUPE Local 2162 or IAFF Local 2549 should refer to the appropriate collective agreement for information related to the maintenance of records related to substance abuse.

## **7. ACCOMODATION**

The Town understands that certain individuals may develop a dependency to alcohol or drugs and that dependencies are treatable illnesses. The Town promotes the early diagnosis of dependencies, and encourages employees with a dependency on alcohol or drugs to pursue recovery treatment.

Employees are not excused from their duties as a result of their dependencies. Any employee who suspects that they might have an emerging dependency is expected to disclose this to his or her supervisors and seek appropriate treatment promptly.

### **Prevention and Self- Help**

The Town is committed to providing a supportive, collaborative and safe environment for any employee seeking treatment for substance dependency. The Town expects any employee with an emerging or fully formed substance dependency to seek treatment and as such provides avenues for treatment through the Employee Assistance Program ("EAP") and extended health benefits. Employees may reach out to trusted peers, HR representatives or any supervisor for information about the resources available for treatment of substance dependency. The Town is committed to providing ongoing awareness and education about the prevention of substance abuse and available treatments for dependency to identify concerns and design action plans to prevent the abuse of drugs and alcohol.

Eligible employees can access counselling and/or psychological services through the extended health services coverage and are encouraged to do so in seeking treatment for substance dependency. The EAP is available to all employees and provides free confidential, 24 hour services to employees and their immediate family members which includes services for treatment, support and recovery from substance abuse. The EAP program covers services to the employee if they or their family members have a dependency. Provisions may be arranged on a case-by-case basis through the HR Department should an employee require extra or extended services that may not be typical of the program. HR will work with the EAP provider to ensure that the employee and their family are supported.

EAP Service is free, confidential and available 24 hours a day as follows:

1-800-360-3327

After hours: 1-800-668-9920

For information about extended health benefits for psychological services for eligible employees contact Manulife at: 1-800-268-6195

Family members seeking assistance with an issue related to substance abuse may contact the EAP provider directly or HR in full confidence that information will not be disclosed to the employee unless legally required to do so.





## **Assessment, Rehabilitation and Aftercare**

If an employee discloses that they have a substance abuse problem, the Town will take steps to support the employee in treating the disease. While the employee is undergoing treatment and recovery from substance abuse, their employment and seniority with the Town will be protected up to a point of undue hardship. The Town will work with the employee to identify appropriate accommodation and return to work procedures up to a point of undue hardship, if necessary, through the recovery period.

### **8. CONSEQUENCES OF POLICY VIOLATIONS**

Employees found in violation of the Policy may be disciplined up to and including termination of employment. Law enforcement will be advised of any illegal behaviours, as necessary. Violations of the prohibited behaviours, failure to cooperate in searches and failure to report offences that may result in the suspension of driving privileges are grounds for discipline. Disciplinary processes for policy violations will be followed according to the Town of Riverview Progressive Discipline Policy, however, in some cases immediate suspension or termination of employment may occur. Those employees represented by CUPE Local 2162 or IAFF Local 2549 should refer to the appropriate collective agreement for details about progressive discipline. In certain cases, the Town will refer the employee for treatment for substance dependency and will provide reasonable support for the employee throughout the recovery period and return-to-work process up to the point of undue hardship or unless otherwise agreed upon in a last chance agreement.

### **9. HOSTING SOCIAL FUNCTIONS**

According to the Town of Riverview's Social Gathering Policy, employees who choose to consume alcohol at Town social functions, are expected to moderate their consumption, obtain alternate means of transportation and must not consume alcohol at the Town-sponsored event if they are on duty or reporting for duty. The consumption of cannabis is prohibited at Town social functions, whether on duty or off duty. Employees should refer to the Town of Riverview's Social Gathering Policy for further details.

### **10. POLICY EVALUATION**

This Policy shall be reviewed annually in conjunction with the Town of Riverview's Health and Safety Policy. The annual evaluation and review will identify areas for improvement in the Policy, opportunities for further employee education, areas of concern, action plans for addressing those concerns and any additional health and wellness resources that could be considered to support employees.

### **11. LEGAL COMPLIANCE**

The provisions of this Policy are subject to any federal, provincial or local laws that may prohibit or restrict their applicability.