



ADMINISTRATION
A-01-17

Title	DRUG AND ALCOHOL USE
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PURPOSE: The purpose of this policy is to establish the Town's expectations for appropriate behavior, the consequences for non-compliance and to provide consistent guidelines for all employees.

POLICY STATEMENT: The Town is committed to the health and safety of its employees, contractors, members, and the public. The Town recognizes and accepts the responsibility to provide its employees with a safe, healthy and productive work environment. Employees have the responsibility to report to work capable of performing their tasks productively and safely. The use of illegal drugs, improper use of prescription medication, other intoxicants and the use of alcohol can have serious adverse effects on the safety of the workplace, you, fellow employees, contractors, and the public.

1. DEFINITIONS

Under the influence:

Under the influence of drugs (including prescription drugs), alcohol, other intoxicants or any controlled or uncontrolled impairing substances for the purpose of this policy is defined as the use of one or more of these substances to an extent that an employee is:

- (a) Unable to perform in a productive manner;
- (b) In a physical or mental condition that creates a risk to the safety and well-being of the individual, other employees, members of the Town, the public, or Town property;
- (c) Displaying signs or symptoms of substance abuse such as smell of alcohol on breath, slurred speech, and atypical behavior.

"Tampering" includes, but is not limited to:

- (a) Adding, or attempting to add, any foreign material or substance to a test sample;
- (b) Making, or attempting to make, use of third party samples;
- (c) Ingesting, or attempting to ingest, any substance or material (also known as adulterants) to mask the presence of an illicit drug;
- (d) Assisting or attempting to assist in the above activities.

Drug or alcohol dependence:

A mental, physical or psychological dependence on drugs, alcohol or other impairing substance which is considered by a physician to be a medical condition/disability under Human Rights law.

Recreational drug/alcohol or other substance use:

With recreational use of drugs, alcohol or other impairing substances, there is no mental, physical or psychological dependence; therefore this is not considered a mental, physical, or psychological disability under Human Rights law or a medical condition.

2. TREATMENT AND ACCOMMODATION

Any employee suffering from a drug, alcohol or other intoxicant addiction is strongly encouraged to disclose the addiction to his supervisors. The Town recognizes its responsibility to assist and accommodate employees suffering from an illness/addiction due to alcohol, drugs or other intoxicants to the extent reasonably possible without undue hardship.

Further, employees who are concerned that a fellow employee may be suffering from a drug, alcohol or other intoxicant addiction are strongly encouraged to report their concerns to their supervisor.

3. DRUGS

While on Town premises and while conducting Town related activities off Town premises, no employee may use, possess, distribute, sell or be under the influence of illegal drugs. This includes meal periods and scheduled breaks.

The legal use of prescribed drugs is permitted at work only if it does not impair the employee's ability to perform their work effectively and in a safe manner. Employees are encouraged to discuss, with their supervisor, the use of prescription drugs which may affect work performance or safety. The Town is committed to accommodating an employee's necessary use of prescription drugs to the extent reasonably possible without undue hardship.

If an employee is called out after regular working hours to perform work-related duties and has been consuming illicit or prescribed drugs, it is the employee's responsibility to:

- Under no circumstances operate a motor vehicle while under the influence of illicit or prescribed drugs;
- Notify an authorized person of the circumstances immediately;
- Obtain assistance from a responsible employee, not under the influence of alcohol or drugs, to perform the required task.

4. ALCOHOL

- (a) The Town will not tolerate the consumption of alcoholic beverages by employees during their regular working hours. This includes meal periods and scheduled breaks.
- (b) No employee shall consume alcohol while in charge of any Town vehicle or equipment.
- (c) No employee shall be under the influence of drugs or alcohol during their regular working hours, including meal periods and scheduled breaks.
- (d) If an employee is called out after regular working hours to perform work-related duties and has been consuming alcohol, it is the employee's responsibility to:
 - Under no circumstances operate a motor vehicle while under the influence of alcohol;
 - Notify an authorized person of the circumstances immediately;
 - Obtain assistance from a responsible employee, not under the influence of alcohol or drugs, to perform the required task.

5. OTHER INTOXICANTS

- (a) The Town will not tolerate the consumption, ingestion or inhalation of any other intoxicants or substances, including, but not limited to, glue, gasoline and aerosols during regular work hours. This includes meal periods and scheduled breaks.
- (b) No Employee shall consume, ingest or inhale intoxicants identified in Article 5(a) while in charge of any Town vehicle or equipment;
- (c) No Employee shall be under the influence of the intoxicants referenced in Article 5(a) during their regular work hours, including meal periods and scheduled breaks;
- (d) If an Employee is called out after regular work hours to perform work-related duties and has been consuming, ingesting or inhaling intoxicants referenced in Article 5(a), it is the Employee's responsibility to,

- (e) (i) under no circumstance operate a motor vehicle while under the influence of said intoxicants;
- (ii) notify an authorized person of the circumstances immediately;
- (iii) obtain assistance from a responsible Employee not under the influence of said intoxicants to perform the required task.

6. REASONABLE CAUSE TESTING

- (a) The Town reserves the right to conduct testing for the presence of alcohol, drugs or other intoxicants when it has reasonable cause to believe that the actions, appearance or conduct of an employee while on duty is indicative of the use of drugs, alcohol or other intoxicants.
- (b) The basis for the decision to test will be documented as soon as possible after the action has taken place. The referral for the test will be based on specific, personal observations resulting from, but not limited to:
 - Observed use or evidence of use of drugs, alcohol or other intoxicants (e.g. smell of alcohol);
 - Erratic or atypical behaviour of the employee;
 - Involvement in an accident where the possibility of drug or alcohol impairment cannot be easily ruled out from review of the circumstances;
 - Changes in physical appearance of the employee;
 - Changes in behaviour of the employee;
 - Changes in speech patterns of the employee;
 - Discovery of intoxicants, drugs, alcohol or related paraphernalia found in locations to which an employee has sole or primary access, including employees' lockers or assigned vehicles; or
 - Involvement in a "significant incident" as defined by Occupational Health & Safety legislation.
- (c) In addition, the Town may conduct reasonable cause testing upon receipt of a complaint or concern by a co-worker or third party that an employee may be using drugs, alcohol or other intoxicants contrary to this Policy. In such circumstances, the Town shall record the name and contact information of the complainant, if known, as well as the details of the concern or complaint.
- (d) In all situations where Town Management believes an employee is unfit to be at the workplace, a responsible escort will be used to escort the employee home.
- (e) Where reasonably possible, such tests shall be conducted respectfully and in a manner to minimize the intrusive nature of the tests. The Supervisor/Manager or Director will contact the alcohol and drug testing provider to schedule a test. The process is to be completed as soon as possible after the incident which is deemed within the guidelines of this Policy. The drug testing will be performed and in compliance with the testing procedures as defined by the drug and/or alcohol testing facility. Positive test results shall be reviewed and verified by a physician to confirm if a drug or alcohol dependency exists.

7. DISCIPLINE/POST-VIOLATION RETURN TO DUTY

- (a) The Town views the rules contained in this policy to be of the utmost importance. There is zero tolerance for deviation from the above terms which will result in disciplinary action that may include immediate dismissal. All employees will be provided with a copy of this policy as notification that any resulting dismissal will be considered as "dismissal with just cause".
- (b) Any employee suffering from a drug, alcohol or other substance/intoxicant addiction is strongly encouraged to disclose the addiction to their supervisor. The Town recognizes its responsibility to assist and accommodate employees suffering from an illness/addiction due to alcohol, drugs or other intoxicants. However, if an employee neglects or refuses to disclose such a condition to the Town, the Town will be forced to deal with breaches of this policy assuming that the employee is not suffering from an addiction or illness related to alcohol, drugs or other intoxicants but has simply disregarded the policy, in which case immediate and strict disciplinary action will be taken.
- (c) Seeking voluntary assistance for drug or alcohol addiction will not jeopardize an employee's employment with the Town, so long as the employee continues to co-operate and seek appropriate treatment for their disclosed problem and is able to treat and control the problem to facilitate a safe return to work within the reasonably foreseeable future.
- (d) Refusal to submit to drug/alcohol/intoxicant testing, failing to report to the Town's designated location for drug, alcohol or other intoxicant testing, tampering or attempting to tamper with test sample, assisting with tampering or attempting to assist in the tampering of a test sample, will be deemed to be a positive test result, resulting in the

employee being subject to disciplinary action, including termination for just cause.

- (e) Any employee violating this policy who is subsequently authorized and accepted by the Town to return to the workplace shall receive a Return to Work Letter outlining conditions of the return to the workplace which will normally include (without limiting the generality of the foregoing), the following:
- Requirement to continue treatment, counselling and assistance programs or procedures recommended by the employee's advising physician or addiction counselor;
 - Express obligation to immediately cease performance of duties and notify a supervisor in the event the employee finds themselves under the influence at any time during work hours following a return to the workplace;
 - Requirement to provide written medical confirmation that the employee has any condition under control and is able to safely return to the workplace without danger to the employee or others;
 - Requirement to provide reasonably regular updates from the employee's physician or addiction counselor confirming that the employee continues to follow recommended treatment programs and continues to be fit for performance of duties without danger to himself or others; and
 - An express warning to the employee that future violations of the policy will lead to further discipline and serious consideration of immediate termination for just cause.
- (f) Employees suffering from drug, alcohol or other intoxicant addiction who fail to co-operate with assistance or treatment programs and/or engage in repeated infractions of this policy, will be subject to the normal disciplinary sanctions, including immediate termination for just cause.

	DATE	RESOLUTION NUMBER
Approved	March 17, 2017	2323/17
Amended		
Amended		



Ernest Brousseau
Mayor



Adam Kozakiewicz
Chief Administrative Officer