

TOWN OF SLAVE LAKE

Human Resources

Department:	Human Resources	Policy No:	CRS.HR-23.1011
Policy Title:	Substance Use and Fitness for Duty	Issue Date:	08-08-2024

1. PURPOSE

1.1. The purpose of this policy is to:

- 1.1.1. To reinforce The Town's commitment to providing healthy and safe work environments at its worksites that are free from the hazards posed by Employees who are not fit for duty, which can negatively impact anyone who might be present at or in the vicinity of those worksites, including other Employees, contractors, and members of the public.
- 1.1.2. To establish The Town's expectations of its Employees for appropriate behavior relating to alcohol drugs, and medications, and to include potential consequences for non-compliance with those expectations.
- 1.1.3. To provide consistent guidelines for all Employees.
- 1.1.4. To provide a means for supporting Employees who voluntarily seek help for problems relating to alcohol and/or drugs, and for educating Employees on the dangers of drug and alcohol abuse.

2. POLICY STATEMENT

- 2.1. The Town is committed to the health, safety, and wellness of its Employees, contractors, and the public and to protecting all inventory and assets placed in its care. The Town recognizes and accepts the responsibility to provide its Employees with a safe, healthy, and productive work environment.
- 2.2. Employees have the responsibility to report to work in a suitable mental and physical condition, which will allow them to perform their job tasks productively and safely. The use of illegal drugs and the inappropriate use of alcohol, cannabis, and medications can have serious impacts on the workplace.
- 2.3. In recognition of the potential negative effects substance abuse and/or misuse poses on its objectives of health, safety and security, The Town has implemented this Substance Use and Fitness for Duty Policy.

3. DEFINITIONS

3.1. Alcohol:

3.1.1. The intoxication agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl.

3.2. Cannabis:

3.2.1. Cannabis is defined in the Controlled Drugs and Substances Act and the Cannabis Act, as those may be amended from time to time, and any derivatives of cannabis.

3.3. Drug:

3.3.1. Any substance, including alcohol, cannabis, illicit drugs, solvents, inhalants, or medications, the use of which has the potential to change or adversely affect the way a person thinks, feels, or acts. For this Policy, drugs of concern are those that impair a worker's ability to perform their job tasks safely and productively.

3.4. Drug Paraphernalia:

3.4.1. Any kind of tool, product material, or equipment of any kind that is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.

3.5. EAP:

3.5.1. Employee Assistance Program

3.6. Employee:

3.6.1. All seasonal, part-time, full-time, and salaried persons appointed pursuant to the Municipal Government Act (R.S.A. 2000). Employee in

this Policy also relates to Town Volunteers and Town Councillors and should be addressed accordingly.

3.7. Employer:

3.7.1. The Town of Slave Lake

3.8. Employer Business:

3.8.1. All business activities undertaken by Employees while performing duties for the Employer, whether conducted on or off Employer premises.

3.9. Employer Worksite:

3.9.1. Any worksite to which Employees have been assigned duties without any limitations resulting from the use or after-effects of alcohol, cannabis, illicit drugs, or medications.

3.10. Fitness for Work/ Duty:

3.10.1. Being able to safely and acceptably perform assigned duties without any limitations resulting from the use or after-effects of alcohol, cannabis, illicit drugs, or medications.

3.11. Illicit Drug:

3.11.1. Any drug or substance that is not legally obtainable and whose use, sale, possession, purchase, or transfer is restricted or prohibited by law (for example, street drugs such as methamphetamine, Heroin, and cocaine).

3.12. Medication:

3.12.1. A Drug obtained legally, either over the counter or through a doctor's prescription.

3.13. Serious Work-Related Incident:

3.13.1. Those defined by the Occupational Health & Safety Act, Section 40, subsection (2) as requiring notification to a Director of Inspection.

3.14. Substance:

3.14.1. Alcohol, legal/illegal drugs, non-prescription drugs, over-the-counter medication, and prescription drugs.

3.15. Supervisor:

3.15.1. The individual accountable for a particular facility, department or area, including Managers and others in supervisory positions directly responsible for the performance of individuals.

3.16. The Town:

3.16.1. The Town of Slave Lake

3.17. Treatment:

3.17.1. A Process in which an individual is participating in recovery related activities, which may include periods of absence away from work.

3.18. Under the Influence:

3.18.1. Under the influence of drugs (including but not limited to prescription drugs, and cannabis) alcohol, or any controlled substance for the purpose of this Policy is defined as the use of one or more of these substances to the extent that an Employee is;

3.18.1.1. Unable to perform productively.

3.18.1.2. In a physical or mental condition that creates a risk to the safety and well-being of the individual, other Employees, the public or Employer property; or

3.18.1.3. Displaying signs or symptoms of substance abuse such as the smell of alcohol on breath, slurred speech, and atypical behavior.

4. GUIDELINES

4.1. Responsibilities

4.1.1. Chief Administrative Officer (CAO)

- 4.1.1.1. Review this policy and make necessary changes as needed.
- 4.1.1.2. Ensure that resources for the implementation and maintenance of this Policy, its objectives, and procedures are available to the organization.

4.1.2. Directors/ Supervisors/ Managers

- 4.1.2.1. Understand the objectives and procedures of this Town of Slave Lake's Substance Use and Fitness for Duty Policy.
- 4.1.2.2. Educate the Employee on this Policy.
- 4.1.2.3. Provide a copy of this Policy to current Employees and new Employees before commencement of employment.
- 4.1.2.4. Monitor job performance and discuss deteriorating work performance with the Employee.
- 4.1.2.5. Take corrective action in accordance with established practices for dealing with performance or safety concerns.
- 4.1.2.6. Remove Employees from performing safety-sensitive duties if there are indications of a safety risk.
- 4.1.2.7. Inform the Employee about community recourses and EAP services and make referrals when indicated.
- 4.1.2.8. Provide accommodation to Employees who need temporary alternate placement while seeking substance abuse treatment and participating in aftercare.

4.1.3. Employees

- 4.1.3.1. Read, understand, and comply with this Town of Slave Lake's Substance Use and Fitness for Duty Policy.
- 4.1.3.2. Arrive at work fit for duty and meet satisfactory work performance and attendance standards.

- 4.1.3.3. Perform the duties of their job in a safe manner without risk to their co-workers, the public or the environment.
- 4.1.3.4. Report their use of prescription or over-the-counter medication that may affect their ability to safely perform the duties of their job to their supervisor, before starting their shift.
- 4.1.3.5. Exercise the right to refuse work in situations where they believe that a co-worker is putting themselves or others at risk because of substance abuse to the point that health or safety is compromised as per the requirements of the Alberta Occupation Health and Safety Act.
- 4.1.3.6. Use EAP or other resources to resolve behavioral or health problems that adversely affect their work performance.

4.2. Guidelines

- 4.2.1. This policy applies to all The Town's Employees and includes Volunteers, Contractors, and/or Consultants while they are engaged in the Employer's business working on and/or off Employer premises or worksites, and operating Employer vehicles and equipment. Violations of this policy will result in disciplinary action up to and including termination of employment.
- 4.2.2. All individuals working for the Employer have a shared responsibility for workplace safety. Employees are encouraged to look out for other Employees, Contractors or visitors in terms of fitness for duty and safety. They are expected to take appropriate action to ensure no individual remains in an unfit condition on the Employer's premises such that they may endanger themselves or others, by notifying their supervisor or another member of management of the situation.
- 4.2.3. This policy stresses the importance of prevention and early identification of potential problem situations. Information is available on health and safety hazards of alcohol and drug use, and the process to access resources for assistance with an alcohol or drug problem that may be affecting work performance.
- 4.2.4. It is recognized that alcohol and drug dependency are treatable illnesses, and that early intervention greatly improves the probability

of a lasting recovery. Individuals who suspect that they have a substance dependency or emerging alcohol, or drug problem are required to disclose that information to the Employer and are encouraged to seek advice and follow appropriate treatment promptly before job performance is affected or violations of this Policy occur. An employee's failure to disclose a dependency before their performance is affected or violations of this Policy occur. An employee's failure to disclose a dependency before their performance is affected, and/or before some other breach of this Policy occurs, may result in disciplinary action (up to and including termination).

- 4.2.5. Voluntary disclosure of an alcohol or drug problem will not in and of itself result in discipline. In this situation, the Employer is prepared to assist the Employee, starting with a referral for an alcohol and drug assessment.
- 4.2.6. Accessing assistance or declaring a problem does not eliminate the requirement for compliance with this policy. Investigations into a possible Policy violation, including testing, or entry into the disciplinary process cannot be avoided by a request for assistance with a problem or by disclosure that the Employee is already involved in a treatment program. Accessing assistance for a problem at an early stage is the priority.
- 4.2.7. All employees who are candidates for primary treatment (for example, residential or outpatient treatment) for alcohol or drug problems will be expected to enter into a written agreement to support their recovery. It will outline the conditions governing their return to the job, and the consequences for failing to meet those conditions. One of those aftercare conditions may include periodic testing based on the advice of a Substance Abuse Professional (SAP) and/or testing facility.
- 4.2.8. Where a medical professional, SAP, or other counseling professional advises there is a risk that an Employee could not do their job safely, the Employee will be removed from duty until they are able to safely perform their job tasks upon returning to work. Work schedules will be adjusted within reasonable limits to accommodate any period the Employee is required to attend the treatment or counseling program.

4.2.9. Confidentiality will be maintained except where limited disclosure is necessary for related health and safety concerns (for example, where there is deemed to be a potential risk to oneself, others, or the organization).

4.2.10. To minimize the risk of unsafe and unsatisfactory performance due to the use of alcohol or other drugs, the following standards have been set out and apply to everyone when on Employer business, premises, and worksites including when operating a motor vehicle. The only exception to the prohibition on handling alcohol or illicit drug possession below is Police personnel, Peace Officers and/or staff when performing their duties. Everyone is expected to report fit to work and remain fit throughout their workday or shift, including when scheduled to be on call.

4.2.11. The following are prohibited:

4.2.11.1. Illicit Drugs

4.2.11.1.1. Use, possession, distribution, offering, or sale of illicit drugs or illicit drug paraphernalia.

4.2.11.1.2. Use, possession, distribution, offering, or sale of illicit drugs or illicit drug paraphernalia.

4.2.11.1.3. Possession of prescribed medication without legally obtained prescription, and distribution, offering, or sale of prescription medications (trafficking).

4.2.11.1.4. Reporting for work under the influence of illicit drugs.

4.2.11.1.5. Presence in the body of illicit drugs and determined through the testing program.

4.2.11.2. Alcohol

4.2.11.2.1. Reporting for duty under the influence of alcohol. NO alcohol shall be consumed for at least 8 hours before reporting to work and/ or while assigned on call.

4.2.11.2.2. Consumption of alcohol during the workday, including during meal periods and breaks.

4.2.11.2.3. Possession, distribution, offering, or sale of beverage alcohol.

4.2.11.2.4. Having a Blood Alcohol Concentration (BAC) test result of 0.05% (50 milligrams of alcohol in 100 milliliters of blood).

4.2.11.2.5. Use of alcohol within eight hours of an incident or until tested or advised by the Employer that a test is not required.

4.2.11.3. Cannabis

4.2.11.3.1. Reporting for duty under the influence of cannabis. No cannabis shall be consumed for at least 24 hours before reporting to work and/or while assigned on call.

4.2.11.3.2. Use of cannabis during the workday, including during meal periods and breaks.

4.2.11.3.3. Possession, distribution, offering, or sale of cannabis.

4.2.11.3.4. Having a urine screening Blood-Drug Concentration (BDC) test result of 50 ng of THC per ml of blood or greater; and

4.2.11.3.5. Use of cannabis within 24 hours of an incident or until tested or advised by the Employer that a test is not required.

4.2.12. Medications

4.2.12.1. Everyone is expected to use prescription and over-the-counter medications responsibly. The intentional misuse of medications (for example, using the medication not as it has been prescribed, using someone else's prescription medication, combining medication and alcohol use against direction), while on Employer business, premises, or worksites is prohibited. Medications of concern are those that inhibit an employee's ability to perform their job safely and productively.

4.2.12.2. Employees are expected to investigate (through their doctor or pharmacist) whether a medication can affect safe operation and take appropriate steps to minimize associated risk. Employees must report any requirements or modified work to their supervisor and follow any recommended course of action to minimize health and safety risks.

4.2.13. On-Call Work

4.2.13.1. Employees receiving standby pay for on-call situations are expected to be fit for work and in compliance with these standards. If unexpected circumstances arise where an individual is requested to perform unscheduled services while under the influence of alcohol, medication and/or other drugs, it is the responsibility of that individual to decline the call.

4.3. Policy and Procedures

4.3.1. Performance Management

4.3.1.1. The normal process of performance management will continue to be emphasized. Employees with apparent performance problems will be reminded that they should access assistance if a personal problem is affecting their job performance.

4.3.2. Unfit for Work/ Duty Situations

4.3.2.1. In all situations when there are reasonable grounds to believe an Employee is unfit to be at work, responsible escort procedures will be followed. The Employee will be escorted to a safe place and allowed to explain why they appear to be in the condition unfit for duty. If the Supervisor conducting the interview still believes the Employee is in a condition unfit for normal duty, and after consultation and agreement of a second person where possible, the Supervisor may take any of the following actions:

- 4.3.2.1.1. Referral of the Employee for medical attention if there are immediate medical concerns (doctor, local hospital, or clinic); and or
- 4.3.2.1.2. Referral of the Employee for an alcohol and drug test if there are reasonable grounds to believe alcohol or drug use may be a factor in the situation.

4.3.2.2. The employee will be provided with transportation to the collection site or hospital/clinic depending on the circumstances, and then to their place of residence, or to the care of another person. The Employee may be temporarily held out of service with pay or reassigned pending completion of any investigation and, depending on the result, a fitness for duty assessment may also be required.

4.3.3. Alcohol and Drug Testing

4.3.3.1. All Employees will be subject to testing in the following circumstances:

4.4.3.1.1. Reasonable Cause:

4.3.3.1.1.1. Testing will take place whenever an Employer representative has reasonable grounds to believe that the actions appearance or conduct of the Employee, while on duty, are indicative of the use of drugs or alcohol. The decision to test shall be made by a Supervisor, with concurrence of a second trained person, whenever possible (for example, another Supervisor, Director or preferably the Health and Safety Coordinator). The basis for the decision will be documented as soon as possible after action has taken place. The referral for a test will be based on specific, personal observations resulting from, but not limited to, such indicators as:

- 4.3.3.1.1.1.1. Observed use or evidence of use of a substance (for example, smell of alcohol and/ or cannabis).
- 4.3.3.1.1.1.2. Observed signs of drug and alcohol impairment.
- 4.3.3.1.1.1.3. Erratic or atypical behavior of the Employee.
- 4.3.3.1.1.1.4. Changes in the physical appearance of the Employee.
- 4.3.3.1.1.1.5. Changes in the behavior of the Employee; or
- 4.3.3.1.1.1.6. Changes in speech patterns of the Employee.

4.4.3.1.2. Post Incident:

4.3.3.1.2.1. Alcohol and drug testing is required after a serious work-related incident as part of a full investigation into the circumstance. The decision to refer an Employee(s) for a test will be made by the investigating Supervisor, with concurrence of a second trained person, whenever possible (for example, another Supervisor, Director, or preferably the Health and Safety Coordinator). The following procedures apply:

4.3.3.1.2.2. The need for a test must be conducted as part of the preliminary investigation as soon as practicable after the triggering event;

4.3.3.1.2.3. A test will not be necessary if there is clear evidence that acts or omissions of Employee(s) could not have been a contributing factor (for example, structural or mechanical failure);

4.3.3.1.2.4. Employee(s) referred for a test will only be those who are identified, with reasonable grounds, as having been directly involved in the chain of acts or omissions leading up to the event; and

4.3.3.1.2.5. Employee(s) to be tested must not use alcohol or drugs until after the test has been completed or until they have been advised that a test is required.

4.3.3.1.2.6. Since all Employees may be subject to testing after a serious work-related incident, they are to report the situation to their immediate supervisor as soon as possible after the incident and participate fully in any subsequent investigation.

4.4.3.1.3. On-Road Incidents:

4.3.3.1.3.1. Anyone who operates a vehicle for the Employer is subject to testing after a serious incident, or one requiring hospitalization. Any Employee involved in an on-road incident as noted above is required to report the situation to their immediate Supervisor as soon as

possible after the incident and participate fully in any subsequent investigation.

4.4.3.1.4. Other Situations:

4.3.3.1.4.1. At their discretion, the Employer may require a post-incident test after any other significant work accident, incident, or near miss as part of a complete investigation. Failure to report any job-related accident, incident or near miss is considered a serious violation of this policy.

4.4.3.1.5. Return to Duty – Post Violation:

4.3.3.1.5.1. In those situations where employment is continued after a policy violation, individuals will be required to pass a return to duty test and may be subject to unannounced testing for a minimum of two (2) years as a condition of continued employment.

4.4.3.1.6. Return to Duty – Post Treatment:

4.3.3.1.6.1. Any Employee assuming duties after primary treatment for alcohol or drug problems that resulted from a performance-related incident will be required to pass a return to duty test. In addition, they may be subject to unannounced testing with a case-specific program designed to support their ongoing recovery.

4.3.3.1.6.1.1. Failure to Test:

4.3.3.1.6.1.1.1. Failure to report directly for a test, refusal to submit to a test, refusal to agree to disclosure of a test result to the Employer, a confirmed attempt to tamper with a test sample, or failure to report an incident that may require testing, are considered a serious violation of this policy.

4.3.4. Possession of Alcohol and Drugs

- 4.3.4.1. The Employer reserves the right to investigate any situation when there are reasonable grounds to believe that alcohol or illicit drugs are present on Employer premises in violation of this policy.
- 4.3.4.2. Supervisors are responsible for identifying situations where a search is justified based on a combination of indicators that could include behaviour, odour, or presence of paraphernalia. They will be responsible for advising their director of the situation, who, in conjunction with the CAO and the RCMP may take the appropriate steps to investigate the situation.

4.3.5. Impaired Driving Charge

- 4.3.5.1. Employees who operate a motor vehicle on behalf of the Employer are required to observe all safety, traffic, and criminal laws of this Province and Federal Jurisdiction, including the maintenance of a valid driver's license for the required class operation.
- 4.3.5.2. Any loss of license must be reported immediately to Management, and the Employee will no longer be qualified to drive on behalf of the Employer.
- 4.3.5.3. In addition, Employees must inform their supervisor immediately if they have been charged with an impaired driver offense when operating a vehicle on behalf of the Employer. Impaired driving would include, but is not restricted to, exceeding the legal Blood Alcohol Concentration in that jurisdiction, driving while impaired, or refusing to blow into a breath analyzer. Receipt of a charge will result in a full investigation, and discipline appropriate to the situation.

4.3.6. Violations/ Disciplinary Guidelines

- 4.3.6.1. All employees will have access to this Policy. The Employer views the rules contained in this Policy to be of the utmost importance. Any deviation from the above terms will result in disciplinary action that may include immediate dismissal. Any

resulting dismissal will be considered as “dismissal with cause” and not subject to notice or remuneration in lieu.

4.3.6.2. In all situations, an investigation will be conducted to verify the Policy violation has occurred before disciplinary action is taken. Therefor, Management has the authority to and discretion to hold out of service, with pay, any Employee who is believed to be involved in an incident that could lead to disciplinary action pending the results of the investigation. The appropriate discipline in a particular case depends on the nature of the policy violation and the circumstances surrounding the situation.

4.3.6.3. Should the Employer determine that employment will be continued in a specific circumstance, the Employee would be required to enter into an agreement governing their continued employment, which may require any or all the following actions, or any other conditions appropriate to the situation:

- 4.4.6.3.1. Temporary removal of their position;
- 4.4.6.3.2. Assessment by a Substance Abuse Professional to determine the need for a structured treatment program;
- 4.4.6.3.3. Adhere to any recommended treatment, monitoring, and aftercare program;
- 4.4.6.3.4. Maintenance of sobriety and satisfactory performance on return to duty;
- 4.4.6.3.5. Successful completion of a return to duty test;
- 4.4.6.3.6. Ongoing unannounced testing for a period determined on a case-by-case basis; and
- 4.4.6.3.7. No further violations of the policy.

4.3.6.4. Failure to meet these conditions including a second violation of the policy may result in termination of employment in accordance with the return to duty agreement. (See Appendix A).

5. CONTRAVENTIONS OF THE POLICY

5.1. Contraventions of the Policy may lead to disciplinary action up to and including termination of employment.

6. REVIEW AND POLICY

6.1. This policy will be reviewed periodically, or as circumstances dictate, to ensure its effectiveness and relevance.

7. RELATED POLICIES

- 7.1. CRS.HR-24.1000 – Code of Conduct and Ethics Policy
- 7.2. CRS.HR-23.1015 – Grievance Disciplinary Policy
- 7.3. CRS.HR-23.1015 – Smoke-Free Environment Policy
- 7.4. Rescinds policy Administration – Substance Use and Fitness for Duty 2019

8. APPROVAL AND REVISION CONTROL

APPROVED BY:	SIGNATURE:	DATE:
1. Chief Administration Officer		2024-08-20

APPENDIX A – Return to Duty Agreement

Return to Duty Agreement

By signing this agreement, I accept and agree to the following terms and conditions that will govern my continued employment with, and my return to work with the Town of Slave Lake (hereafter TOSL).

I. Treatment

1. I acknowledge that my work performance and/or behavior have resulted in the need for intervention and have provided a basis for the termination of my employment with the TOSL. Consequently, and to avoid the termination of my employment, I voluntarily accept the terms of this agreement.
2. I agree to submit to an immediate evaluation by a healthcare professional designated by the Employee Assistant Program (EAP) service provider.
3. I will follow all treatment recommendations of the Employee Assistant Program-designated professional, including, without limitation, entry into a residential treatment program.
4. I understand that I am responsible for all costs associated with the treatment program to the extent they are not covered by insurance.
5. I will authorize regular progress reports from medical professionals to be made to the TOSL regarding my continuing care recommendations and compliance.

II. Return to Work

1. Upon completion of the recommended treatment program, I understand that the TOSL will return me to employment.
2. Upon my return, I will review all aftercare requirements and recommendations with the TOSL (on a need-to-know basis).
3. I understand and acknowledge that my return to work will be conditioned upon my strict compliance with the following:
 - (a) Treatment recommendations made by the substance abuse professionals with whom I have been working. Upon completion of my treatment program, a summary of those recommendations will be prepared and attached as Exhibit A to this agreement, and I will re-execute it at that time consistent with medical authorization.

(b) Complete abstention from all mood-altering substances except in strict accordance with the written authorization of a licensed physician who has been advised in advance of my treatment for substance abuse and who has reviewed any such prescription in advance with my substance abuse counselors; and

(c) Regular attendance at required or recommended rehabilitation programs.

4. For a period of two years from the date of my return to work, I agree to submit to testing to detect the presence or use of drugs and/or alcohol, on any basis including random or unannounced, and at the times and on the terms that are communicated to me by the TOSL management. I understand that at the conclusion of the two-year period the TOSL, in its sole discretion, may extend the period during which I will submit to drug testing for an additional year.
5. I understand and acknowledge that I continue to be bound by and must adhere to all standards of professionalism, behavior, and performance that are required of employees of the TOSL, including but not limited to those set out in the TOSL's policy manual.
6. This agreement does not guarantee my employment or compensation for any period, nor does it in any way alter my status as an employee. I understand and acknowledge that strict adherence to these terms and conditions is a requirement of my continued employment with the TOSL and that any violation of the terms of this agreement will result in my immediate termination.

By my signature below I confirm that I have reviewed and considered these terms and accept them voluntarily as a constructive part of my recovery. I also acknowledge that these terms are being provided to me as an alternative to the termination of my employment with the TOSL. I understand that I may withdraw my consent at any time during the term of this agreement but acknowledge that withdrawing my consent is a voluntary termination of my employment.

Signature # 1 (at the time of intervention)

Date

Signature # 2 (upon return to work and
incorporating aftercare recommendations)

Date