


| | |
|---|---|
|  | <h2>Town of Vegreville Policy</h2> |
| Policy No.: Policy Title: Approval Date: Department: | OHS-5004 Drug and Alcohol Policy June 26, 2023 Protective Services |
| Revisions: | August 24, 2020 |

Policy Statement:

The Town of Vegreville (the “Town”) is committed to ensuring the health and safety of its employees, contractors, and the public. The Town recognizes and accepts the responsibility of providing its employees with a safe, healthy, and productive work environment. Employees have the responsibility to report to work fit and capable of performing their tasks productively and safely. The use of drugs, including illicit drugs, the use of prescription or non-prescription medication, and the use of alcohol, cannabis, or other intoxicants can have serious adverse effects on the safety at the workplace for employees, contractors, and the public at large.

1.0 Reason for this Policy

The purpose of this Policy is to establish the Town’s expectations for appropriate conduct, the consequences for non-compliance, provide consistent guidelines, and to clearly communicate to employees suffering from drug and/or alcohol dependency the accommodation and supports available.

2.0 Application

The Drug and Alcohol Policy applies to any person that provides services to the Town of Vegreville as an employee, under an agreement for the provision of services, or in the capacity of agent, student, or volunteer. Contractors providing services to the Town will be expected to follow consistent standards or may be required to adhere directly to this Policy by agreement.

3.0 Definitions

3.1 Drugs means any substance, inclusive of illicit drugs, restricted drugs, and medication, as defined by this Policy, the use of which has the potential to cause impairment or intoxication, changing or affecting the way a person thinks, feels, or acts. For the purposes of this Policy, drugs of concern are those that inhibit a worker’s ability to perform their job safely and productively.

3.1.1 Illicit Drug means any drug or substance that is not legally obtainable and whose use, sale, possession, purchase or transfer is prohibited by law (for example, street drugs such as heroin and cocaine).

4.0 Responsibilities

4.1 Town Council to:

- 4.1.1** approve by resolution this Policy and any amendments.
- 4.1.2** consider the allocation of resources for successful implementation of this Policy in the annual budget process.

4.2 Chief Administrative Officer to:

- 4.2.1** implement this Policy and approve procedures.
- 4.2.2** ensure this Policy and procedure reviews occur and verify the implementation of policies and procedures.
- 4.2.3** ensure that this Policy and procedure is reviewed at least every three years.

4.3 Director of the Department to:

- 4.3.1** ensure implementation of this Policy and procedure.
- 4.3.2** make recommendations to the Chief Administrative Officer of any proposed amendments to this Policy and procedure.

4.4 Manager to:

- 4.4.1** understand, and adhere to this Policy and procedure.
- 4.4.2** ensure employees are aware of this Policy and procedure, in part through employees' execution of the Policy Acknowledgement attached to this Policy as Schedule "A" upon their commencement of employment and annually thereafter.

4.5 All Employees must:

- 4.5.1** understand and strictly adhere to this Policy, and the related procedures, generally.
- 4.5.2** execute the attached Policy Acknowledgement upon commencement of employment and annually thereafter.
- 4.5.3** make responsible decisions regarding their off-duty Restricted Drug, Medication, and/or alcohol use to ensure that such use is compatible with the safe and productive performance of their job duties.
- 4.5.4** only report for work when they are Fit for Duty, and remain Fit for Duty throughout their workday, and when they are scheduled to be on call.

- 4.5.5 refrain from reporting for work if they are not Fit for Duty under any circumstances, or if they are already at work, immediately cease the performance of their duties and immediately notify their Manager that they are not Fit for Duty.
- 4.5.6 immediately disclose to Management any Drug or alcohol dependency they may be suffering from which may impair or restrict the performance of their duties.
- 4.5.7 immediately disclose to Management the use of Medication which may reasonably be expected to affect their work performance or the safe execution of their duties.
- 4.5.8 submit to Drug and/or alcohol testing as directed by the Town in accordance with this Policy.

5.0 Mandatory Disclosure of Dependency, Treatment, and Accommodation

- 5.1 It is recognized that Drug and alcohol dependencies are treatable illnesses and that early intervention greatly improves the probability of lasting rehabilitation and recovery. Further, prevention and early identification of a potential Drug or alcohol dependency assists with addressing the dependency before it becomes a workplace issue, or if already a workplace issue, limiting or restricting its severity or impact on the workplace or the employee's employment. For these reasons, the Town strongly encourages employees with concerns relating to possible Drug or alcohol dependency to seek medical advice, support and/or resources without delay, including the Town's Employee Assistance Program.
- 5.2 Any employee suffering from a Drug or alcohol dependency which may impair or restrict the performance of their duties is **required** to disclose the dependency to Management **immediately**. In connection with this mandatory immediate disclosure, the Town recognizes its responsibility to assist and accommodate employees suffering from a Drug or alcohol dependency to the extent reasonably possible without suffering undue hardship, including providing access to our EAP and respecting an employee's need for medical leave as with any other illness. The Town will take reasonable precautions to the extent possible to protect the employee's confidentiality given the sensitive nature of the issue.
- 5.3 It is very important to understand that employees who refuse or fail to immediately disclose to Management a Drug or alcohol dependency which may impair or restrict the performance of their duties may be subject to discipline up to and including termination of employment for just cause for violating this requirement of this Policy. Further, if an employee neglects or refuses to disclose a Drug or alcohol dependency to the Town, in violation of this Policy, employees should clearly understand that the Town will be forced to deal with breaches of this Policy based on the understanding that the employee is not suffering from a Drug or alcohol dependency, but has simply disregarded this Policy, in which case immediate disciplinary action will be taken up to and including termination of employment for just cause.

- 5.4** Employees who are concerned that a fellow employee may be suffering from a Drug or alcohol dependency are to report their concerns to Management immediately, as well as encourage the fellow employee to disclose the dependency as required by Section 5.3 of this Policy and to seek assistance whether through the EAP or otherwise. While the Town will make its best efforts to protect employees' confidentiality when a concern is reported, it may be necessary for the Town to disclose certain information, including but not limited to the identity of the reporting employee, to the employee in question in order to properly investigate concerns.

6.0 Prohibitions

- 6.1** During an employee's working hours, whether on the Town's premises or while conducting employment-related activities off the Town's premises, including during meal periods, scheduled breaks, stand by and lift station shifts, no employee shall:

6.1.1 use, consume, possess, distribute, sell or be under the influence of Restricted Drugs and/or Illicit Drugs;

6.1.2 use, consume, possess, distribute, sell or be under the influence of alcohol, unless expressly authorized by the Town for a specific limited purpose - While the Town expects that all of its employees will comply with this rule on a day to day basis, it is recognized that, for some employees, Town-approved and appropriate social functions within the course and scope of their work hours will occur at which reasonably limited consumption of alcohol is customary and appropriate without express authorization. Some common examples for illustration purposes may include: conference cocktail reception, Town-approved social lunch/dinner, or a promotional activity or event such as a Christmas party. However, it is critically important that all employees understand that even at these events where alcohol consumption is permitted, alcohol should only be consumed on a social basis to reasonable levels which ensure professional and responsible behavior by employees at all times; or

6.1.3 use, consume, possess, distribute, sell or be under the influence of any other intoxicants, whether a controlled or uncontrolled substance.

- 6.2** An employee shall not, under any circumstances, consume alcohol or use, consume, ingest, or inhale Illicit Drugs, Restricted Drugs or other intoxicants while in care and control of or responsible for any Town vehicle or equipment, or while using the employee's personal vehicle for work-related purposes.

- 6.3** If an employee is called back to work after regular working hours to perform work-related duties and has been consuming alcohol or using Drugs or other intoxicants, it is the employee's responsibility to:

6.3.1 notify Management of the circumstances immediately, including that they are unable to perform their duties at that time; and

6.3.2 ensure that they do not perform any employment duties, including operate a

motor vehicle (whether personal or owned by the Town), while under the influence of alcohol, Illicit Drugs, Restricted Drugs, Medication or any other intoxicant or substance, if impairment has resulted.

- 6.4** The legal use of Medication in compliance with physician directions is permitted at work only if it does not impair the employee's ability to perform their work effectively and in a safe manner that does not endanger the employee, other individuals in the workplace, or the public at large. Employees are required to immediately disclose to Management the use of Medication which may reasonably be expected to affect their work performance or the safe execution of their duties. The Town is committed to accommodating an employee's necessary use of Medication without suffering undue hardship. When prescribed Medications are on the Town's property due to an employee's needs and following the above rules, such Medication must be controlled and monitored by the employee vigilantly and kept in a secure place that is out of harms reach.

7.0 Testing

7.1 Reasonable Cause Testing

- 7.1.1** The Town reserves the right to conduct testing for the presence of alcohol or Drugs when it has reasonable cause to believe that the actions, appearance, or conduct of an employee while on duty (including while on standby, on call, and/or lift station shifts) indicates that the employee may be under the influence of Drugs or alcohol. While the Town reserves this right for all of its employees, employees should understand that the necessary threshold to establish reasonable cause in the eyes of the Town will be lower for employees in safety sensitive positions, given the potential consequences involved.
- 7.1.2** The basis for the decision to test will be documented as soon as possible after the action has taken place. The decision to test will be made by a panel committee consisting of the (1) Director and/or Manager of the Department, (2) the Chief Administrative Officer and (3) the Human Resources Officer or the Occupational Health and Safety Advisor. Once the decision to test has been made it will be identified to the employee prior to the test being conducted. The employee will be invited and have the opportunity to speak to or refute the basis for the decision to test and the Town shall consider the employee's position prior to proceeding with the test. The referral for the test will be based on specific, personal observations resulting from, but not limited to:
- (i) observed use or evidence of use of Drugs or alcohol (e.g. smell of alcohol or cannabis);
 - (ii) erratic or atypical behaviour of the employee;
 - (iii) changes in physical appearance of the employee;
 - (iv) changes in behaviour of the employee;

- (v) changes in speech patterns of the employee;
- (vi) discovery of Drugs, inclusive of Medication capable of causing impairment, alcohol, intoxicants or related paraphernalia found in locations to which an employee has sole or primary access, including employees' lockers or assigned vehicles/equipment; or
- (vii) following a serious incident or accident where the possibility of Drug or alcohol impairment cannot be easily ruled out from review of the circumstances, including a "significant incident" as contemplated by Occupational Health & Safety law and/or a situation which created significant potential or risk for an incident or accident, even if an incident or accident did not ultimately result (i.e. a "near miss").

7.1.3 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 substances contrary to this Policy. In such circumstances, the Town shall record the name and contact information of the complainant as well as the details of the concern or complaint. The Town shall provide the details of the concern or complaint to the accused employee and, in appropriate circumstances, shall also provide the complainant's identity to the accused employee to allow them the opportunity to provide a full and complete response to the allegations. The Town shall also reasonably consider the surrounding circumstances, and the presence or absence of any other evidence or indicators of Drug or alcohol impairment prior to making a final decision on reasonable cause to test in these circumstances.

7.1.4 In all situations where the Town believes an employee is unfit to be at the workplace, a responsible escort will be used to escort the employee home.

7.1.5 It is very important to understand that employees who refuse or fail to submit to reasonable cause testing as directed by the Town in accordance with this Policy may be subject to discipline up to and including termination of employment for just cause for violating this requirement of this Policy.

7.2 Return to Work Testing

7.2.1 When an employee working in a safety sensitive position returns to work following a disclosure that the employee suffers from a Drug or alcohol dependency and subsequent treatment, the Town may require the employee to undergo a return-to-work test. Further scheduled testing may be required on a case by case basis for up to one year after the employee returns to work.

7.2.2 Prior to implementing testing pursuant to Section 7.2.1 above, the Town will consider all the surrounding facts and circumstances on a case by case basis, and provide the opportunity for discussion and input on this decision from the employee.

7.2.3 It is very important to understand that employees who refuse or fail to submit to return to work testing as directed by the Town in accordance with this Policy may

be subject to discipline up to and including termination of employment for just cause for violating this requirement of this Policy.

7.3 Testing Procedures

- 7.3.1** Any testing undertaken pursuant to this Policy, including analysis of results, shall be performed by a qualified independent professional. Where appropriate, results shall be confirmed by laboratory testing, which shall be performed at an accredited laboratory.
- 7.3.2** Where reasonably possible, all testing conducted pursuant to this Policy shall be conducted respectfully and in a manner to minimize the intrusive nature of the tests. Management will contact the alcohol and/or Drug testing provider to schedule a test. The process is to be completed as soon as possible after the incident or observation which is deemed to be within the guidelines of this Policy. The Drug and/or alcohol testing will be performed in compliance with the testing procedures as defined by the Drug and/or alcohol testing facility. Management will make arrangements for transportation, of the employee to be tested, to and from the testing facility by a Town representative, to ensure the employee does not operate a vehicle. Management will accompany the employee after the incident and/or observed conduct until the test has occurred.
- 7.3.3** The employee shall be notified of the result of the test, and given an opportunity to address those results, including by providing them to, and discussing them with, the employee's own physician. For employees with positive test results the Town shall consider on a case by case basis all of the surrounding facts and circumstances, including input from the employee and make a determination of further steps, requirements, or recommendations that may be necessary to refer the employee to of their own or independent physician to assess whether a Drug or alcohol dependency exists.
- 7.3.4** When necessary, employees will be required to execute any and all required consent documentation authorizing the communication of the test results to the Town.
- 7.3.5** The Town will store test results in a secure location with access restricted to Management with a demonstrable need for access to test results, in order to preserve employee privacy. Test results will not be disclosed to third parties without prior written consent of the employee, subject only to a legal requirement for the Town to produce employee test results.

8.0 Zero-Tolerance Policy and Discipline

The Town views the rules contained in this Policy to be of the utmost importance. This is a zero-tolerance Policy; any deviation from the above terms will result in disciplinary action that may include immediate termination of employment for just cause. All employees will be provided with a copy of this Policy as notification that any resulting dismissal may be considered as "dismissal for just cause" and not subject to notice or pay in lieu of notice.

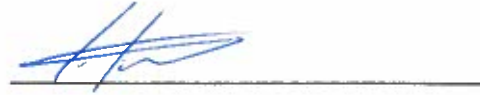
9.0 Post-Violation Return to Work

- 9.1** Seeking voluntary assistance for Drug or alcohol dependency will not jeopardize an employee's employment with the Town, so long as the employee continues to cooperate and seek appropriate treatment for their disclosed problem and is able to treat and control the problem to facilitate a return to work within the reasonably foreseeable future without causing undue hardship to the Town.
- 9.2** Any employee violating this Policy who is subsequently authorized and accepted by the Town to return to the workplace shall (after the Town has allowed reasonable opportunity for input and discussion by the employee, and/or the employee's physician) receive a return to work letter outlining conditions of the return to the workplace which will normally include, but are not limited to, the following:
- 9.2.1** Requirement to continue treatment, counselling and assistance programs or procedures recommended by the employee's advising physician or addiction counsellor;
 - 9.2.2** Express obligation to immediately cease performance of duties and notify Management in the event the employee finds themselves under the influence at any time during work hours following a return to the workplace;
 - 9.2.3** 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;
 - 9.2.4** Requirement to provide reasonably regular updates from the employee's physician or addiction counsellor confirming that the employee continues to follow recommended treatment programs and continues to be fit for performance of duties without danger to themselves or others; and
 - 9.2.5** 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.
- 9.3** Employees suffering from Drug or alcohol dependency who fail to cooperate with assistance or treatment programs or engage in repeated infractions of this Policy, will be subject to the normal disciplinary sanctions, up to and including immediate termination for just cause.

10.0 End of Policy



Tim MacPhee, Mayor



Christopher Leggett, CAO

SCHEDULE "A"

DRUG & ALCOHOL POLICY ACKNOWLEDGEMENT

The Town of Vegreville (the "Town") is committed to ensuring the health and safety of its employees, as well as fostering an effective and productive environment for working. We recognize that the use of impairing substances, like drugs, alcohol, and even certain medications can impede our ability to achieve these common goals. For this reason, the Town is adopting new guidelines for substance use in the workplace, to clearly set out our expectations for employee conduct, options for seeking help, and the consequences of violations.

We expect that you'll come to work able to work safely and effectively, which in our view means free from impairment. Under no circumstances should employees be in possession of, using, consuming, ingesting or under the influence of impairing drugs or alcohol during working hours, whether on or off the Town's property. We also expect that if you're operating a vehicle or equipment, whether it's the Town or personal property, for any work-related purpose, that you'll similarly be free from impairment. While the Town expects that all of its employees will comply with this rule on a day to day basis, it is recognized that for some employees Town-approved and appropriate social functions within the course and scope of their work hours will occur at which reasonably limited consumption of alcohol is customary and appropriate. Some common examples for illustrative purposes only may include: conference cocktail reception, Town-approved social dinner/lunch, or a promotional activity or event such as a Christmas party. However, it is critically important that all employees understand that even at these events where alcohol consumption is permitted, alcohol should only be consumed on a social basis to reasonable levels which ensure professional and responsible behavior by employees at all times.

This prohibition applies to alcohol, illegal drugs, drugs which are approved for recreational use, and even to prescribed medications, which may cause impairment or otherwise interfere with an employee's ability to work safely (even if they're used as indicated or prescribed). We would encourage you to speak with your doctor or pharmacist to understand the risk of impairment associated with prescribed or over-the-counter medicines, and that you disclose this to the Town if there is a reasonable chance of workplace impact. We are committed to working with you to accommodate necessary use of medication to limit or eliminate workplace impact, to the extent possible.

If you're actively suffering from addiction which may potentially interfere with the diligent and safe performance of your duties in our workplace, you must disclose it to the Town without delay. We will help you seek and obtain the help you need, without recourse or fear of reprisal. The Town will work with you and your advising physician and/or counsellors, provide you time away from work, if necessary, return you to work when appropriate, and keep you accountable upon your return. We expect you to cooperate in this process and follow reasonable treatment recommendations and reasonable guidelines set by the Town. If you feel like one of your co-workers is struggling with an addiction, we ask that you let us know. The Town is committed to accommodating employee addictions to the point of undue hardship.

We wish to be clear that this is a zero-tolerance policy; violations of the Drug and Alcohol Policy will be subject to discipline, up to and including termination for cause.

It is very important that each employee understands their obligations under this Policy, and to confirm their commitment to keeping our workplace safe, productive, and impairment-free.

I confirm that I have received a copy of the Drug and Alcohol Policy, and that I have read and understand the obligations outlined therein and summarized above.

Employee signature

Print Employee Name

Date