

SUBSTANCE USE POLICY #23.0.7

1. POLICY STATEMENT

The County of Wetaskiwin is committed to a Health and Safety Program that protects all employees, our property, other workers who enter our property, the general public and the environment.

The use of illicit drugs or inappropriate use of alcohol, cannabis and other substances, including the improper use of prescription or over-the-counter medications, can seriously impact the safety and well-being of employees and the general public. In order to ensure a safe and professional work environment, the County will strive to maintain a workplace free of impairment due to drugs and alcohol.

This Policy applies to all employees, contractors, volunteers and County Council members representing the County of Wetaskiwin or working on County work sites.

2. DEFINITIONS

2.1. "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 his or her job safely and productively.

2.1.1. Illicit Drug - 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).

2.1.2. Restricted Drug - any drug or substance capable of causing intoxication or impairment which is legally obtainable for recreational use and whose sale, purchase, possession, or transfer are restricted by law (such as cannabis, when legalized).

2.1.3. Medication - a drug obtained legally by an employee and used as indicated or directed, including but not limited to those obtained by the employee with a doctor's prescription or medical document, as contemplated by the *Access to Cannabis for*

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Medical Purposes Regulation (as amended, repealed and replaced from time to time), and non-prescription or over-the-counter products.

- 2.2. "Drug or alcohol dependency" - A mental, physical, or psychological dependency on Drugs, alcohol, or other impairing substances which is considered by a physician to be a medical condition/disability as contemplated by Human Rights law.
- 2.3. "Employee" means any person employed by the County of Wetaskiwin No.10 including contractors, volunteers and County Council members representing the County of Wetaskiwin or working on County work sites.
- 2.4. "Under the influence" of Drugs, alcohol, intoxicants or any controlled or uncontrolled substance 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:
 - 2.4.1. Unable to perform in a productive manner;
 - 2.4.2. In a physical or mental condition that creates a risk to the safety and well-being of the individual, other employees, or the property of the County or any member of the public; or
 - 2.4.3. Displaying signs or symptoms of impairing substance use, including but not limited to the smell of alcohol or drugs, slurred speech, and/or atypical behaviour.
- 2.5. "Safety-Sensitive Position" - Any position that requires the employee to engage in an action or duty that has the potential for significant harm to the employee, co-workers, other contractors and/or the general public, including, but not restricted to the operation of a vehicle and/or equipment, if the employee were to perform such actions or duties with impaired physical or mental abilities
- 2.6. "Work Site" – Any County owned, leased, operated or maintained facility, property or equipment, or any place where an employee attends on County business.

3. PROCEDURES

3.1. Employees:

- 3.1.1. Each employee is expected to carry out their work in the healthiest and safest possible manner in order to protect the well-being of themselves, fellow co-workers, the public, the environment and contractors on the Work Site.
- 3.1.2. Employees are expected to report to work and remain fit for duty for the duration of the work day at all times.

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3.1.3. The use of alcohol, Restricted Drugs or Illicit Drugs on the Work Site poses a serious threat to the health and safety of our employees, compromises the quality and reliability of our services, and jeopardizes the protection of County owned property. Therefore, the County has established the following prohibitions:

- 3.1.3.1. Use, possession, distribution, or sale of Illicit Drugs, Restricted Drugs or alcohol on the Work Site.
- 3.1.3.2. Being under the influence of alcohol, Restricted Drugs or Illicit Drugs on or at the Work Site.
- 3.1.3.3. Use of Illicit Drugs, Restricted Drugs or alcohol off the Work Site, but which could adversely affect or impair the employee's work performance or his/her or other's safety at work, including during meal periods, scheduled breaks, and on-call shifts.

3.1.4. 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 his or her work effectively and in a safe manner. Employees are required to disclose to their immediate supervisor the use of Medication or other restrictions or limitations related to a medical condition which may affect their work performance or the safe execution of their duties. The County is committed to accommodating an employee's necessary use of Medication to the extent reasonably possible without suffering undue hardship.

3.1.5. Employees have a responsibility to report to their supervisor any violation of this Policy.

3.2. The County:

- 3.2.1. The County will clearly communicate its expectations with respect to substance use by its employees.
- 3.2.2. The County recognizes that Drug or alcohol dependency is a treatable illness and will support employees as they seek treatment services, and will do so in accordance with an individual employee's letter of hire/ collective agreement.
- 3.2.3. No employee with a Drug or alcohol dependency will be disciplined or have their employment terminated for voluntarily requesting assistance in overcoming their Drug or alcohol dependency.

3.3. TREATMENT AND ACCOMMODATION

3.3.1. County employees have a responsibility to address their Drug or alcohol dependency and seek professional treatment just as they would for any other illness that may affect their work. Any employee suffering from a Drug or alcohol dependency is **required** to disclose the dependency to the employee's immediate supervisor. The County recognizes its responsibility to assist and accommodate employees suffering

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from a Drug or alcohol dependency to the extent reasonably possible, including providing access to sick leave as with any other illness, without suffering undue hardship. The County will take reasonable precautions to protect the employee's confidentiality given the sensitive nature of the issue.

3.3.2. Employees who are concerned that a fellow employee may be suffering from a Drug or alcohol dependency are strongly encouraged to report their concerns to the employee's immediate supervisor. While the County will make its best efforts to protect employees' confidentiality when a concern is reported, it may be necessary for the County 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, in accordance with the Whistleblower Policy #12.1.19.

3.4. TESTING

3.4.1. Reasonable Cause Testing

3.4.1.1. The County 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 in a Safety Sensitive Position while on duty (including while on-call) is indicative of the use of Drugs or alcohol. While the County reserves this right for all of its employees, employees should understand that the necessary threshold to establish reasonable cause in the eyes of the County will be lower for employees in Safety-Sensitive Positions given the potential consequences involved.

3.4.1.2. 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:

3.4.1.2.1. Observed use or evidence of use of Drugs or alcohol (e.g. smell of alcohol or cannabis);

3.4.1.2.2. Erratic or atypical behaviour of the employee;

3.4.1.2.3. Changes in physical appearance of the employee;

3.4.1.2.4. Changes in behaviour of the employee;

3.4.1.2.5. Changes in speech patterns of the employee;

3.4.1.2.6. 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; or

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3.4.1.2.7. 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 defined by Occupational Health & Safety legislation, and a situation which created significant potential or risk for an incident or accident, even if an incident or accident did not ultimately result (a "near miss").

3.4.1.3. In addition, the County 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 County shall record the name and contact information of the complainant as well as the details of the concern or complaint. The County 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 him/her the opportunity to provide a full and complete response to the allegations.

3.4.1.4. Any employee whom the County has cause to believe is under the influence of Drugs or alcohol may be immediately suspended with pay for reasons of safety. In all situations where the County believes an employee is unfit to be at the workplace, a responsible escort will be used to escort the employee home.

3.4.2. Testing Procedures

3.4.2.1. Any testing undertaken pursuant to this Policy, including analysis of results, shall be performed by a qualified professional. Where appropriate, results shall be confirmed by laboratory testing, which shall be performed at an accredited and independent laboratory.

3.4.2.2. Where reasonably possible, 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 or observation which is deemed within the guidelines of this Policy. The drug testing will be performed 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.

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3.4.2.3. The County will store test results in a secure location with access restricted to the County's managerial or supervisory employees 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 County to produce employee test results.

3.5. DISCIPLINE

3.5.1. The County 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, in accordance with the Incremental Discipline Policy #12.1.6. All employees will be provided with a copy of this Policy as notification that any resulting dismissal will be considered as "dismissal for just cause" and not subject to notice or pay in lieu of notice.

3.5.2. As indicated above, any employee suffering from a Drug or alcohol dependency is required to disclose the dependency, and the County recognizes its responsibility to assist and accommodate employees suffering from such a condition. However, if an employee neglects or refuses to disclose a Drug or alcohol dependency to the County in violation of this Policy, the County 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 and strict disciplinary action will be taken. Further, failure to disclose a Drug or alcohol dependency is itself a violation of this Policy.

3.5.3. 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.

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County of Wetaskiwin No 10 Acknowledgement of Substance Use Policy #23.0.7

I hereby agree to the following:

I understand that the County of Wetaskiwin No.10 maintains a Substance Use Policy #23.0.7 that will strive to maintain a workplace free of impairment due to Drugs and alcohol.

I have read the County of Wetaskiwin No 10's Policy for Substance Use, and I agree to abide by the terms of this policy.

Employee Signature: _____ Date: _____

Employee Name: _____ Date: _____

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