
	<h2>Town of Vegreville Policy</h2>
<b>Policy No.:</b> <b>Policy Title:</b> <b>Approval Date:</b> <b>Revised Date:</b> <b>Department:</b>	<b>OHS-5004</b> <b>Drug and Alcohol Policy</b> <b>August 24, 2020</b>  <b>Community Services</b>


**Policy Statement:**

The Town of Vegreville (the “Town”) is committed to ensuring the health and safety of its employees, contractors, and the public at large. 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 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 of the workplace for employees, contractors, and the public at large.

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**1.0 Reason for Policy**

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

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## 2.0 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, adversely 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** 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).

**2.1.2 Restricted Drug** means 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).

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 Medical Purposes Regulation* (as amended, repealed and replaced from time to time), and non-prescription or over-the-counter products.

**2.2 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:

**2.2.1** in a physical or mental condition that could create a risk to the safety and well-being of the individual, other employees, or the property of the Town or any member of the public; or

**2.2.2** 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.




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<b>Department:</b>	Community Services

### 2.0 Definitions Continued

- 2.3 Drug or alcohol dependency:** A mental, physical, or psychological dependence on Drugs, alcohol, or other impairing substances which is considered by a physician to be a medical condition/disability as contemplated by applicable human rights legislation.
- 2.4 Management** means an immediate supervisor, manager, or designate
- 2.5 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 medical condition or mental, physical, or psychological disability as contemplated by applicable human rights legislation.
- 2.6 Respondent** means the person who is alleged to have committed the offense.
- 2.7 Safety sensitive position** is any position that requires the employee to engage in a process, function or duty that has the potential for significant harm to the employee, co-worker or the public at large, including but not restricted to the operation of a vehicle and/or equipment.

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### 3.0 Responsibilities

#### 3.1 Town Council to:

- 3.1.1 Approve by resolution this policy and any amendments.
- 3.1.2 Consider the allocation of resources for successful implementation of this policy in the annual budget process.

#### 3.2 Chief Administrative Officer to:

- 3.2.1 Implement this policy and approve procedures.
- 3.2.2 Ensure policy and procedure reviews occur and verify the implementation of policies and procedures.

#### 3.3 Director of the Department to:


- 3.3.1 Ensure implementation of this policy and procedure.
- 3.3.2 Ensure that this policy and procedure is reviewed every three years.
- 3.3.3 Make recommendations to the Chief Administrative Officer of necessary policy or procedure amendments.

#### 3.4 Manager to:

- 3.4.1 Understand, and adhere to this policy and procedure.
- 3.4.2 Ensure employees are aware of this policy and procedure.


#### 3.5 All Employees to:

- 3.5.1 Understand and adhere to this policy and procedure.
- 3.5.2 Sign off on D&A Policy Acknowledgement annually

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#### 4.0 Treatment and Accommodation

- 4.1** Any employee suffering from a Drug or alcohol dependency is required to disclose the dependency to management. The Town recognizes its responsibility to assist and accommodate employees suffering from a Drug or alcohol dependency to the extent reasonably possible, including providing access to the Town’s Employee Assistance Program (“EAP”) and sick leave as with any other illness, without suffering undue hardship. Employees who fail to seek assistance before a workplace incident/accident/near miss may be subject to discipline up to and including termination of employment for violating this policy. The Town will take appropriate precautions to protect the employee’s confidentiality given the sensitive nature of the issue.
- 4.2** 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 management. 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.

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### 5.0 Prohibitions

5.1 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:

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

5.1.2 use, consume, possess, distribute, sell or be under the influence of alcohol, unless authorized by the Town for a for a specific limited purpose (such as an authorized Town social function or client promotion at which social alcohol consumption is normal practice, with all alcohol consumption being kept within reasonable levels ensuring professional and respectful behavior at all times); or


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

5.2 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.

5.3 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:

5.3.1 notify the employee’s supervisor of the circumstances immediately; and


5.3.2 ensure that he or she does not perform any employment duties, including operate a motor vehicle, while under the influence of alcohol, Illicit Drugs, Restricted Drugs, Medication or any other intoxicant or substance, if impairment has resulted.

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### 5.0 Prohibitions

- 5.4 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 that does not endanger the employee or other individuals in the workplace. Employees who are in safety sensitive positions or who operate machinery (including but not limited to motor vehicles) are required to report any Medication use that may impact their ability to safely carry out their job functions to management (if there is any doubt, please report). Once reported, the Town will take appropriate measures to ensure employee safety, in accordance with applicable health and safety and human rights legislation.
  
- 5.5 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.



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### 6.0 Testing

#### 6.1 Reasonable Cause Testing

6.1.1 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 engaged in a safety sensitive positions (as defined above) while on duty (including while on standby and/or lift station shifts) is indicative of the potential for the employee to be under the influence of Drugs or alcohol.

6.1.2 The basis for the decision to test will be documented as soon as possible after the action has taken place and identified to the employee prior to the test being conducted. 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;

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### 6.0 Testing Continued

(vi) following a serious incident or accident where the possibility of Drug or alcohol impairment cannot be easily ruled out from review of the circumstances, and 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”).

6.1.3 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 in a safety sensitive position (as defined above) 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 respondent to allow him/her the opportunity to provide a full and complete response to the complaint.

### 6.2 Return to Work Testing


6.2.2 When an employee working in a safety sensitive position (as defined above) 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 return to work testing may be required as determined by the individual employee’s return to work plan.

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### 6.0 Testing Continued


#### 6.3 Testing Procedures

- 6.3.2 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.
  
- 6.3.3 Where reasonably possible, tests shall be conducted respectfully and in a manner to minimize the intrusive nature of the tests. Management 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 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.
  
- 6.3.4 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.
  
- 6.3.5 When necessary, employees will be required to execute any and all required consent documentation authorizing the communication of the test results to the Town.
  
- 6.3.6 The Town will store test results in a secure location with access restricted to the immediate supervisor, manager, and/or director 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.
  
- 6.3.7 Any employee who refuses to submit to a drug and alcohol test or tampers with a sample for the alcohol or drug test as outlined in this policy will be denied employment on the work site and may be subject to discipline up to and including termination for just cause.

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### 7.0 Discipline

- 7.1** 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. Such violations may also have legal consequences. 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.
- 7.2** As indicated above, any employee suffering from a Drug or alcohol dependency is required to disclose the addiction, and the Town 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 Town, in violation of this Policy, 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 and strict disciplinary action will be taken. Further, failure to disclose a Drug or alcohol dependency is itself a violation of this Policy.


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### 8.0 Post-Violation Return to Work

**8.1** 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 his or her disclosed problem, and is able to treat and control the problem to facilitate a return to work within the reasonably foreseeable future.

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

**8.2** 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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**9.0 End of Policy**




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Tim MacPhee, Mayor




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Cliff Craig CLGM, Town Manager