

Halifax Regional Municipality (“HRM”) Substance Abuse Prevention Policy (“Policy”)

I. Policy Statement and Purpose

Halifax Regional Municipality (“HRM”) is committed to providing a safe work environment for all employees, contractors, clients and the general public.

Impairment through the misuse of alcohol and other drugs affects the ability of a person to properly perform their employment responsibilities. Impairment can lead to incidents causing serious injury to employees and other persons or damage to the environment and property. The safety of employees is HRM’s highest priority. Consequently, this Policy has as its purpose a working environment free of the effects of drug and alcohol impairment.

Awareness, education, early detection and treatment for those employees with alcohol and drug dependency helps to maintain a safe and healthy workplace.

HRM supports prevention and rehabilitation initiatives for those employees who identify a need. This Policy is intended to supplement Administration Order 40 respecting **the Illegal and Irregular Conduct Policy** and sets out the responsibilities of HRM Management and Employees with respect to the prevention of substance abuse.

II. Applicability

This Policy is intended not to be inconsistent with collective agreements and is intended to apply to:

1. All HRM employees with the exception of any employee coming under the provisions of the *Police Act* of Nova Scotia.
2. Employees of Agencies, Boards and Commissions over which the HRM Council has authority.
3. Contractors and sub-contractors conducting business with HRM and or its Agencies, Boards and Commissions over which the HRM Council has authority.
4. Volunteers working in a voluntary capacity for HRM or any of its Agencies, Boards or Commission over which the HRM Council has authority.

This policy has been implemented as a Policy of HRM.
Effective Date: June 1, 2009

III. **Definitions**

1. **Drug** means a substance, including alcohol, illicit drugs or medications, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For the purpose of this Policy, drugs of concern are those that inhibit or impair the ability of a person to safely and productively perform his or her job. The definition of Drug includes:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl.

Medication refers to a drug legally obtainable as either an over-the-counter drug or through prescription by a doctor.

Illicit Drug means 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 marijuana, cocaine and prescription drugs obtained without a physicians' prescription).

2. **Drug paraphernalia** includes any equipment, product or material that is used or intended for use in concealing a drug or for use in injecting, inhaling, or otherwise introducing a drug into the human body.
3. **Employee** includes any person categorized as permanent, term, part-time, casual, contract, seasonal and temporary or student in the employ of HRM.
4. **Employer** is HRM, including persons employed or retained who control and direct the work activities of employees. This also includes independent contractors retained by HRM to control and direct work activities of HRM employees.
5. **Fitness for work** in the context of this Policy means being able to safely perform assigned duties and responsibilities without any impairment due to the use or after-affects of alcohol, drugs or medications.
6. **HRM business** refers to all business activities undertaken in the course of operations, whether conducted on or off HRM premises.

7. **HRM premises** includes all land, property, structures, installations, offices, job sites, vehicles, and equipment owned, leased, operated or otherwise directly controlled by HRM.
8. **Incident** is an accident or event where an injury to a person(s) and or damage to equipment has occurred, or is an accident or near miss where the potential existed for damage or injury to occur.
9. **Safety sensitive position** is one in which job performance requires the employee to be alert, to be physically co-ordinated, and to exercise good judgment, where impairment by way of ingesting alcohol or drugs could adversely affect job performance, the health, safety or security of the employee, other persons, property, or the environment. Any employee who directly supervises an employee in a safety sensitive position will also be considered to work in a safety sensitive position.
10. **Substance Abuse Professional** is a person who is knowledgeable about and who has clinical experience in the diagnosis and treatment of alcohol and drug related disorders and who evaluate employees who have violated this Policy and makes recommendations concerning education, treatment, follow-up testing and aftercare.
11. **Substance abuse** is the use of illicit drugs, the misuse of prescription and over-the-counter medications, the use of other substances for intoxication, and the non-therapeutic use of other substances. It is the misuse of alcohol or drugs, where impairment by way of ingesting alcohol or drugs could adversely affect job performance, the health, safety or security of the employee, other persons, property, or the environment.
12. **Supervisor** means an individual who is accountable for a particular area or shift, including but not limited to team leaders, managers, directors, supervisor, superintendents, and others acting in supervisory positions.
13. **Volunteer** includes anyone attending at any workplace of HRM working as an HRM volunteer. For the purpose of this Policy, a volunteer will be classified as an HRM employee.
14. **Workplace Health Services** refers to the HRM team which is versed in both physical and psychological aspects of organizational and individual health and wellness. Workplace Health Services responsibilities extend from understanding functional requirements associated with specific job tasks, supporting employees who continue working during their recovery,

and assisting individual employees and their managers in the return to work process.

IV. Workplace Rules

In order to ensure the safety of employees, clients and the public, along with the protection of property and the efficient operation of the HRM, the following rules apply:

1. Employees must report and remain fit for work and unimpaired during his or her entire work shift.
2. Any employee during work who is or becomes impaired and unfit for duty must report this to his or her supervisor immediately.
3. Any employee working in a safety sensitive position who has a limitation or restriction on their ability to perform their job, or if prescribed medical treatment which has or will adversely affect those abilities, must report such limitations or restrictions to their immediate supervisor, who in turn will notify Workplace Health Services.
4. Employees must not use, possess, distribute, offer for sale or sell alcohol, drugs and/or drug paraphernalia during work, on HRM premises or in HRM owned or leased vehicles.
5. Employees must not consume alcohol or drugs during work. Employees must not consume any drug which adversely affects job performance or due to impairment from ingestion could adversely affect the health, safety or security of the employee, other persons, property, or the environment.
6. Employees must not transport alcohol or illicit drugs in vehicles, or in equipment owned, leased, operated or otherwise directly controlled by HRM.
7. Employees must cooperate with the implementation of this Policy including the submission to testing as required under this Policy.
8. Employees required to operate a motor vehicle on HRM business must maintain a valid driver's license. Any suspensions, loss of license, impaired driving charge or conviction, or any other restrictions to their license, must be reported immediately to their manager/supervisor, regardless of effective date unless a HRM collective agreement relating to the employee clearly provides for a different reporting time line.

In keeping with our commitment to health and safety, any employee who fails to meet any of the above work rules may be subject to discipline, including the termination of their employment. The imposition and degree of discipline will be determined on an individual, case by case basis, taking into account all relevant factors and circumstances.

Any contractor, sub-contractor, volunteer (or the employees thereof), who fail to meet any of the above work rules may be removed from HRM premises or job sites, and may be barred from working on site, unless there are exceptional and mitigating circumstances.

V. Prevention

It is a priority of HRM to have safe working conditions for all employees including a work environment free of the negative effects of alcohol and drug use. HRM and Workplace Health Services recognizes that prevention is key to creating a safe and healthy work environment. HRM will take all reasonable and necessary steps to ensure that employees are following the rules of this Policy, including the following:

1. Education & Prevention

In cooperation with HRM's Workplace Health Services, HRM will educate and inform employees with respect to the impact of substance abuse in the workplace and the existence and effect of this Policy.

HRM will also educate employees of the availability and the process of accessing the confidential Employee and Family Assistance Program ("EFAP").

2. Early Recognition & Monitoring

HRM recognizes that early identification and prompt treatment of alcohol and/or drug dependency is in the best interest of HRM and its employees.

Alcohol and/or drug dependency usually affect work behaviour in the following ways: tardiness, absenteeism, noticeable difference in morning and afternoon behaviour, inability to concentrate, carelessness in appearance, inattention to job duties, conflicts with co-workers, mood swings, sloppy work, failure to meet deadlines, and isolation from co-workers. Managers and supervisors play a crucial role in the implementation of this Policy and will monitor compliance with the rules

and expectations outlined in this Policy. Accordingly, managers and supervisors will:

- a) Distribute and communicate this Policy to all employees and contractors.
- b) Monitor and evaluate work performance with the goal of early identification of performance problems including those that may be caused by alcohol or other drug use.
- c) Engage employee about performance problems through verbal discussion and progressive discipline or counselling as appropriate.
- d) Remind employees of the availability of HRM's Employee and Family Assistance Program.
- e) Safely remove any employee unfit for work from the work place or premises and safely escort the employee home or to assessment and/or testing.

3. Assessment/Rehabilitation

No employee with alcohol or drug dependency will be disciplined for voluntarily requesting help in overcoming the dependency. Further, employees can access confidential assessment services including counselling, referral and aftercare through a variety of assistance programs. If a medical work modification is recommended, HRM may assign the employee to alternative duties if available and appropriate. Employees are encouraged to contact Workplace Health Services for assistance.

Employees with an alcohol or drug dependency, in safety sensitive positions, are required to participate in pre-treatment, treatment and follow-up/aftercare activities, as determined by a Substance Abuse Professional. This does not eliminate the requirement for maintenance of satisfactory job performance levels.

Where, in the opinion of a qualified Substance Abuse Professional, there is a risk that an employee cannot do their job safely, a medical work modification may be recommended, and HRM may assign the employee to alternative duties, if available and appropriate.

Employees holding safety sensitive positions who have sought assistance and have entered a treatment program may be removed from their safety sensitive position until they are able to safely resume their regular duties.

4. Aftercare

HRM will support participation in an aftercare program to all employees who complete primary treatment (e.g. residential or outpatient treatment) for alcohol and/or drug addiction when returning to work.

Employees in safety sensitive positions who complete primary treatment (e.g. residential or outpatient treatment) for alcohol and/or drug addiction are required to participate in an aftercare program, if the program is recommended by a Substance Abuse Professional.

Prior to return to work, Workplace Health Services is available to work with all employees to review the recommended aftercare program to ensure it meets the health and safety concerns of the workplace in light of the particular requirements of the employee's job. In all cases, the employee will be advised of the conditions governing their return to work and the consequences of their failing to meet those conditions.

VI. Alcohol and Drug Testing for Safety Sensitive Positions

Employees working in Safety Sensitive Positions are subject to testing for alcohol and drugs, as funded by the applicable business unit, under the following situations:

1. Post-Incident, Near Miss, or Potentially Dangerous Incident

Where a supervisor or a manager of an employee, after consultation with another supervisor (where possible), concludes that there are reasonable grounds that an employee was involved in an incident or near miss and believes alcohol or drug impairment was a contributing factor, the supervisor will request the employee to submit to an alcohol and drug test immediately following the incident and will explain to the employee why the request is being made.

A supervisor or a manager of an employee need not request the employee to submit to an alcohol and drug test if the supervisor or manager, after consultation with a second person (where possible), concludes there are reasonable grounds to believe that the use of alcohol and drugs did not contribute to the incident.

A supervisor or manager of an employee is not required to request an employee to submit to an alcohol and drug test immediately after the employee was involved in an incident, near miss or other potentially dangerous incident if it is not practical or reasonable to do so until a later time.

2. Reasonable Grounds

Where a supervisor or manager of an employee, after consultation with another supervisor (where possible), determines there is reasonable cause to suspect an employee of alcohol or other drug use or possession in violation of this Policy, testing may be performed. The decision to test shall be made by the supervisor, and must be based on the supervisor's specific observations. Documented observations may include, but are not limited to:

- a) observed use or evidence of use of a substance (e.g. smell of alcohol; possession of substances or paraphernalia);
- b) erratic or atypical behaviour of the employee;
- c) changes in the physical appearance of the employee;
- d) uncoordinated walking, staggering, weaving; or
- e) changes in the speech patterns of the employee.

3. Return to Work after Primary Treatment

Where employees in safety sensitive positions have returned to work or have been reinstated after completing primary treatment (e.g. residential or outpatient treatment) for alcohol and/or drug addiction, testing may be performed on an unannounced basis if and as recommended by a Substance Abuse Professional, in conjunction with Workplace Health Services.

4. Return to Work while in Aftercare Program

As part of the aftercare program developed by the Substance Abuse Professional, in conjunction with Workplace Health Services, employees in safety sensitive positions may be tested prior to returning to work after primary treatment, and on an unannounced basis for the duration of the aftercare program.

In any of the above situations, attempts to delay reporting for a test, refusal to submit to a test, refusal to agree to the disclosure of test results to management, or a confirmed

attempt to tamper with a test will be considered disciplinary matters and may result in disciplinary action up to and including the termination of employment.

VII. Impaired Driving Charge or Conviction/Searches

Due to the concern for the health and safety of employees and the safety of others on roads and highways, all employees required to drive as part of their job duties (including anyone who drives HRM owned or leased vehicles) must adhere to the following requirements:

1. All employees required to operate a motor vehicle for HRM business must maintain a valid driver's license. Any suspension, loss of license, impaired driving charge or conviction, or any other restriction must be reported immediately to their manager/supervisor, regardless of effective date unless a HRM collective agreement relating to the employee clearly provides for a different reporting time line.
2. Any employee charged with an impaired driving offense (including but not limited to testing over the legal blood alcohol content, driving while impaired, or refusal to submit to a Breathalyzer test) when operating a motor vehicle on behalf of HRM is required to inform their manager/supervisor immediately. Upon notice of such charge, the employer will investigate or inquire, as appropriate, under the Illegal & Irregular Conduct Policy and or the *Police Act*. Depending on the results of the inquiry or investigation, the employee may be referred to Workplace Health Services, or to a Substance Abuse Professional assessment for a determination of any alcohol or drug dependency. The employee may be subject to alternative work, dismissal or any other appropriate action depending on the results of the inquiry or investigation.
3. A conviction for an impaired driving offense when driving on HRM business or in an HRM vehicle may result in disciplinary action, up to and including termination of employment. Where applicable, the imposition and degree of discipline will be determined on an individual case by case basis, taking into account all relevant factors and circumstances. Each situation will be fully investigated, pursuant to HRM policies and Human Rights obligations. Operating a motor vehicle on HRM business with a suspended driver's license is also a serious offense, which generally justifies termination of employment. Each situation will be determined on an individual case by case basis, taking into account all relevant factors and circumstances.

Searches upon Reasonable Grounds

Managers and supervisors are directed to notify their Director and the Police where there are reasonable grounds to suspect that alcohol or illicit drugs may be present in the workplace or in any HRM owned or leased vehicle. The Police may conduct a search of HRM owned or leased vehicles and/or HRM property. Employees should be aware of a diminished expectation of privacy with respect to use of HRM owned or leased vehicles and/or HRM buildings and property, as well as lockers, desks, cabinets, etc.

VIII. Responsibility

1. Share Responsibility for this Policy

There is a shared responsibility for the successful implementation of this Policy. HRM will provide its employees with access to assistance programs in a way that ensures confidentiality, fairness, respect for the individual and supports employees rights and responsibilities. Any employee with an alcohol or drug dependency is expected to take responsibility to deal with their dependency. All employees are responsible for their own compliance of this Policy and are expected to place a priority on workplace safety in their attitude, performance and practices.

2. Employee

Employees are charged with the responsibility:

- a) to know and understand this Policy;
- b) to comply with this Policy; and
- c) to take every reasonable precaution in all circumstances to protect their own health and safety and that of other persons at the workplace.

3. Employer

HRM through its directors, managers, and supervisors is responsible for:

- a) educating the Employees on the Policy, its rationale of promoting a healthy, drug free workplace out of concern for safety, productivity and how the employer views and responds to substance abuse including a clear description of prohibited behaviours and consequences related to substance abuse;
- b) providing training, information sessions and educational materials on alcohol and drug use for managers and supervisors. Training will include prevention, early detection (trends/changes/suspicious behaviour), interview strategies, clear guidance for managers and boundaries for employees, confidentiality and privacy, and other available resources;
- c) providing information sessions for employees to ensure employees are aware of and understand the Policy including the dangers, impact, consequences and available programs;
- d) providing a copy of the Policy to current employees and to new employees prior to commencement of employment;
- e) providing and supporting managers/supervisors dealing with employees involved in a violation of the Policy;
- f) providing encouragement and support to employees working to improve their performance and/or behaviour;
- g) providing a list of community resources and EFAP contact information; and
- h) monitoring and evaluating the Policy.

IX. Confidentiality

An employer who collects, maintains or uses personal health information is required to protect the confidentiality of that information, unless where limited disclosure is necessary for related health and safety concerns.

Documented health information is entrusted to Workplace Health Services for safeguarding and protection of confidentiality.

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