

## Substance Misuse Prevention Policy

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### 1. Policy Name

1.1. Substance Misuse Prevention Policy

### 2. Purpose

- 2.1. Halifax Regional Municipality ("The Municipality") is committed to providing a safe work environment for all employees, volunteers, contractors and sub-contractors.
- 2.2. Safety risks associated with the misuse of alcohol and other drugs affect the ability of employees to properly perform their employment responsibilities. These risks can lead to incidents causing serious injury to employees, volunteers, contractors and sub-contractors and other persons or damage to the environment and property. The safety of employees, volunteers, contractors and sub-contractors is the Municipality's highest priority. Consequently, this Policy has as its purpose, a working environment free of the effects of drug and alcohol impairment and requires that all employees, volunteers, contractors and sub-contractors report and remain fit for work.
- 2.3. This Policy will remind employees of the risks associated with the use of drugs or alcohol and provide expectations for when employees' conduct jeopardizes the safety of the work environment. This policy also helps to ensure that all employees, volunteers, contractors and sub-contractors are treated with dignity and respect.

### 3. Scope

3.1. This Policy is intended to be consistent with collective agreements and applies to:

3.1.1. All municipal employees, with the exception of employees who are

members of the Halifax Regional Police Association in safety sensitive positions;

3.1.2. Volunteers, Contractors and Sub-contractors (including their employees as well as volunteers) are subject to section 5 - Workplace Rules, of this Policy.

3.2. This Policy does not apply to the possession, transportation, distribution or sale of alcohol authorized by a licence issued pursuant to the provincial provisions of the *Liquor Control Act* including officially sanctioned municipal events.

#### 4. Definitions

4.1. For the purpose of this Policy, the following definitions apply:

4.1.1. **Alcohol** is any substance that may be consumed and that has an alcoholic content in excess of 0.5 per cent by volume.

4.1.2. **Contractor or Subcontractor** is a person or company that undertakes a contract to provide materials or labour to perform a service or do a job for the Municipality but is not directly employed by the Municipality.

4.1.3. **Drugs** includes any substance, chemical or agent;

4.1.3.1. the use or possession of which is unlawful in Canada;

4.1.3.2. requires a personal prescription or authorization from a licensed treating physician;

4.1.3.3. any non-prescription drug or medication lawfully sold in Canada; or

4.1.3.4. any controlled substance including alcohol and cannabis.

4.1.4. **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.

4.1.5. **Employee** includes any person categorized as permanent, term, part-time, casual, contract, seasonal and temporary or student employed by the Municipality.

4.1.6. **Employer** is the Municipality, including persons employed or retained who control and direct the work activities of employees. This also includes independent contractors retained by the Municipality to control and direct work activities of the Municipality's employees.

4.1.7. **Fitness for Work/ Fit 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-effects of alcohol, drugs or medications. Anyone who is not able to do so would be deemed unfit for work.

- 4.1.8. **Health, Safety & Wellness** refers to the Human Resources team which is versed in both physical and psychological aspects of organizational and individual health and wellness. Health, Safety & Wellness 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 supervisor in the return to work process.
- 4.1.9. **Incident** is an occurrence, circumstance or condition that caused or had the potential to cause damage to person, property, reputation, security or the environment.
- 4.1.10. **Municipal business** refers to all business activities undertaken in the course of operations, whether conducted on or off municipal property.
- 4.1.11. **Municipal property** includes all land, property, facilities, structures, installations, offices, job sites, vehicles, and equipment owned, leased, operated or otherwise directly controlled by the Municipality.
- 4.1.12. **Municipality** refers to Halifax Regional Municipality.
- 4.1.13. **Safety sensitive position** is one in which an employee's performance, if impacted by alcohol or drug use, could result in a significant incident, near miss or failure to adequately respond to a significant incident and detrimentally affects the health, safety or security of the employee, general public, others, 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.
- 4.1.14. **Substance Abuse Expert** is a person with knowledge and clinical experience in the diagnosis and treatment of alcohol and drug related disorders. These experts are qualified to evaluate employees under this Policy and make recommendations concerning education, treatment, follow-up testing and aftercare.
- 4.1.15. **Substance misuse** is the use of illicit drugs, misuse of prescription and over-the-counter medications, use of other substances for intoxication, or 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.
- 4.1.16. **Supervisor** means an individual who is accountable for a particular area or shift, including but not limited to team leaders, managers, directors, supervisors,

superintendents, and others acting in supervisory positions.

4.1.17. **Volunteer** includes anyone attending at any work environment or municipal property working in a volunteer capacity for the Municipality. This also includes volunteer firefighters.

4.1.18. **Work Environment** includes any location at which a municipal employee is conducting work or is using municipal property.

## 5. Workplace Rules

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

5.1.1. Employees, volunteers, contractors and subcontractors shall not use, possess or offer for sale alcohol and drugs, except as outlined in 5.2 below, while on municipal property or at a municipal work environment. Employees, volunteers, contractors and subcontractors must not use alcohol and drugs during break and meal times, whether or not they are paid or unpaid, by the Municipality.

5.1.2. Employees, volunteers, contractors and subcontractors in safety sensitive positions must not use recreational cannabis in any form within twenty-four (24) hours of the start of conducting municipal business.

5.1.3. Employees, volunteers, contractors and subcontractors must report fit for work free of any effects or after effects of drugs or alcohol. Employees, volunteers, contractors and subcontractors who become unfit for work must report this to their supervisor immediately.

5.1.4. Employees, volunteers, contractors and subcontractors required to operate a motor vehicle on municipal business must maintain a valid driver's licence. Any suspensions, loss of licence, impaired driving charge or conviction, or any other restrictions to their licence, must be reported immediately to their supervisor, regardless of effective date unless a collective agreement relating to the employee clearly provides for a different reporting time line.

5.1.5. Employees, volunteers, contractors and subcontractors will not consume alcohol or drugs, except as outlined in 5.2 below, while wearing clothing that identifies them as a municipal worker, except at sanctioned events where

approved by their supervisor.

5.1.6. Employees, volunteers, contractors and subcontractors must cooperate with the implementation of this Policy including the submission to testing as required under this Policy.

5.2. An Employee, volunteer, contractor or subcontractor complies with the workplace rules of this Policy if they are in possession, while on municipal property, of a prescription drug prescribed to that Employee, volunteer, contractor or subcontractor or a non-prescription drug and;

5.2.1. They are using the prescription or non-prescription drug for its intended purpose and in the manner directed by their treating physician or pharmacist or the drug manufacturer and;

5.2.2. In the case that the prescribed drug is cannabis, the use is with the approval of the employer and consistent with the terms of an approved accommodation and;

5.2.3. The use of the prescription or non-prescription drug does not adversely affect their ability to safely do their job, or

5.2.4. They have consulted with their treating physician or pharmacist to determine if the prescription or non-prescription drug will have any potential negative impact on job performance and before starting work, has advised their supervisor of any potential risk, limitation or restriction for which they may need a referral to Human Resources Health, Safety and Wellness.

5.3. Employees, volunteers, contractors and subcontractors who fail 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.

5.4. Any volunteer, contractor, subcontractor (or the employees and volunteers thereof), who fail to meet any of the above work rules may be removed from municipal property or job sites, and may be barred from working on site.

## **6. Education and Prevention**

6.1. The Municipality is committed to educating its employees with respect to the existence of this Policy and the workplace rules found within. The Municipality will

also take reasonable steps to inform employees of the safety risks associated with alcohol and drug use.

- 6.2. The Municipality will also educate eligible employees about the Employee and Family Assistance Program (EFAP) and the process for accessing the service as well as how to contact community based resources.

## 7. Voluntary Disclosure

- 7.1. The Municipality encourages employees who believe they may require support to voluntarily request that support through Human Resources Health, Safety and Wellness. The intent of this policy is to provide a safe work environment for all employees. An employee will not be disciplined for voluntarily requesting support unless they have failed to comply with the workplace rules section of this Policy.
- 7.2. Any employee who is advised by a co-worker (another employee) of that co-worker's need for support related to alcohol or drug use, must take appropriate action to ensure their safety and the safety of others and to encourage their co-worker to seek support by speaking to a person in authority (supervisor) who will ensure the co-worker has access to support.
- 7.3. In responding to an employee's request for support, a supervisor or person in authority to whom the request was made must:
  - 7.3.1. take steps to determine the employee is fit for work and does not present a safety risk to themselves or others.
  - 7.3.2. remind the employee of how to contact the Employee and Family Assistance Program (if eligible) and other community based resources and encourage them to use them.
  - 7.3.3. submit a referral to Health, Safety & Wellness for further assistance.
- 7.4. Employees in a safety sensitive position who voluntarily disclose a need for support must be assessed by a Substance Abuse Expert.
- 7.5. 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 Expert. This does not eliminate the requirement for maintenance of satisfactory job performance levels.
- 7.6. Where, in the opinion of a qualified Substance Abuse Expert, there is a risk that an employee cannot do their job safely, a medical work modification may be

recommended, and the Municipality may assign the employee to alternative duties, if available and appropriate.

7.7. Employees holding safety sensitive positions may be removed from their safety sensitive positions until they are able to safely resume their regular duties as determined by a Substance Abuse Expert.

7.8. An employee in a safety sensitive position who receives support from Health, Safety & Wellness, the Employee and Family Assistance Program, or any Substance Abuse Expert must comply with terms and conditions of any program established to support the employee.

## **8. Alcohol and Drug Testing**

8.1. Employees working in safety sensitive positions are subject to testing for alcohol and drugs, funded by the applicable business unit, under the following situations:

8.1.1. Post-Incident, Near Miss, or Potentially Dangerous Incident:

8.1.1.1. A supervisor of an employee must request an employee to submit to an alcohol and drug test if, after consultation with another supervisor (where possible), there are reasonable grounds to believe that an employee has been involved in an incident or near miss and that alcohol or drug use 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.

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

8.1.1.3. A supervisor 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 due to medical emergencies.

8.1.2. Reasonable Grounds:

8.1.2.1. A supervisor of an employee must request an employee to submit to an

alcohol and drug test if, after consultation with another supervisor (where possible), they determine there are reasonable grounds to suspect an employee of alcohol or drug use or possession in violation of this Policy. 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:

- possession of drugs or alcohol prohibited in the workplace under the Workplace Rules section of this Policy;
- observed use or evidence of use of a substance (e.g. smell of alcohol; possession of substances or paraphernalia);
- erratic or atypical behaviour of the employee;
- changes in the physical appearance of the employee;
- uncoordinated walking, staggering, weaving; or
- changes in the speech patterns of the employee.

#### 8.1.3. Return to work after Primary Treatment

8.1.3.1. 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 Expert.

#### 8.1.4. Return to work while in Aftercare Program

8.1.4.1. As part of the aftercare program developed by the Substance Abuse Expert, 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.

8.2. In any of the above situations, refusal to submit to a test when requested, attempts to delay reporting for a test, refusal to agree to the disclosure of test results to management, a confirmed attempt to tamper with a test or a positive result on a test, may result in disciplinary action up to and including the termination of employment.

## 9. Impaired Driving Charges or Convictions

9.1. In consideration of 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 municipal property) must adhere to the following

requirements:

9.1.1. Employees charged with impaired driving offenses (including but not limited to testing over the legal blood alcohol content, driving while impaired, or refusal to submit to an alcohol or drug test) when operating a motor vehicle on behalf of the Municipality, are required to inform their supervisor immediately. Upon notice of such charge, the employer will investigate or inquire, as appropriate. Depending on the results of the inquiry or investigation, the employee may be referred to Human Resources Health, Safety & Wellness or to a Substance Abuse Expert 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.

9.1.2. A conviction for an impaired driving offense when driving on municipal business or in municipal property 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 municipal policies, collective agreement provisions and Human Rights obligations. Operating a motor vehicle on municipal business with a suspended or restricted driver's licence is also a serious offense, which generally justifies discipline up to and including termination of employment.

## **10. Searches upon Reasonable Grounds**

10.1. Supervisors are directed to notify their Director or designate where there are reasonable grounds to suspect that alcohol or drugs may be present in the workplace or in any municipal property in violation of this policy. A Supervisor may conduct a search of municipal property with the approval of senior management. Employees should be aware of a diminished expectation of privacy with respect to use of municipal owned or leased vehicles and/or municipal buildings and property, including lockers, desks, cabinets, etc.

## **11. Roles and Responsibilities**

11.1. There is a shared responsibility for the successful implementation of this Policy. Any employee with an alcohol or drug dependency is expected to take responsibility to deal with the 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.

11.1.1. Employees must:

- 11.1.1.1. know and understand this Policy;
- 11.1.1.2. comply with this Policy;
- 11.1.1.3. use medications responsibly, be aware of potential side effects and notify their supervisor of any potential unsafe side effects where applicable;
- 11.1.1.4. follow the appropriate treatment recommendations if deemed necessary by a Substance Abuse Expert;
- 11.1.1.5. take every reasonable precaution in all circumstances to protect their own health and safety and that of other persons in the workplace.

11.1.2. Supervisors, managers and directors must:

- 11.1.2.1. communicate and give leadership in the implementation of this Policy and its rationale to provide a healthy, safe and productive work environment free of the effects or after effects of alcohol and drugs;
- 11.1.2.2. be knowledgeable about and communicate the alcohol and drug workplace rules to employees;
- 11.1.2.3. be knowledgeable about and follow the procedures associated with this Policy;
- 11.1.2.4. be knowledgeable about and recognize the symptoms of the use of alcohol and drugs;
- 11.1.2.5. understand the Municipality's performance management process and act on performance deviations;
- 11.1.2.6. act on reported or suspected alcohol or drug use by employees;
- 11.1.2.7. provide a copy of the Policy to current employees and to new employees immediately upon commencement of their employment;
- 11.1.2.8. provide relevant information regarding resources and community supports that may be available to employees upon request; and
- 11.1.2.9. safely remove any employee unfit for work from the work place or municipal property and ensure the employee is transported home or to assessment and/or testing in a safe manner.

11.1.3. The Municipality through its Human Resources department must:

- 11.1.3.1. provide training, information sessions and educational materials on alcohol and drug use for supervisors. Training will include prevention, early recognition (trends/changes/reasonable grounds), interview strategies, clear guidance for supervisors and boundaries for employees, confidentiality and privacy, and other available resources;
- 11.1.3.2. provide support to supervisors dealing with employees involved in a violation of this Policy;
- 11.1.3.3. provide information on resources available to employees who have voluntarily disclosed a need for support; and
- 11.1.3.4. work with supervisors to determine appropriate accommodations when necessary to support employees.

## **12. Confidentiality**

- 12.1. An employer who collects, maintains or uses personal health information is required to protect the confidentiality of that information, unless where such disclosure is necessary for related health and safety concerns or for legal proceedings by or against the Municipality.
- 12.2. Documented health information is entrusted to Health, Safety & Wellness for safeguarding and protection of confidentiality.

## **13. Repeal**

- 13.1 This policy replaces the HRM Substance Abuse Prevention Policy originally approved June 1, 2009 and revised August 2, 2012 and June 13, 2006.

## **14. Contact**

- 14.1. Human Resources Business Partners

