

RURAL MUNICIPALITY OF ABERDEEN NO. 373				
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ABERDEEN DRUG AND ALCOHOL POLICY			Council Resolution	230 /19
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RM Council		RM of Aberdeen No. 373	August 8, 2019	1

DRUG AND ALCOHOL POLICY

1. INTRODUCTION

The Rural Municipality of Aberdeen No. 373 (the “**RM**”) strives to ensure the safety of Employees and the public.

The purpose of this policy is to create a working environment free of the effects of drug and alcohol impairment. The use of drugs and alcohol or other impairing substances have serious adverse effects on the safety of individual Employees, co-workers, contractors, the public and the workplace. Impairment can lead to incidents causing serious injuries to employees and other persons or damage to the environment and property.

2. APPLICATION

This policy applies to all employees of the RM

3. DEFINITIONS

The following terms have the meanings ascribed for the purposes of his policy.

- (a) “**Administrator**” means the Administrator for the RM, and their duly authorized designee(s).
- (b) “**Alcohol**” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.
- (c) “**Cannabis**” or “**Marijuana**” means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant and anything referred to in Schedule 1 of the Cannabis Act.
- (d) “**Council**” means the duly elected council of the RM
- (e) “**Call Out**” means an Employee not formally designated as On Call but is called into work without notice or prearrangement.
- (f) “**Drug or alcohol dependence**” means a mental, physical or psychological dependence on drugs, alcohol or other impairing substance which is considered by a physician to be a medical condition/disability under Human Rights law.

- (g) “**Employee**” means any person employed with the Municipality.
- (h) “**Fit for Duty**” means being able to safely perform assigned duties and responsibilities without any impairment due to the use or after-effects of alcohol, drugs or medication.
- (i) “**Illicit Drugs**” 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 heroin and cocaine).
- (j) “**Management**” refers to a group of positions that are managerial in nature and includes the Administrator and the RM Foreman.
- (k) “**Marijuana**” or “**Cannabis**” means any part of a cannabis plant, including the phytocannabinoids **produced** by, or found in, such a plant and anything referred to in Schedule 1 of the Cannabis Act.
- (l) “**Medical or Medicinal Cannabis or Marijuana**” means Marijuana or Cannabis product that prescribed by an accredited physician.
- (m) “**Medication**” refers to a drug obtained legally by an employee and used as prescribed 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.
- (n) “**Municipal Business**” means the official duties of Employees as described in the job description or other approved and directed duties as assigned by a Supervisor and may include attending approved training, conferences, meetings or workshops.
- (o) “**Municipal Vehicle**” means to a vehicle that is owned or leased by the RM.
- (p) “**On-Call**” means an Employee who is prearranged, scheduled or designated to be available to report for work should they be called in.
- (q) “**Recreational Cannabis**” or “**Recreational Marijuana**” means the use of cannabis products recreationally or without a prescription.
- (r) “**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, when legalized on October 17, 2018)
- (s) “**Safety Sensitive Position**” means a position where the performance of duties or responsibilities with impaired physical or mental ability could foreseeably have a direct negative impact on the health or safety of employees, contractors, customers, the public or the environment, or could lead to significant property damage. Examples include driving vehicles, operating powered mobile equipment, repair and maintenance of

vehicles and equipment, operating any equipment which could seriously injure any person as a result of misuse and the operation and maintenance of drinking water systems. Supervisors who directly supervise the working level positions on site, or who perform the same duties or exercise the same responsibilities, are deemed to hold safety-sensitive positions.

- (t) **“Significant Incident”** means any actual or alleged event or situation that creates a significant risk of substantial or serious harm to an individual or to property.
- (u) **“Supervisor”** refers to the member of Management that has been assigned to supervise an Employee or group of Employees as determined by the current organizational chart.
- (v) **“Tampering”** includes, but is not limited to:
 - (i) Adding, or attempting to add, any foreign material or substance to a test sample;
 - (ii) Making, or attempting to make, use of third party samples;
 - (iii) Ingesting, or attempting to ingest, any substance or material (also known as adulterants) to mask the presence of an illicit drug; and
 - (iv) Assisting or attempting to assist in the above activities.
- (w) **“Under the Influence”** means the use of alcohol, drugs (including Illicit, Restricted, Medication) to the extent that the Employee is unable to perform job duties in a safe or productive manner, is in a physical or mental state that creates a safety risk to others or is displaying signs or symptoms of substance abuse such as slurred speech, alcohol on the breath or atypical behaviour.

4. Responsibility of the RM and the Employee

The RM has the responsibility to provide a safe and healthy work environment;

Each Employee has the responsibility to:

- (a) Report to work fit for duty, capable of performing their tasks productively and safely;
- (b) Understand and comply with alcohol and drug prohibitions;
- (c) Use Medications responsibly, be aware of potential side effects and notify their supervisor of any potential unsafe side effects; and
- (d) Encourage peers or co-workers to seek help when there is a potential breach of this policy.

5. Prohibitions

5.1 During working hours, whether on the RM’s premises or while conducting employment-related activities off the Rm’s premises, including during meal periods, scheduled breaks,

social events sponsored by the RM (unless otherwise indicated), and on-call shifts, no employee shall:

- (a) Use, consume, possess, distribute, sell or be under the influence of Illicit Drugs;
- (b) Use, consume, possess, distribute, sell or be under the influence of Restricted Drugs;
- (c) Use, consume, possess, distribute, sell or be under the influence of alcohol, unless authorized by the Municipality for a specific limited purpose;
- (d) Use, consume, possess, distribute, sell or be under the influence of any other intoxicants, whether a controlled or uncontrolled substance; or
- (e) Possess, use or offer for sale drug paraphernalia.

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 of the RM vehicles or equipment, or while using the employee's vehicle for work-related purposes.

5.3 If an Employee is called to work (a Call Out), whether formally designated as On Call or not, 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:

- (a) Decline the call out;
- (b) 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;
- (c) Notify the employee's supervisor of the circumstances immediately; and
- (d) Confirm directly or through the employee's supervisor that a responsible employee who is not under the influence of alcohol, Drugs, or intoxicants will perform the required task.

6. Medications and Medical Marijuana

6.1 The legal use of prescription medications are permitted at work providing they do not impair the Employee's ability to perform their work effectively and in a safe manner.

6.2 If a medication including Medical Marijuana has been prescribed that causes impairment, the Employee must disclose the medication, the side effects and the treatment plan to Human Resources. A diagnosis does not need to be provided.

6.3 The RM is committed to accommodating an Employee's necessary use of Prescription Medications to the extent reasonably possible without undue hardship.

7. Drug, Alcohol or Substance Addiction

- 7.1 The RM acknowledges its responsibility to assist and accommodate Employees suffering from illness/addiction to alcohol or drugs to the extent reasonably possible without undue hardship.
- 7.2 An Employee suffering from drug, alcohol or other substance addiction are required to disclose the addiction to Human Resources or their Management Supervisor.
- 7.3 Employees who are concerned that a fellow Employee may be suffering from a drug or alcohol addiction are strongly encouraged to report their concerns to a supervisor.
- 7.4 If an Employee neglects or refuses to disclose such a condition to the RM, the RM will be forced to deal with breaches of this policy assuming that the Employee is not suffering from an addiction or illness related to drugs and alcohol but has simply disregarded the policy, in which case immediate disciplinary action will be taken.
- 7.5 Seeking voluntary assistance for drug and alcohol addiction will not jeopardize an Employee's employment with the Employer, 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 safe return to work within the reasonably foreseeable future.
- 7.6 The Employee may utilize any accrued/earned sick leave when attending rehabilitation for the drug, alcohol or other intoxicant addictions.
- 7.7 Employees suffering from drug, alcohol or other intoxicant addiction who fail to co-operate with assistance or treatment programs and/or engage in repeated infractions of this policy, will be subject to the normal disciplinary sanctions, including immediate termination for just cause.
- 7.8 When an employee returns to work following a disclosure that the employee suffers from a drug, alcohol or other intoxicant dependency and subsequent treatment, the RM may require the employee to undergo a return-to-work test. Further random unannounced return-to-work testing may be required for up to one year after the employee returns to work.

8. Reasonable Cause and Post Incident Testing

- 8.1 The RM reserves the right to conduct testing for the presence of drug and alcohol when it has reasonable cause to believe that the actions, appearance or conduct of an Employee while on duty is indicative of the use of drugs, alcohol or other intoxicants. While the RM reserves this right for all of its employees, employees should understand that the necessary threshold to establish reasonable cause in the eyes of the Employer will be lower for employees in safety-sensitive positions given the potential consequences involved.
- 8.2 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:

- (a) Observed use or evidence of drugs or alcohol (i.e. smell of alcohol);
- (b) Erratic or atypical behaviour of the Employee;
- (c) Involvement in an accident or a near miss;
- (d) Changes in physical appearance of the Employee; v. Changes in the behaviour of the Employee;
- (e) Changes in speech patterns of the Employee;
- (f) Discovery of intoxicants, drugs, alcohol or related paraphernalia found in locations to which an Employee has sole or primary access, including Employee lockers, assigned vehicles; or
- (g) Involvement in a Significant Incident.

8.3 The Municipality may conduct reasonable cause testing upon receipt of a credible 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. Records of the complaint must be retained but shall remain confidential

8.4 In all situations where the RM believes an Employee is unfit to be at the workplace, the Employee will be escorted home.

8.5 All tests shall be conducted respectfully and in a manner to minimize the intrusive nature of tests. The RM will arrange for the alcohol and drug testing to be undertaken. The process is to be completed as soon as possible after the circumstance giving rise to the decision to test.

8.6 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 laboratory;

8.7 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.

8.8 The RM will store test results in a secure location with access restricted to the Administrator with access being provided upon request to anyone demonstrating a need for access to test results. Test results will not be disclosed to third parties without prior written consent of the employee, except where otherwise required by law.

8.9 Refusal to submit to drug/alcohol/intoxicant testing, failing to report for drug, alcohol or other intoxicant testing, tampering or attempting to tamper with test sample, assisting with tampering or attempting to assist in the tampering of a test sample, will be deemed to be a positive test result, resulting in the employee being subject to disciplinary action, including termination for just cause.

9. Test Levels

9.1 For the purposes of this Policy, the following levels shall govern:

- (a) Drug Panel, Urine Screening Cut-off Concentration Levels- a test result at these levels or above is a positive test:
 - (i) Amphetamine 500 ng/mL
 - (ii) Cocaine metabolite 150 ng/mL
 - (iii) Cannabinoids 50 ng/mL
 - (iv) Opiates 2000 ng/mL
 - (v) MDMA 500 ng/mL
 - (vi) Phencyclidine 25 ng/mL
 - (vii) 6-Acetylmorphine 10 ng/mL
 - (viii) Marijuana metabolite 50 ng/mL
- (b) Confirmation Urine Drug Concentration Levels- a test result at these levels or above is a positive test.
 - (i) Amphetamine
 - (ii) Methamphetamine 250 ng/mL 250 ng/mL
 - (iii) Cocaine metabolite 100 ng/mL
 - (iv) Codeine 2000 ng/mL
 - (v) Morphine 2000 ng/mL
 - (vi) MDMA 250 ng/mL
 - (vii) MDA 250 ng/mL
 - (viii) MDEA 250 ng/mL
 - (ix) Phencyclidine 25 ng/mL
 - (x) 6-Acetylmorphine 10 ng/mL
 - (xi) Marijuana metabolite 15 ng/mL

9.2 An Alcohol Level equal to or in excess of 0.040 grams per 210 litres of breath is a positive test.

10. Discipline and Post-Violation Return to Duty

- 10.1 The rules contained in this policy are of the utmost importance. There is zero tolerance for deviation from the above terms which will result in disciplinary action that may include immediate dismissal. All employees will be provided with a copy of this policy as notification that any resulting dismissal will be considered as “dismissal with just cause”.
- 10.2 Any Employee violating this policy who is subsequently authorized and accepted by the Employer to return to the workplace shall receive a Return to Work Letter outlining conditions of the return to the workplace which will normally include (without limiting the generality of the foregoing) the following:
- (a) Requirement to continue treatment, counselling and assistance programs or procedures recommended by the Employee’s advising physician or addiction councillor;
 - (b) Express obligation to immediately cease performance of duties and notify a supervisor in the event the Employee finds themselves under the influence at any time during work hours following a return to the workplace;
 - (c) 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 to others;
 - (d) Requirement to provide reasonable regular updates from the Employee’s physician or addiction counsellor that the Employee continues to follow recommended treatment programs and continues to be fit for duty without danger to themselves or others;
 - (e) 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;
 - (f) A request to complete a return-to-work test.
 - (g) Further random, unannounced return-to-work testing may be required for up to one year after the employee returns to work.
- 10.3 Employees suffering from drug, alcohol or other intoxicant addiction who fail to co-operate with assistance or treatment programs and/or engage in repeated infractions of this policy, will be subject to the normal disciplinary sanctions, including immediate termination for just cause.