

POLICY DIRECTIVE NO. D-24

SUBJECT: WORKPLACE IMPAIRMENT POLICY

APPROVAL DATE: _____ LAST REVIEW DATE: _____

REFERENCE: _____

A. COMMITMENT

The City of Chilliwack (the “City”), and those who perform services on its behalf, have a shared responsibility to maintain a safe and healthy work environment. The use of Alcohol, Drugs, and Medications can have a serious adverse effect on the health, safety and productivity of City employees, on the work environment, and on the public.

Accordingly, the City is committed to:

1. Promoting a safe, healthy and productive working environment for all of the City’s employees, contractors, volunteers, and members of the public interacting with the City;
2. Providing support for individuals affected by a Substance Use Disorder to seek early assistance and pursue recovery;
3. Effectively managing substance use issues which impact the workplace, or affect an individual’s ability to safely, reliably and efficiently perform their duties;
4. Working with all parties to accommodate individuals affected by a Substance Use Disorder and managing the associated risks.

B. POLICY

The City strictly prohibits employees from possessing, manufacturing, offering for sale, selling, distributing, consuming, or using Drugs or Alcohol during Working Hours, whether at or away from the Workplace. In addition, the City strictly prohibits employees from consuming or using Drugs, Alcohol, or Medication at any time, including outside of Working Hours, such that the employee is Impaired, or otherwise not Fit for Duty, during their Working Hours or while attending a Workplace.

This Policy applies to:

1. All employees of the City including casual, part time, full time, student/co-op, and contract employees;
2. All City Workplaces; and,
3. Activities connected with an employee’s employment.

The purpose of this Policy is to:

1. Prevent Impairment in the Workplace and during an employee’s Working Hours;
2. Set expectations regarding the use of Alcohol, Drugs, or Medications during non-Working Hours that may cause an employee to be not Fit for Duty, otherwise cause Impairment, or cause risk of harm to health and safety during Working Hours or at a Workplace; and,

B. POLICY (continued)

3. Ensure employees are aware of the City's commitment to a safe Workplace, and the potential serious consequences which may result from breaches of this Policy.

C. DEFINITIONS

Alcohol: Includes wine, beer, distilled spirits and any liquid containing ethyl alcohol, whether or not intended as a beverage.

Drug: Includes any substance which affects physical or mental capacity or function, which causes a marked change in consciousness, or which has a physiological effect when ingested or otherwise introduced into the body, and includes both legal and illegal forms of such substances, but does not include Medications.

Fit for Duty: The ability to safely and competently perform assigned duties without any Impairment due to the use or after-effects of Alcohol, Drugs, or Medications.

Impaired or Impairment: A deterioration or diminishment of an individual's physiological ability, functioning, judgment, or condition, and includes but is not limited to being unable to function as that individual does under normal or usual conditions, or safely because of intoxication by any substance.

Medication: A substance obtained legally, either over-the-counter or through a doctor's prescription, that is taken in accordance with a doctor's directions, or, if over-the-counter, taken in accordance with the directions of the manufacturer.

Safety Sensitive Position/Duties: Any position or duties that require the employee to engage in a process, function, or duty that has the potential for harm to the employee, their co-workers, other contractors, the general public, or the environment including but not restricted to the operation of a vehicle and/or equipment.

Significant Incident: An incident or accident involving one or more of the following occurrences:

1. A fatality or fatalities, or near miss of a fatality or fatalities, to an employee or any other person;
2. An injury, or near miss of an injury, to an employee or any other person;
3. Damage, or near miss of damage, to City property, or the property of a contractor, an employee, or a member of the public; or,
4. Environmental damage, or near miss of environmental damage.

Substance Use Disorder: A condition in which the recurrent use of Alcohol, Drugs, Medication, or any other substance causes impairment of daily life, such as health problems, disability, or failure to meet responsibilities at work or home, and includes the conditions classified as substance use disorders in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, as amended, and commonly referred to as "addiction".

C. DEFINITIONS (continued)

Working Hours: The hours an employee works, is scheduled to work, is receiving standby pay for on-call situations, is called in, or otherwise requested or required to work during a day, and includes but is not limited to paid and unpaid breaks, and any overtime hours the employee works.

Workplace: Any place or location where an employee is required to, or does, go to work or conduct business on behalf of the City, including but not limited to public or private property, and including any land, building, facility, parking lot, equipment, or vehicle, whether owned, leased, or used by the City and wherever located.

D. RESPONSIBILITIES

All City employees, volunteers and contractors performing work on behalf of the City must familiarize themselves with this Policy and adhere to it.

Manager/Supervisor Responsibilities:

1. Understand and abide by this Policy and related regulatory enactments;
2. Communicate to all the need to ensure that they are Fit for Duty and free from Impairment while at the Workplace and during Working Hours;
3. Identify and address any situations where a person appears not Fit for Duty or Impaired and respond in accordance with this Policy;
4. Report such situations to the Human Resources Department without delay; and,
5. Seek advice and support from the Human Resources Department where required.

Employee Responsibilities:

1. Abstain from use of Alcohol, Medication or Drugs prior to commencing work in a manner that could render them not Fit for Duty or Impaired.
2. Use Medications (whether over-the-counter or prescribed by a physician) responsibly, and in accordance with directions, to prevent adverse effects on safety or work performance.
3. Consult a physician or pharmacist when the potential effects of a Medication or combination of Medications on work performance are unknown to the individual.
4. Report Fit for Duty whenever attending a Workplace, and remain Fit for Duty throughout the Working Hours.
5. Remain Fit for Duty while receiving standby pay for on-call situations.
6. Notify a supervisor or manager, in responding to a call-in situation, if they are not Fit for Duty.
7. Immediately advise their exempt supervisor of any loss or suspension of their driver's license when such loss or suspension:
 - a. Is required to be reported under the National Safety Code (NSC); or,
 - b. Impacts work-related driving.

RESPONSIBILITIES (continued)

8. Immediately inform their supervisor if they have been charged with any impaired driving offence.
9. Understand that where there is reasonable cause to believe that they are Impaired or otherwise not Fit for Duty (where the employee has not sought and been granted an accommodation), they may be removed from duty and appropriate action, including disciplinary action, may be taken in this regard.
10. Notify a supervisor or manager if they observe (or become aware of) another employee, volunteer, or contractor whose ability to work appears to be Impaired for any reason.
11. Assume responsibility for substance use issues, seek advice, and follow appropriate treatment to address substance use issues.
12. Co-operate in the accommodation process, including providing necessary medical information in a timely manner, and making all reasonable efforts to treat a Substance Use Disorder. If an employee refuses or fails to disclose relevant information, this may result in delay, either in accommodation or return to work, or may impede the City's ability to accommodate any disability.

E. PROCEDURES

1. If an Employee observes or becomes aware that a co-worker is at work and is Impaired for any reason, the Employee must immediately notify Supervisory staff.
2. If a Supervisor observes or becomes aware that an Employee is at work and is not Fit for Duty, the Supervisor must eliminate any immediate risk the Employee may pose to themselves, co-workers, or the public. The Employee must be immediately removed from duty (having regard for the person's privacy and dignity).
3. Where a Significant Incident has occurred and Impairment cannot be eliminated as a potential factor in the Significant Incident, the Supervisor shall require the Employee to remain at or near the scene where the incident occurred while the circumstances are investigated. Appropriate responses or next steps may include:
 - a. Calling 911 if the Employee or Worker is in crisis;
 - b. Speaking to the Employee or Worker in private;
 - c. Stating your concerns and requesting an explanation. Discussing options, based on the Employee response;
 - d. Alerting the RCMP for incidents involving Impaired operation of a vehicle or mobile equipment;
 - e. Stopping work and/or assigning non-Safety Sensitive Duties;
 - f. Discussing Employee Assistance Program (EAP) options; and,
 - g. As necessary, arrange for the employee to be transported home (do not allow them to drive if you suspect Impairment).
4. In order to clarify and document the employee's actions or behaviours, the Supervisor shall request exempt management, another Supervisor, a Union representative, or other party to attend to observe.

E. PROCEDURES (continued)

5. The Supervisor will notify the Human Resources Department for assistance without delay in all cases where an employee is believed to be Impaired or otherwise not Fit for Duty.

F. IDENTIFYING POSSIBLE SIGNS OF IMPAIRMENT

Supervisors and co-workers can establish a reasonable suspicion of Impairment by an Employee's:

1. Impaired behaviour;
2. Own admission of use of Alcohol, Drugs or Medications;
3. Possession of Alcohol, Drugs or Medications; or,
4. Noticeable changes in work performance, attendance, etc.

Examples of behavior, symptoms, or indicators of Impairment may include, but are not limited to:

1. Slurred speech;
2. Glassy or red eyes;
3. Flushed face or neck;
4. Disorientation, unsteadiness, or lack of coordination;
5. Impaired balance, unsteady gate, or unusual body movement;
6. Slowed reflexes;
7. Sleepiness or drowsiness;
8. Impaired judgement;
9. Irritability, aggressiveness, or anger;
10. Uncharacteristic behaviours;
11. Odour of Alcohol or Drugs (on breath, clothing, or in air surrounding the person);
12. Deterioration of job performance such as sporadic work pace, neglect of details, increase in mistakes, difficulty recalling instructions, inability to perform tasks in routine manner.

G. DRUG AND ALCOHOL TESTING

Drug and/or Alcohol testing may be used in the investigative process regarding issues at the Workplace. An employee will not be unreasonably asked to undergo Drug and/or Alcohol testing. Testing will be completed by a qualified service provider arranged and paid for by the City.

The City may require that an employee in a Safety Sensitive Position undergo Drug and/or Alcohol testing in three situations:

G. DRUG AND ALCOHOL TESTING (continued)

1. Reasonable Cause

Where an employee exhibits behaviour suggesting, or other evidence suggests, the employee has engaged in the use or possession of Alcohol or Drugs in violation of this Policy, or where the City has reason to believe that the employee may be Impaired or otherwise not be Fit for Duty due to the use of Alcohol or Drugs.

2. Post Incident / Near Miss

Where an act or omission by an employee causes or contributes to a Significant Incident, and Impairment due to Drugs or Alcohol cannot be eliminated as a contributing factor in the Significant Incident.

3. Post Treatment (Random Testing for Monitoring Abstinence)

Where a medical professional has recommended testing as part of relapse prevention or post-treatment regime. In most cases monitoring is recommended following treatment, to mitigate safety risks, especially when the employee is returning to a Safety Sensitive Position or where supervision is limited.

H. ACCOMMODATION

The City recognizes its duty to accommodate pursuant to the Human Rights Code, and will take all steps required to fulfill that duty, to the point of undue hardship.

All parties have a shared responsibility concerning Substance Use Disorder treatment. The City:

1. Recognizes that a Substance Use Disorder is a treatable disability, subject to relapse, where early intervention improves the probability of a lasting recovery.
2. Encourages employees affected by a Substance Use Disorder to seek treatment and rehabilitation as soon as possible.

Specific Circumstances: Duty to Disclose

1. Medication

Where an employee is required to use Medication that could cause them to be Impaired or otherwise not Fit for Duty during Working Hours or while at a Workplace, they must notify a supervisor or Human Resources, prior to using the Medication and attending a Workplace Impaired or not Fit for Work, to permit a determination of whether their use of that Medication can be accommodated.

If an employee uses Medication in breach of this Policy, without first disclosing their need to use such Medication to a supervisor or Human Resources, they may be subject to discipline in accordance with the Consequences of Non-Compliance section below.

H. ACCOMMODATION (continued)

2. Substance Use Disorder

Where an employee has or suspects they may have a Substance Use Disorder, they are required to notify a supervisor or Human Resources prior to using Drugs, Alcohol, or Medication and attending a Workplace Impaired or otherwise not Fit for Duty.

If an employee uses Drugs, Alcohol, or Medication in breach of this Policy without first disclosing their circumstances to a supervisor or Human Resources, they may be subject to discipline in accordance with the Consequences of Non-Compliance section below.

Where an employee discloses the use of Medication, or a Substance Use Disorder, in accordance with subsections 1) or 2) above, the City will work with that individual to determine what, if any, accommodation could reasonably be provided to that individual.

I. CITY HOSTED FUNCTIONS

From time to time the City may host social or business-related functions where Alcohol is served, or sold, and consumed. The above prohibition against the distribution, sale, consumption, and possession of Alcohol during Working Hours or while attending a Workplace, will not apply to social or business-related functions where the City expressly permits such activities.

If employees choose to consume Alcohol at such functions, they must do so responsibly, must conduct themselves properly and professionally at all times, must refrain from driving if they are Impaired, or if doing so would otherwise violate the law, and must not perform any job duties after consuming Alcohol.

J. CONFIDENTIALITY

Medical information is the property of the employee; however, failure to provide this information may impact an employee's return to work, ability to stay at work, entitlement to benefits, the accommodation process, and continuation of employment.

Confidentiality is maintained by the City in relation to medical information, and will be secured and shared on a "need to know" basis i.e., medical information is confined to those who require it as part of their job responsibilities.

K. CONSEQUENCES OF NON-COMPLIANCE

Consequences flowing from a contravention of this Policy will be determined on a case by case basis, and will take into account the relevant circumstances. However, in general:

1. Employees who contravene this Policy may be subject to:

K. CONSEQUENCES OF NON-COMPLIANCE (continued)

- a. In the case of culpable conduct, discipline up to and including termination of employment.
 - b. In the case of non-culpable conduct, measures such as, but not limited to: removal from active duty; Drug and/or Alcohol testing; transfer to non-Safety Sensitive Duties; medical assessment; monitoring programs.
 - c. In the case of hybrid conduct (e.g. Substance Use Disorder related conduct which contains elements of culpable and non-culpable behavior), any combination of the measures outlined in (a) and (b) above, depending on the circumstances of each case.
2. Employees who are in Safety Sensitive Positions are additionally responsible for understanding that more significant consequences may result from their contravention of this Policy, as impaired performance creates greater health and safety risks for themselves and others.
 3. Contract employees who contravene this policy may be subject to contract termination.

L. CONCLUSION

In promulgating this Policy, the City of Chilliwack is demonstrating its commitment to to maintain a safe and healthy work environment.

Chief Administrative Officer