

## TOWN OF STETTLER ADMINISTRATIVE POLICY

Prepared by: Joint Health & Safety Committee      Number: Admin D/A  
Adopted by: CAO      Original Policy: Safety Manual  
Current Policy: January 2023

**Title:**                      **Drug and Alcohol Policy**

### **Policy Statement:**

The Town of Stettler (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 illegal drugs, the improper 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.

### **Purpose**

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

### **1. Definitions**

- 1.1 "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, 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.
  - (a) "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).

- (b) "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 (i.e. including cannabis).
  - (c) "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or medical document, as contemplated by the *Access to Cannabis for Medical Purposes Regulation* (as amended, repealed and replaced from time to time), and non-prescription or over-the-counter products.
- 1.2 "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:
- (a) unable to perform in a productive manner;
  - (b) in a physical or mental condition that creates 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
  - (c) displaying signs or symptoms of impairing substance use, including but not limited to the smell of alcohol or Drugs, slurred speech, and/or atypical behavior.
- 1.3 "Drug or alcohol dependence": 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 Human Rights law.
- 1.4 "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 Human Rights law.
- 1.5 "Safety sensitive positions" shall include any position where the performance of duties with impaired physical or mental abilities creates a reasonably foreseeable risk of injury, physical harm, or danger, including, but not limited to those employees who are required or permitted to operate the Town's vehicles or equipment or their own personal vehicles for employment-related purposes.

## **2. Treatment and Accommodation**

- 2.1 Any employee actively suffering from a Drug or alcohol dependence which may impair or restrict the performance of their duties is **required** to disclose the dependence to the employee's immediate supervisor. The Town recognizes its responsibility to assist and accommodate employees suffering from a Drug or alcohol dependence to the point of undue hardship, including providing access to sick leave as with any other illness. The Town will take reasonable precautions to protect the employee's confidentiality given the sensitive nature of the issue.
- 2.2 Employees who are concerned that a fellow employee may be suffering from a Drug or alcohol dependence are strongly encouraged to report their concerns to the employee's immediate supervisor. 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.

## **3. Prohibitions**

- 3.1 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, 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 Town for a specific limited purpose (while the Town expects that all of its employees will comply with this rule on a day to day basis, it is recognized that for some Town employees approved and appropriate social functions within the course and scope of their work hours will occur at which reasonably limited consumption of alcohol is customary and appropriate. Some common examples for illustration purposes would include: professional conference cocktail reception, external work related conferences, Town approved social events or promotional activities such as a Christmas party, etc. However, it is critically important that all employees understand that even at these events where alcohol consumption is permitted, alcohol should only be consumed on a

social basis to reasonable levels which ensure professional and responsible behavior by Town employees at all times); or

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

3.2 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 vehicle for work-related purposes.

3.3 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:

- (a) 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; and
- (b) notify the Town representative who is attempting to call them in that they are unable to perform their duties at that time.

3.4 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. Employees are required to disclose to their immediate supervisor the use of Medication which may affect their work performance or the safe execution of their duties. The Town is committed to accommodating an employee's necessary use of Medication to the extent reasonably possible without suffering undue hardship.

#### **4. Testing**

##### *4.1 Reasonable Cause Testing*

- (a) The Town may conduct testing for the presence of alcohol or Drugs when it has reasonable grounds to believe that the actions, appearance, or conduct of an employee while on duty (including while on-call) indicates that the employee is under the influence of Drugs or alcohol. While the Town reserves this right for all of its employees, employees should understand that the necessary threshold to establish reasonable cause in the eyes of the Town will be lower for employees in safety-sensitive positions given the potential consequences involved.

- (b) The basis for the decision to test will be documented by the Town as soon as possible after the action has taken place and identified to the employee prior to the test being conducted. The employee will be invited to have the opportunity to speak to or refute the basis for the decision to test and the Town shall consider the validity of the employee's response prior to proceeding with the test. 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;
  - (vi) discovery of Drugs, inclusive of Medication capable of causing impairment, alcohol, intoxicants, or related paraphernalia found in locations to which an employee has sole or primary access, including employees' lockers or assigned vehicles; or
  - (vii) following a serious incident or accident where the possibility of Drug or alcohol impairment cannot be easily ruled out from review of the circumstances, including a "significant incident" as defined by Occupational Health & Safety legislation, 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").

- (c) 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 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 accused employee and, in appropriate circumstances, shall also provide the complainant's identity to the accused employee to allow him/her the opportunity to provide a full and complete response to the allegations. The Town shall also reasonably consider the surrounding circumstances, and the presence or absence of any other evidence or indicators of Drug or Alcohol impairment prior to making a final decision on reasonable cause to test in these circumstances.
- (d) 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.

#### 4.2 *Return to Work Testing*

- (a) When an employee returns to work following a disclosure that the employee suffers from a Drug or alcohol dependence and subsequent treatment, the Town 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.
- (b) Prior to implementing return to work testing pursuant to Section 4.2(a) above, the Town will consider all the surrounding facts and circumstances on a case-by-case basis, and provide the opportunity for discussion and input on this decision for return to work testing by the Employee.

#### 4.3 *The Town*

- (a) Reasonable Cause Testing (4.1), Return to Work Testing (4.2) and when the Town considers an employee unfit to be at the workplace under the circumstances relating to this policy, shall be evaluated, and recommended by the employee's immediate supervisor or Manager. And supported in confidence by the relevant Department Head and/or CAO, collectively representing the Town for the purpose of this policy.

#### 4.4 *Testing Procedures*

- (a) Any testing undertaken pursuant to this Policy, including analysis of results, shall be performed by a qualified professional and/or RCMP. Where appropriate, results shall be confirmed by laboratory testing, which shall be performed at an accredited laboratory.
- (b) 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.
- (c) The Town will store test results in a secure location with access restricted to the Town's managerial or supervisory employees 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.

#### **5. Discipline**

- 5.1 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. All employees will be provided with a copy of this Policy as notification that any resulting dismissal will be considered as "dismissal for just cause" and not subject to notice or pay in lieu of notice.
- 5.2 As indicated above, any employee suffering from a Drug or alcohol dependence 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 dependence to the Town, in violation of this Policy, the Town may, where warranted in the circumstances, deal with breaches of this Policy based on the understanding that the employee is not suffering from a Drug or alcohol dependence, 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 dependence which may potentially interfere with the diligent and safe performance of an employee's duties in the workplace, is itself a violation of this Policy.

## **6. Post-Violation Return to Work**

- 6.1 Seeking voluntary assistance for Drug or alcohol dependence will not jeopardize an employee's employment with the Town, so long as the employee continues to co-operate 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.
- 6.2 Any employee violating this Policy who is subsequently authorized and accepted by the Town to return to the workplace shall (after the Town has allowed reasonable opportunity for input and discussion by the employee and/or the employee's physician) receive a Return to Work Letter outlining conditions of the return to the workplace which will normally include, but is not limited to, the following:
- (a) Requirement to continue treatment, counselling, and assistance programs or procedures recommended by the employee's advising physician or addiction counsellor;
  - (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 others;
  - (d) Requirement to provide reasonably regular updates from the employee's physician or addiction counsellor confirming that the employee continues to follow recommended treatment programs and continues to be fit for performance of duties without danger to themselves or others; and
  - (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.
- 6.3 Employees suffering from Drug or alcohol dependence 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.



**DRUG & ALCOHOL POLICY  
ACKNOWLEDGMENT FORM**

The Town of Stettler (the "Town") is committed to ensuring the health and safety of its employees and students, and fostering an effective and productive environment for working and learning. We recognize that the use of impairing substances, like drugs, alcohol, and even certain medications can impede our ability to achieve these common goals. For this reason, the Town is adopting new guidelines for substance use in the workplace, to clearly set out our expectations for employee conduct, options for seeking help, and the consequences of violations.

We expect that you'll come to work able to work safely and effectively, which in our view means free from impairment. Under no circumstances should employees be in possession of, using, consuming, ingesting or be under the influence of impairing drugs or alcohol during working hours, whether on or off Town property. We also expect that if you're operating a vehicle, whether it is property of the Town or personal property, for any work-related purpose, that you'll similarly be free from impairment. While we expect that our employees will comply with these rules on a day to day basis, there may be Town-related functions at which consumption of alcohol will be permitted.

This prohibition applies to alcohol, cannabis, illegal drugs, drugs which are approved for recreational use, and even to prescribed medications, which may cause impairment or otherwise interfere with an employee's ability to work safely (even if they're used as indicated or prescribed). We would encourage you to speak with your doctor or pharmacist to understand the risk of impairment associated with prescribed or over-the-counter medicines, and that you disclose this to the Town if there is a likely workplace impact. We are committed to working with you to accommodate necessary use of medication to limit or eliminate workplace impact, to the extent possible.

If you're suffering from addiction, you must disclose it to the Town. We will help you seek and obtain the help you need, without recourse or fear of reprisal. The Town will work with you and your advising physician and/or counsellors, provide you time away from work, if necessary, return you to work when appropriate, and keep you accountable upon your return. We expect you to cooperate in this process and follow reasonable treatment recommendations and reasonable guidelines set by the Town. If you feel like one of your co-workers is struggling with an addiction, we ask that you let us know. The Town is committed to accommodating employee addictions to the point of undue hardship.

We wish to be clear that this is a zero-tolerance policy; violations of this Policy will be subject to discipline, up to and including termination for cause.

It is very important that each employee understands and accepts their obligations under this Policy, and to confirm their commitment to keeping our workplace safe, productive, and impairment-free.

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I confirm that I have received a copy of the Drug and Alcohol Policy attached to this Acknowledgement as Schedule "A", and that I have read, understand, and agree to the obligations outlined therein as well as summarized above.

\_\_\_\_\_  
[Employee's name]

\_\_\_\_\_  
Date