

ADMINISTRATIVE POLICY

Section:	Human Resources	
Sub-Section:	Health & Safety Programs	
Title:	Workplace Drug and Alcohol Policy	

Definitions

1. The following definitions apply to this Policy and associated procedures only and do not apply to other City policies or procedures unless explicitly stated in that other policy or procedure:

“Cannabis” – includes:

- (a) a cannabis plant;
- (b) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, a cannabis plant, whether processed or not;
- (c) any substance or mixture of substances that contains or has on it any part of a cannabis plant; and
- (d) any substance that is identical to any phytocannabinoid produced by, or found in, a cannabis plant, regardless of how the substance was obtained,

and does not include:

- (e) a non-viable cannabis seed;
- (f) a mature cannabis stalk without any leaf, flower, seed or branch;
- (g) fibre derived from a cannabis stalk;
- (h) the root, or any part of the root, of a cannabis plant; or
- (i) any cannabis product that does not contain tetrahydro-cannabinol, or THC, and is not Impairing in its effect on users.

“Decision-Critical Position” – a position in which occupational performance depends on the ability to consistently, reliably and rapidly exercise sound judgment and insight in the Workplace, and in which Impairment, whether from Drugs, alcohol, or Medication, may negatively impact this performance.

“Drug(s)” – means any substance that Impairs a person’s physical or mental capacity or functioning, or causes a marked change in consciousness, or that has a physiological effect when ingested or otherwise introduced into the body. This includes both illegal substances and legal substances, including but not limited to Cannabis, but does not include Medication when taken in accordance with a physician’s directions (including but not limited to Medically Authorized Cannabis).

“Employee” – means an employee of THE CITY, including but not limited to, all union and non-union employees, supervisory and managerial staff (whether casual, temporary, part time, full time or employed for a term certain), volunteers, and students who volunteer their time to assist or work with or for THE CITY. {The Policy will also apply to Council Members}

“Fit for Duty” –means a state (physical, mental and emotional) which is not Impaired by Drugs, alcohol, or Medication and which allows the Employee to perform their tasks competently and in a manner that does not compromise or threaten the safety or health of that Employee or others, the environment, or City property.

“Impaired” or “Impairment” - a deterioration or diminishment of an individual’s physiological ability, functioning, judgment, or condition, including but not limited to being unable to function as that individual does under normal or usual conditions, or to function safely.

“Medically Authorized” – having a valid and subsisting medical document authorizing the use of a particular Medication and includes but is not limited to having a medical authorization for Cannabis in accordance with the statutory requirements pursuant to the *Access to Cannabis for Medical Purposes Regulations*¹.

“Medication” – includes both over-the-counter medication, and physician-prescribed medication (including but not limited to Medically Authorized Cannabis).

“On-Duty” – means any hours that an Employee works and/or is compensated for, including:

- (a) regularly scheduled shifts, call-outs, overtime, and any other form of work that is compensated;
- (b) paid and unpaid breaks;
- (c) paid stand-by; and

“THE CITY” – as the Employer.

“City Premises” – includes, but is not limited to, any property permanently or temporarily coming under the jurisdiction of THE CITY, including but not limited to any land, building, facility,

¹ [Medical Document Authorizing the use of Cannabis for Medical Purposes under the Access to Cannabis for Medical Purposes Regulations.](#)

parking lot, equipment, or vehicle, whether owned, leased or used by City and wherever located.

“Safety-Sensitive Position” - A position in which a state of Impairment, whether from Drugs, alcohol, or Medication, could result in immediate direct and significant risk of injury to the individual, others, City property and/or the environment. This includes, but is not limited to, positions that require the Employee to operate a vehicle, use a motorized vehicle or other equipment, or perform duties that have the potential for significant harm to the Employee, co-workers or the public. These positions depend on alertness, quickness of response, soundness of judgment, and accuracy of coordination of multiple muscle functions and have a direct role in an operation where inappropriate performance of the task could result in harm. This includes, but is not limited to, all individuals who are required to perform work within a safety-sensitive area, whether on a permanent, interim or temporary basis. Refer to [Appendix A](#).

“Significant Incident” – means an incident or accident involving one or more of the following occurrences:

a fatality or fatalities, or near miss of a fatality or fatalities, to an Employee or any other person;

an injury, or near miss of an injury, to an Employee or any other person;

damage and/or unusual circumstances leading to damage, or near miss of damage, to property of THE CITY, a contractor, an Employee, or a member of the public; or environmental damage and/or unusual circumstances leading to environmental damage, or near miss of environmental damage.

“Substance Use Disorder” –A condition in which the recurrent use of Drugs or alcohol causes clinically and/or functionally significant Impairment, such as health problems, disability, and failure to meet responsibilities at work, school, or home.

“Third Party Administrator” – means an independent third-party professional organization that is responsible for:

- (a) administering Drug and alcohol testing under this Policy, including but not limited to, collection sites, testing protocols, and cut-off levels;
- (b) engaging the services of a clinical laboratory for the purpose of analyzing Drug and alcohol specimens under this Policy;
- (c) selecting a medical review officer that is licensed to practice medicine in British Columbia, or any such other applicable jurisdiction, to interpret and evaluate test results; and
- (d) reporting the results of Drug and alcohol testing to the appropriately designated person(s) at THE CITY.

“use of” and **“using”**– These terms, when used in relation to Drugs or Medication, include but are not limited to, smoking, vaping, eating, ingesting, consuming, drinking, injecting, inhaling, absorbing through the skin, or otherwise introducing a Drug into or

onto the body.

“Workplace” - means City Premises and any other 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. In the case of a seconded Employee, it also includes any location where that Employee is required to, or does, go to work or conduct business on behalf of the unit, team, organization or agency to which that Employee is seconded.

Preamble

2. THE CITY is committed to the health and safety of its Employees, and encourages all Employees to maintain physical and mental fitness to perform their assigned duties.
3. THE CITY is a safety-sensitive Workplace. It is widely recognized that being Impaired by Drugs, alcohol, or Medication while on the job poses serious safety and health risks, not only for the employee involved but for all those who work with, or otherwise come into contact with, that employee. THE CITY believes that maintaining an Impairment-free Workplace, and minimizing work-related incidents are crucial steps to ensuring that our Employees, and the families and communities that depend on them, remain safe.
4. THE CITY is committed to establishing and enforcing standards that ensure that Employees have the capacity to competently and safely perform the duties of their position, and are free of Impairment by Drugs, alcohol, or Medication that could hinder their ability to do so.
5. THE CITY is committed to protecting Employee privacy in accordance with the British Columbia *Freedom of Information and Protection of Privacy Act*. THE CITY will ensure that any intrusion into it is:
 - a) proportional (i.e., the minimum necessary to accomplish this Policy’s goals);
 - b) justified under this Policy as necessary to ensure the safety of Employees and the public; and
 - c) for the purposes of enforcing this Policy.

Purpose of this Policy

6. The purpose of this Policy is to ensure that THE CITY maintains a safe Workplace, free from Impairment by Drugs, alcohol or Medication including, but not limited to, Medically-Authorized Cannabis.

Scope of this Policy

7. This Policy applies to all Employees as set out in this Policy.
8. This Policy does not apply to employment applicants required to undergo pre-employment testing for Drugs and alcohol for suitability and job selection purposes. Such testing will be in accordance with standards established by the Third Party Administrator, and subject to applicable laws and regulations.

General Policy

9. Employees must report to work Fit for Duty and remain Fit for Duty at all times while On-Duty.
10. Off-duty Employees who are Impaired by Drugs, alcohol, or Medication must not attend the Workplace, or otherwise place themselves On-Duty.
11. Employees are strictly prohibited from:
 - using Drugs or consuming alcohol;
 - possessing Drugs, or unsealed containers of alcohol;
 - selling or distributing Drugs or alcohol (including Cannabis), or
 - purchasing alcohol or Cannabis (including but not limited to for medical use), while On-Duty, while in the Workplace or while representing THE CITY.
12. Employees are responsible for their consumption or use of legal substances (including Medication, Cannabis, or alcohol) preceding a work shift and must allow sufficient time for any legal substances consumed to be fully metabolized, and for the Impairing effects of those substances to have fully resolved.
13. Employees are responsible for understanding and complying with this Policy and associated procedures.
14. A violation of this Policy or the associated procedures by an Employee may result in discipline, up to and including dismissal.

Recreational Cannabis Use

15. THE CITY does not condone the recreational use of Cannabis. While the law may permit

Employees to use Cannabis when off-duty, Employees have an employment obligation to, and must at all times, be Fit for Duty in accordance with this Policy.

16. In assessing their own Fitness for Duty prior to coming to work, Employees must consider the fact that Cannabis can remain in the body for a long time and can have lingering effects on a user's cognitive and motor functioning for many hours and even days after use. Like alcohol, Cannabis use can also diminish a person's ability to recognize that they are Impaired. Accordingly, if an Employee chooses to use Cannabis while off-duty, they must comply with Section 12 of this Policy and ensure the Impairing effects of Cannabis have fully resolved before reporting for duty.
17. Employees are expected to understand the *Cannabis Act*, the *Cannabis Control and Licensing Act*, and related statutes and regulations respecting the possession, sale and distribution of Cannabis, to recognize potential conflicts with work obligations, and to seek guidance if issues arise.

Individual Situations

Medication

18. An Employee who needs to use, whether On-Duty or off-duty, Medication which may cause the Employee to be Impaired On-Duty, has a duty to determine and understand the potential effects and side effects of the Medication, and how it may impact whether they are Fit for Duty and their compliance with this Policy.
19. Where an Employee is required to use Medication in accordance with a physician's directions, at a time, whether on or off of City Premises, that could cause them to be Impaired while On-Duty, they are required to adhere to the following:
 - (a) the Employee must notify their exempt manager, prior to using the Medication and being Impaired while On-Duty, to permit a determination of whether their use of that Medication can be accommodated; and
the Employee must provide medical confirmation authorizing their use of the Medication in order for THE CITY to consider a request for accommodation. Any medical license or prescription relied on for the use of Medically Authorized Cannabis must be issued in accordance with the applicable statutory requirements and remain valid during the period of use.
20. If an Employee uses Medication in breach of this Policy, without first disclosing their need to use such Medication to their exempt manager, they may be subject to discipline up to and including dismissal.

Substance Use Disorders

21. THE CITY is committed to helping Employees who are dealing with a Substance Use Disorder. THE CITY believes that these disorders are treatable diseases and will promote self-awareness and voluntary referral for assistance to enable Employees with Substance Use Disorders to get well. Information regarding THE CITY's Employee Assistance Program and applicable extended health care benefits is available to all Employees from the Human Resources Department and the extended health care benefits provider.
22. Where an Employee has or suspects they may have a Substance Use Disorder, and where that Substance Use Disorder does not render them unable to do so, they are required to notify their Exempt Manager prior to their use of Drugs or alcohol while On-Duty, whether on or off of City Premises, and prior to their being Impaired while On-Duty.
23. Where an Employee discloses a Substance Use Disorder prior to breaching this Policy, City will take reasonable steps to assist them through THE CITY's Employee Assistance Program. No Employee who discloses a Substance Use Disorder prior to breaching this Policy will be disciplined because of the individual's disclosure or their involvement in a rehabilitation effort.
24. If an Employee breaches this Policy without first disclosing their circumstances to their exempt manager, they may be subject to discipline up to and including dismissal.
25. Employees are encouraged to discreetly report a suspected Substance Use Disorder in another Employee to their Exempt Manager in order to enable THE CITY to assist the affected Employee. Maintaining a safe Workplace is the responsibility of all Employees.

PROCEDURES

Fitness for Duty

26. Employees must inform their exempt manager immediately if they feel they are not Fit for Duty due to Impairment by Drugs, alcohol, or Medication. The Employee must not wait until a breach of this Policy has occurred prior to doing so. This requirement is required by law under the *Occupational Health & Safety Regulation*, section 4.20.
27. Where an off-duty Employee is called out to work for THE CITY and they are not Fit for Duty due to Impairment by Drugs, alcohol, or Medication, they must decline the call-out.
28. Any supervisor who is advised, or observes, that an Employee appears to be not Fit for Duty will immediately document the circumstances, and report the matter to the Employee's Exempt Manager.

29. An Employee's Inspector and the Duty Officer have the authority to assess whether or not an Employee is Fit for Duty. The Inspector or Duty Officer who receives a report that an Employee may not be Fit for Duty will immediately investigate, or cause an investigation into, the situation.
30. The person assigned to conduct the investigation will document the investigation and will seek advice from THE CITY's Human Resources Department.
31. If, as a result of an investigation, the Exempt Manager deems the Employee not Fit for Duty in violation of this Policy, the Exempt Manager:
 - (a) must temporarily relieve the Employee from duty and/or remove the Employee from the Workplace, if the Employee has not already been relieved of duty or removed from the Workplace; and
 - (b) will consult with the Human Resources Department to determine what, if any, further actions should be taken with respect to that Employee. Such actions may include a disciplinary investigation, and/or enquiries into whether a possible Substance Use Disorder is involved and whether treatment and/or accommodation should be considered.
32. If an Employee is relieved from duty and/or removed from the Workplace, the Exempt Manager will make the necessary arrangements for the immediate safety and well-being of the Employee and those around them.
33. Where applicable, the appropriate union will be informed of any administrative decisions affecting a unionized Employee under this Policy.

Drug and Alcohol Testing

34. Employees in Safety-Sensitive Positions and Decision-Critical Positions may be subject to mandatory testing for the presence in their body of Drugs and alcohol in the following circumstances:
 - (a) following any Significant Incident;
 - (b) where THE CITY determines that there is reasonable cause to suspect that an Employee is Impaired by Drugs or alcohol contrary to this Policy; or
 - (c) where an Employee is returning to work following treatment for a disability related to the use of alcohol or Drugs, or where a physician has recommended abstinence or Drug or alcohol testing due to an Employee's Drug or alcohol use as part of a return to work recommendation or plan, the Employee must abstain from the use of alcohol or any Drug, and may be required to undergo Drug or alcohol testing for a period of time, as a component of the Employee's return to work process.
35. Such testing may include initial testing and confirmation testing where the Third Party

Administrator deems it appropriate.

36. THE CITY will determine which positions are Safety-Sensitive Positions and Decision-Critical Positions.
37. If an Employee is uncertain about whether they work in a Safety-Sensitive Position or a Decision-Critical Position, the Employee must make the necessary enquiries with their Exempt Manager to address that uncertainty.
38. The decision to test an Employee will be made by the Employee's Inspector or the Duty Officer, in consultation with the Human Resources Department. The decision to test an Employee will be based on the specific circumstances, as well as the specific, personal and documented observations.
39. A positive test for the presence of Drugs or alcohol in the Employee's body may lead to the Employee being temporarily relieved from duty (if not already relieved from duty pursuant to Section 32), and, subject to further investigation, may result in discipline up to and including dismissal.
40. Employees are required to cooperate fully with any investigation conducted under this Policy, including, but not limited to, consenting to Drug and alcohol testing. A refusal by an Employee to comply with a request to submit to a Drug or alcohol test made pursuant to this Policy constitutes a violation of this Policy and may result in discipline up to and including dismissal.
41. Tampering with, or otherwise attempting to falsify, Drug or alcohol test results, including but not limited to, by using Drugs or alcohol prior to the test, also constitutes a violation of this Policy and may result in discipline up to and including dismissal.

Employees' Duty to Report

Condition Causing Impairment

42. An Employee must disclose to their Exempt Manager, if they have, or are in, a condition or state that the Employee believes will cause Impairment at work. This includes, but is not limited to, being in a condition or state resulting from the use of Drugs, alcohol or Medication. The Employee must not wait until a breach of this Policy has occurred prior to making this disclosure.
43. A failure to report as required by Section 43 may result in discipline, up to and including dismissal.

Another Employee in Unsafe or Harmful Condition, Impaired or Unfit for Duty

44. Any Employee observing what appears to be an unsafe or harmful condition or act by another Employee, including but not limited to an Employee reporting to work Impaired by Drugs, alcohol, or Medication, must report it as soon as possible to their Exempt Manager. A failure to report such observations, as required under this Section, may result in discipline, up to and including dismissal.

Breach of this Policy

45. Any Employee observing what is, or appears to be, a breach of this Policy must report this breach to their Exempt Manager without delay. A failure to report such observations, as required under this Section, may result in discipline, up to and including dismissal.

Drug and Alcohol Related Criminal Conviction

46. Any Employee who is charged or convicted of a criminal offence where Drug, alcohol or Medication use was a factor, or has lost their driving privileges for any length of time due to Drug or alcohol use, must notify their Exempt Manager who will notify the Human Resources Department. The Employee may be placed on administrative leave with pay or reassigned pending further investigation.

Action Required by THE CITY After Report

47. If an Employee provides notification of the need to use Medication that may cause Impairment in accordance with Section 20, provides notification of a Substance Use Disorder in accordance with Section 23, or provides notification of a condition that may cause Impairment in accordance with Section 43, THE CITY will take the appropriate steps to determine whether and how the Employee can be accommodated in the Workplace.
48. If an Employee reports observing another Employee being in an unsafe or harmful condition, Impaired by Drugs, alcohol, or Medication, or otherwise not Fit for Duty, the individual receiving the report must investigate the reported unsafe condition or act and must ensure that any necessary corrective action is taken without delay².
49. If an Employee reports a breach of this Policy, the individual receiving the report must

investigate the alleged breach of policy and must ensure that any necessary corrective action is taken without delay.

50. THE CITY will investigate any violation or report of non-compliance with this Policy, including but not limited to any situation where off-duty use of Drugs, alcohol, or Medication may have implications for THE CITY and/or the Workplace, and will take appropriate actions in the circumstances.

² WorkSafeBC OHS Regulations [3.10 Reporting unsafe conditions](#).

THE CITY's Obligations upon Receiving Report of a Substance Use Disorder

51. Where an Employee reports that he/she has, may have, or may be developing, a Substance Use Disorder, THE CITY will handle that report in a non-disciplinary supportive manner, except where the British Columbia *Police Act* or any other statute or regulations dictate.
52. An Employee who believes he/she has, may have, or may be developing, a Substance Use Disorder is expected to access appropriate treatment and/or counselling services to deal with the disorder, including, but not limited to those available through THE CITY and/or the Employee's extended health benefits provider.
53. THE CITY will work with the Employee and the Employee's physician to address the impact of the self-disclosure on the Employee's work duties to determine whether and how their Substance Use Disorder can be accommodated.
54. In recognition of the private and sensitive nature of an Employee's disclosure of a Substance Use Disorder, such a disclosure will be afforded the same discretion as other human resources-related confidential communications.
55. THE CITY will ensure that the privacy of Employees is protected insofar as possible in the circumstances, and that supervisors and co-workers of an affected Employee will only be informed on a "need-to-know" basis and where accommodation requirements or safety concerns dictate.

Performance Management and Discipline

56. Poor work performance or misconduct that is connected to the use of Drugs or alcohol, but that THE CITY has no reason to believe results from a disability, is subject to regular performance management and discipline protocols.
57. Employees who violate this Policy may be subject to a range of consequences, and may

be subject to disciplinary action up to and including dismissal.

Independent Contractors and Service Providers

58. THE CITY expects that independent contractors or service providers will ensure that their representatives and employees that perform work for, or provide services to, THE CITY will refrain from:
- (a) attending City Premises while Impaired by Drugs, alcohol, or Medication;
 - (b) Using Drugs or alcohol while on or in City Premises, or using Medication that could cause Impairment while on or in City Premises; or
 - (c) performing work on behalf of THE CITY while Impaired by Drugs, alcohol, or Medication.
59. THE CITY will advise independent contractors and service providers of these expectations prior to the work beginning or the services being provided, and will ask them to advise their representatives and employees of these expectations and possible consequences of failing to meet them.
60. If THE CITY reasonably suspects that a representative or employee of an independent contractor or service provider is Impaired by, or has been using, Drugs, alcohol, or Medication while on or in City Premises, or at a time that could cause them to be Impaired while on City Premises or while performing work on behalf of THE CITY, then THE CITY will take whatever additional action it deems appropriate in the circumstances. Including:
- (a) removing that person from City Premises or removing them from the performance of their work;
 - (b) reporting the conduct to independent contractor or service provider; and/or
 - (c) seeking to cancel the contract, if any, with that contractor or service provider.

REFERENCES

Access to Cannabis for Medical Purposes Regulations, SOR/2016-230

Cannabis Act, SC 2018, c 16

Cannabis Control and Licensing Act, SBC 2018, c 29

Freedom of Information and Protection of Privacy Act, RSBC 1996, chapter 165

Occupational Health and Safety Regulation, BC Reg 296/97

APPENDIX A

Safety-Sensitive and Decision-Critical Positions

THE CITY deems the following positions to be [Safety-Sensitive](#):

- Any other position deemed safety sensitive by THE CITY Manager

THE CITY deems the following positions to be [Decision-Critical](#):

- Any other position deemed Decision-Critical by THE CITY Manager

THE CITY deems the following positions to be neither Safety-Sensitive nor Decision-Critical:

- Volunteers

DRAFT

Administrative Policy Manual
Workplace Drug and Alcohol Policy

RELATED DOCUMENTS	
Policy:	
Form:	

Related Policies

Number	Title
[Click once and type #]	[Click and type policy]
[Click once and type #]	[Click and type policy]

Approvals

Policy Approval

Approved by: _____ Date: [Publish Date]
City Manager

Amendment Approval

Approved by: _____ Date: [Publish Date]
City Manager

Section Amended

[Click and type the section amended]