

SUBSTANCE ABUSE & FITNESS FOR DUTY POLICY

This policy should be adapted for use at a specific workplace by confirming the contents and editing as necessary to apply. Source: [ohsinsider.com/wp-content/uploads/2017/11/Fitness-For-Duty-Substance-Abuse-Policy-ALBERTA-VERSION.pdf](https://www.ohsinsider.com/wp-content/uploads/2017/11/Fitness-For-Duty-Substance-Abuse-Policy-ALBERTA-VERSION.pdf)

Policy Statement

_____ [Farm Name] _____ recognizes that workers who use or are impaired by drugs or alcohol while performing work endanger not only themselves but their co-workers and others affected by the work. _____ [Farm Name] _____'s policy with regard to such conduct is one of zero tolerance and workers must be aware that any violations they commit may result in disciplinary action up to and including termination.

However, _____ [Farm Name] _____ also recognizes that addiction to drugs or alcohol is a serious health problem. The intent of this Policy is to accomplish the health and safety goal in a manner that is fair, humane and consistent with workers' accommodation rights under discrimination laws. The ultimate goal is not to punish but help workers identify and get help for their substance abuse issues so that they can return to work healthy, safe, happy and productive.

Purpose

The objective of this substance abuse policy is to ensure that all workers report to work fit for duty. Adopting this Policy is a reasonably necessary measure that

_____ [Farm Name] _____ is required to take to ensure the health and safety of workers under Section 2(1) of the Alberta Occupational Health and Safety Act (OHS Act).

Scope

This Policy applies to all individuals that work for _____ [Farm Name] _____ including but not limited to full-time, part-time, temporary and contract workers, independent contractors, volunteers and workers of third party contractors or subcontractors that _____ [Farm Name] _____ engages to perform work at its facilities.

Contracted Employers/Workers

This Policy applies to individuals employed by contractors and subcontractors that perform work at _____ [Farm Name] _____ location/s but is not intended to supersede or circumvent the provisions of any current collective agreements that those contractors or subcontractors have negotiated with their own workers and their unions. In the event of a conflict between this Policy and a contractor employment agreement or collective agreement covering the worker, the latter shall control.

Definitions

For the purposes of this Policy:

"Drugs" includes:

- > Narcotics and illegal drugs;
- > Marijuana whether used or obtained legally or illegally; and
- > Legal prescription and over-the-counter medications and drugs that cause or have the potential to cause impairment and render an worker not fit for duty.

"Fit for duty" means a state of physical and mental that allows an individual to perform his or her job duties safely and effectively without impairment due to the use of or after-effects of alcohol, illegal drugs, legal medications or other health conditions.

"On duty" includes reporting for and performing work, at _____ [Farm Name] _____ including:

- > Scheduled work;
- > Unscheduled call-in work;
- > Work performed on their facilities;
- > Work performed for this farm away from Company facilities, including but not limited to driving or traveling to and from work.

FARM NAME:

“*Safety-sensitive job*” means positions that have a direct and substantial impact on the health and safety of the worker, other workers, customers, visitors, the public, property and/or the environment, including but not limited to those involving driving, operation of machinery or equipment, handling of toxic substances and others determined by _____ [Farm Name].

“*Substance abuse*” means the use of alcohol, illegal drugs, legal marijuana and medications and other substances that can impair a person’s judgment, clarity and functioning and render him/her not fit for duty.

Requirements for Workers

All workers and covered by this Policy are required to:

- i. Come to work fit for duty;
- ii. Take reasonable care to protect the health and safety of themselves and others at all times while on duty as required by the OHS Act;
- iii. Refrain from using or being impaired by alcohol or drugs while they are on duty;
- iv. Refrain from possessing, purchasing, selling, distributing or engaging in any other conduct involving alcohol or illegal substances or paraphernalia while they are on duty;
- v. Refrain from misusing or being impaired by prescription or non-prescription drugs while they are on duty;
- vi. Notify their supervisor if they suspect that a co-worker is unfit for duty; and
- vii. Submit for drug and alcohol testing in accordance with the _____ [Farm Name] Testing Policy.

Legal Marijuana**a) No Exemption for Legal Marijuana Use**

All workers must understand that marijuana is an impairing drug and that using it at work or coming to work high renders them unfit for duty in violation of this Policy. This is true regardless of whether their use of marijuana is legal under federal drug laws. *Legal marijuana use is not a justification for being unfit for work!*

b) Worker Duty to Notify

Workers must notify their supervisor if they are using legally prescribed medical marijuana or other legal prescription and non-prescription drugs that may cause impairment for the treatment of a medical condition. Off-duty and legal use of such drugs does not violate this Policy as long as workers are fit for duty at all times when they are on duty.

Support for Workers with Substance Abuse Issues

Although _____ [Farm Name] reserves the right to discipline, it also recognizes that addiction and substance abuse is a health problem.

_____ [Farm Name] is prepared to help workers get the counseling, treatment, rehabilitation and support they need to overcome those problems.

Describe your organization’s Employee Assistance Program or other resources or programs for helping workers with substance abuse issues.

Self-Reporting

_____ [Farm Name] strongly encourages workers with substance abuse problems to step forward and request help voluntarily.

Describe your organization’s procedures for responding to self-report requests for help.

Workers who do self-report will not be subject to discipline as long as they have complied with their obligation to be fit for duty under this Policy.

Fitness for Duty Medical Assessments

Workers must undergo medical assessments to ensure they are fit for duty before being placed in a safety-sensitive job. Assessments will address substance abuse and be performed:

- > Prior to employment when individuals are applying for safety-sensitive jobs;
- > Before current workers are transferred from non-safety-sensitive to safety-sensitive jobs; and
- > Periodically for as long as the worker remains in a safety-sensitive job.

Medical assessments will be performed by qualified healthcare professionals following appropriate medical practices and results will be kept confidential to the extent required by personal privacy laws.

Disciplinary Investigations

_____ [Farm Name] _____

may open a disciplinary investigation to check whether an worker is engaged in substance abuse or otherwise in violation of his/her fitness for duty obligations under this Policy in response to:

- > Complaints or concerns by co-workers, supervisors, etc.;
- > Declining performance;
- > Erratic behaviour;
- > Involvement in safety incidents including near misses;
- > Arrests for impaired driving, drug offenses and similar violations; and
- > Other indications that the worker has substance abuse issues or is otherwise not fit for duty.

Investigations will be carried out in accordance with

_____ [Farm Name] _____'s Disciplinary Investigation Procedures.

Drug & Alcohol Testing

Workers may be tested for alcohol and drugs in

accordance with _____ [Farm Name] _____'s testing policies.

List the conditions for testing under your organization's own testing policies. Be sure to address: i. Alcohol and drug testing; ii. Safety-sensitive and non-safety-sensitive workers; and iii. Random and for-cause/post-incident testing.

Supervisors will escort workers to the screening site for testing. Refusal to submit to testing will be grounds for immediate termination under this Policy.

Privacy

_____ [Farm Name] _____

recognizes that test results and related information is protected personal information under privacy laws and will keep it confidential and secure and refrain from using or disclosing it except as permitted or required by law.

Consequences of Violations

Violation of this Policy is grounds for discipline up to and including termination in accordance with the

_____ [Farm Name] _____

Progressive Discipline Policy. Workers with substance abuse issues on administrative leave may also be referred for counseling or assistance through the

_____ [Farm Name] _____

Employee Assistance Program or outside agencies.

Assistance & Reinstatement

[Farm Name]

reserves the right to place workers with substance abuse issues on administrative leave and enter into Last Chance Agreements offering them the opportunity to return to work if they successfully complete the terms of their treatment and rehabilitation program, pass drug and alcohol tests and meet other conditions of reinstatement.

Employee Right to Accommodations

[Farm Name]

recognizes that drug and alcohol addiction is deemed a disability under the Alberta Human Rights Act. Accordingly, in administering the disciplinary and other provisions of this Policy, addictions and other substance abuse related to disabilities, such as use of medical marijuana or prescription drugs for chronic pain and debilitating conditions, will be treated as non-culpable violations and workers will be offered reasonable accommodations based on their individual circumstances and capabilities to the point of undue hardship.

Name and Title of Most Senior Manager

Signature

Date Completed