

<b>POLICY:</b> Fit for Work Policy	<b>POLICY NO.:</b> A-15
<b>SECTION:</b> Terms & Conditions of Employment	<b>NO. OF PAGES:</b> 6
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## Purpose

This Fit for Work Policy (the “Policy”) is designed to promote a healthy and safe environment for all employees and members of the community and to ensure that employees report to work Fit for Work.

## Scope

This policy applies to all employees of the Corporation of the Town of Milton (the “Town”) including but not limited to full-time, part-time, probationary, temporary, and student employees, service providers, third-party contractors or sub-contractors, volunteers, and students involved in work experience programs, collectively defined as “Workers”. This policy is also applicable to elected officials of the Town.

## Policy

The Town recognizes that maintaining a Drug and Alcohol free workplace is a crucial step to ensuring that our environment, employees and community members remain safe. In promoting that objective, the Town requires all employees to be fit for work when they attend the workplace and to remain fit for work throughout the day or shift. As part of this requirement, the Town maintains a zero tolerance towards any person covered by this Policy from consuming, possessing or distributing any Drug or Alcohol in the workplace (except where explicitly permitted in this policy) or attending the workplace having consumed Drugs or Alcohol. Workers must be aware that any violations of this Policy may result in disciplinary action up to and including termination.

Disabilities will be accommodated in accordance with the provisions of the Ontario *Human Rights Code*.

### 15.1 Definitions

**Alcohol:** Beer, wine and distilled spirits, and includes medicines or other products that contain alcohol.

**Cannabis:** Any product containing Tetrahydrocannabinol (THC) in any form.

**Drug:** Substances including (1) natural or synthetic substance altering psychic and/or psychological functions, that may lead to addiction; (2) this includes amongst others, cannabis (whether obtained legally or illegally), cocaine, benzodiazepines, barbiturates, opiates, PCP, amphetamines, as well as any other similar substances or derivatives; (3) drugs also include legal medically prescribed over the counter drugs, which impact the psychic and / or psychological functions of an individual, or diminish the person's capacities.

**Worker:** An employee of the Town including managers, supervisors, interns and other workers including contractors, volunteers and employees or third party contractors or subcontractors that the Town may engage.

**Fit for Work:** Employees' ability to safely undertake the physical and psychological demands of their jobs. Fitness for Work is a condition in which a Worker is physically, physiologically and psychologically capable of competently and safely performing their job tasks. More specifically, Fit for Work means being able to safely and acceptably perform assigned duties without any limitations due to the use or after-effects of Alcohol or Drugs.

**Impairment:** Functional limitations which negatively affect the worker's ability to carry out the requirements of the job in a safe and efficient manner.

**Supervisor:** A person who has charge of a workplace (i.e. is responsible for the space) or authority over a Worker (i.e. issues instructions or has authority to hire and terminate Workers).

**Safety Sensitive Position:** A position that has a direct and substantial impact on the safety or health of an employee, other workers, customers, visitors, the public, the environment, or Town property. The Town recognizes that such positions depend on alertness, quickness of response, soundness of judgement, and accuracy of coordination of multiple muscle functions and cognition, and have a direct role in an operation where inappropriate performance of the task could result in harm. This definition includes all individuals who are required to perform work within a safety sensitive area, whether in a permanent, interim, or temporary basis.

**Town business:** All business activities undertaken by Workers in the course of the Town's operations, whether conducted on or off Town premises and whether during or outside of regular operating hours. This includes working at a Town facility, performing work for the Town away from a Town facility, while travelling on Town business, while driving a vehicle or operating equipment in the performance of Town business, and while attending an event related to work for the Town.

**Town premises or workplace:** Includes but is not necessarily restricted to all land, facilities, work sites where the Town business is conducted. This also

includes vehicles used for Town business including personal vehicles and vehicles that are owned, leased or otherwise controlled by the Town.

## **15.2 Employee Responsibilities and Reporting Obligations**

Every Worker is required to be Fit for Work and in compliance with all applicable standards, policies, procedures and guidelines. Impairment by any Drugs or Alcohol (prescription or otherwise) while on duty or on Town premises is prohibited. Where an impairment arises which may affect a Worker's ability to safely perform assigned work the Worker must inform the Town of the impairment and must not knowingly do work where the impairment may create an undue risk to the worker or anyone else.

In addition, every Worker is required to:

1. Read, understand and fully comply with this Policy;
2. Report to the workplace Fit for Work and remain Fit for Work at all times while conducting Town work or on Town Premises;
3. Cooperate with the accommodation process under the Workplace Accommodation Policy;
4. Perform their job duties safely, without endangering their safety or that of others;
5. Report to their Manager if they become aware of or witness behavior that gives rise to a concern about another Worker's fitness for work or their compliance with this Policy;
6. Disclose their dependency on drugs or alcohol before breaching the terms of this Policy in accordance with the Requirement to Disclose obligations set out below;
7. Disclose to their Supervisor that they are unfit for work as described in the Requirement to Disclose obligations set out below if the worker occupies a Safety Sensitive Position and is not Fit for Work;
8. Cooperate with any investigation of an actual or suspected violation of this Policy.

## **15.3 Prescription Drugs**

The proper use of medication by Workers as prescribed by their respective physicians is not prohibited. At the same time, the Town recognizes that the use of some of these Medications may affect a workers job performance or render them unfit for duty. It is the worker's responsibility to determine from his/her physician whether a Medication may impair safe job performance. Further, it is the Worker's responsibility to disclose the use of Medication that has the potential to cause impairment to his Supervisor and to notify the Town's Human Resources Division of whether any accommodations will be required.

## **15.4 Illegal Drugs**

All workers are prohibited from using, consuming, selling, manufacturing, purchasing, cultivating, distributing, dispensing, possessing, or transferring illegal Drugs at all times.

## **15.5 Alcohol**

Workers are prohibited from coming onto Town premises, reporting to work or working while impaired by Alcohol. This includes but is not limited to a prohibition against driving, working with machinery or conducting Town business. At all times, Workers operating Town vehicles will abide by applicable provincial legislation.

Workers are prohibited from using any Alcohol beverages or medicine containing Alcohol while on Town premises or on duty. As well, Workers are prohibited from distributing, dispensing, or possessing alcohol beverages or medicine containing Alcohol while on Town premises or on duty except in accordance with their legitimate duties and in compliance with appropriate liquor licensing rules.

## **15.6 Recreational Cannabis Use**

Workers are prohibited from attending work while impaired by recreational Cannabis. All workers must understand that Cannabis is an impairing drug and that using it at work or coming to work impaired compromises their fitness for duty and is a violation of this Policy. This is true regardless of whether their use of Cannabis is legal under federal drug laws. Legal recreational Cannabis use is not a justification for being unfit for work.

Workers are restricted from smoking or vaping or otherwise consuming Cannabis on Town premises.

## **15.7 Supervisor Responsibilities**

All Supervisors are required to:

1. Read, understand and fully comply with this Policy;
2. Communicate the requirements of being Fit for Work to Workers;
3. Appropriately address any unfitness for work that they observe in the workplace or that comes to their attention;
4. Identify safety-sensitive positions within their operating division(s);
5. Prevent Workers from continuing to perform their work and remove the Worker from the premises if they reasonably believe the Worker is not Fit for Work;
6. Inform the Human Resources division if they have knowledge or a reasonable suspicion of any illegal substance or intoxicant that is found in the workplace.

## **15.8 Investigations**

The Town will investigate and deal with all reports in a fair, respectful and timely manner. Where there are grounds to believe that a Worker is not Fit for Duty, the Supervisor will remove the Worker from their work immediately and escort them to a safe/private place. The Supervisor will give the Worker an opportunity to explain why he/she appears unfit for work. If the Worker is unable to provide a reasonable explanation, the Supervisor will be expected to take appropriate action given the situation. If there are immediate medical concerns, arrangements will be made for appropriate medical attention.

If the decision to remove the person from the Town premises is made, the Town will provide an escort to the Worker's local place of residence or to the care of another person. Any person who insists on driving will be advised that the police are being notified.

## **15.9 Requirement to Disclose**

An employee has a duty to disclose to their Supervisor or the Human Resources Division if they are unfit for work. This includes:

1. Disclosure of use, or being under the influence of any intoxicant (other than medication) at the workplace;
2. Disclosure of being under the influence of any medication that could reasonably impact their ability to perform the duties and responsibilities of their position; and/or
3. Disclosure of a disability related to an intoxicant dependency or addiction that could reasonably impact the employee's Fitness for Work. The Town will respond to the disclosure in accordance with the Workplace Accommodation policy. Employees with substance dependency/addiction are encouraged to seek additional professional support and are reminded of their access to the Town's Employee and Family Assistance Program (EFAP).

## **15.10 Consequences of a Breach**

Violations of this Policy is grounds for discipline up to and including termination of employment.

In responding to a failure to disclose any dependence or addiction prior to a Drug or Alcohol-related incident under the "Requirement to Disclose" provisions above, the Town will place primary importance upon deterring similar behaviour and will

immediately terminate the Worker unless termination would be unjust in the circumstances.

Where there is a confirmed violation of this Policy, the Town reserves the right to stop the worker from performing any further work and/or remove the worker from the premises. The worker shall not perform any further or additional work/or enter Town premises without the Town's written permission until such time the Town is satisfied that the worker is no longer in violation of this Policy.

The decision to permit a worker to perform further and/or additional work and to enter upon Town premises is at the sole discretion of the Town.

### **15.11 Duty to Accommodate**

The Town also recognizes that drug and alcohol addiction is deemed a disability under the Ontario *Human Rights Code*. Disabilities will be accommodated in accordance with the provisions of the applicable human rights legislation.

The Town reserves the right to place Workers with substance abuse issues on 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.

### **Related Documents**

Code of Conduct  
Occupational Health and Safety Act  
Ontario Human Rights Code  
Smoking Prohibition Policy  
Vehicle Operation Policy  
Workplace Accommodation Policy