

DRUGS, ALCOHOL AND MEDICATION POLICY

I. Policy Statement

[Insert name of Company] (hereinafter the “**Company**”) is committed to promoting the health, safety and wellness of its employees, contractors and the public. The Company recognizes and accepts the responsibility to provide Workers with a safe, healthy and productive work environment. Workers have the responsibility to report to work capable of performing their tasks productively and safely (i.e., mentally and physically fit to perform assigned tasks). Impairment from Drugs, whether legal or illegal, Alcohol and Medications can have serious adverse impact on the workplace. The Company has established this Policy in order to balance our respect for individuals with the need to maintain an impairment-free work environment.

II. Application

The present policies applies to all employees, [contractors and subcontractors] (hereinafter collectively referred to as the “**Workers**”). [Please subtract the mention to “contractors” if not applicable]

III. Responsibilities

All Workers share responsibility for maintaining a safe and productive Alcohol and Drug free workplace.

All Workers are required to perform their job safely and in strict compliance with all applicable rules, policies and procedures. In addition, every Worker is required to:

- Read, understand and fully comply with this Policy. Any questions on policy details, interpretation or implementation are to be referred to [Insert name of responsible person from HR Department or Health and Safety Department]
- Report for work Fit for Duty and remain Fit for Duty while on Company business;
- Immediately advise their supervisor of any worker suspected to be not Fit for Duty;
- Take appropriate action to minimize any safety risk and advise his/her supervisor accordingly;

It is the Manager and/or Supervisor’s responsibility to:

- Observe Worker performance and document any negative changes or problems;
- Not to transfer any Worker responsibility including control of any machinery, equipment or vehicle to a Worker suspected to be not Fit for Duty;
- Guide Workers who seek assistance for a personal problem to the appropriate resource/department (i.e. Human Resources, Employee Assistance Program) while maintaining confidentiality;

IV. Company Standards

To minimize the risk of unsafe performance due to impairment from alcohol, prescription or over-the-counter medication, or other drugs, whether legal or illegal and substances, all Workers are required to adhere to the following standards.

A. Alcohol

The following are strictly prohibited while on Company property, operating a Company vehicle or equipment, during working hours, at Company sponsored events, and whenever a Worker is representing the Company or conducting Company business:

- Reporting for duty or remaining on duty while being under the influence of Alcohol
- Consuming Alcohol during the work day including meals or other breaks
- Possessing, distributing, offering or selling Alcoholic beverages

On an exceptional basis for Company-sponsored social events, Alcohol may be served on Company premises or outside of the Company premises with the explicit approval of [insert name of responsible person] (eg. Christmas Party). Workers who are permitted to consume Alcohol on such occasions are required to exercise moderation and good judgment, and to avoid operating a motor vehicle with a blood Alcohol level above the legal standard.

B. Medications

All Workers are expected to use prescribed and over-the-counter medications responsibly. The intentional misuse of medications (for example, using the medication other than as prescribed, using someone else's prescribed medication, or combining medication and Alcohol use against direction) while on Company property, operating a Company vehicle or equipment, during working hours, at Company sponsored events, and whenever a Worker is representing the Company or conducting Company business, is prohibited.

Furthermore, Workers are required to investigate through their doctor or pharmacist whether a medication can affect safe operation and take appropriate steps to minimize associated risk and to advise their Manager or Supervisor consequently.

C. Drugs and other Substances

The following are strictly prohibited while on Company property, operating a Company vehicle or equipment, during working hours, at Company sponsored events, and whenever a Worker is representing the Company or conducting Company business:

- Reporting for duty or remaining on duty while being under the influence of any Drugs, whether legal (eg. Marijuana) or illegal;
- Consuming legal or illegal Drugs during the work day including meals or other breaks;
- Possessing, distributing, offering or selling Drugs, whether legal or illegal;

Workers who are on-call are expected to be fit for work in compliance with these standards. If an unexpected situation arises where a Worker is requested to perform unscheduled services and is unable to report to work due to impairment from Alcohol, medication or Illegal Drugs, the Worker must decline the call or request. [insert this section only if applicable]

D. Professional Assistance

Any Worker who is unable to comply with the Alcohol and Drug policy or thinks he presents signs of an addiction to Alcohol, Drugs, whether legal or illegal, or medication should seek assistance from a representative in the human resource department, their Supervisor or Manager or the Employee Assistance Program (EAP) which may be reached at [insert phone number].

V. Prevention and Investigation Procedures

A. Investigation

The Company will conduct an investigation into any suspected or confirmed violation of this Policy. A Worker may be held out of service with or without pay, depending on the circumstances, while the investigation is being conducted.

The Company reserves the right to investigate any situation where there are reasonable grounds to believe that Alcohol or Illegal Drugs are present on Company Premises or that other misconduct has occurred.

B. Alcohol and Drug Testing

Drug and Alcohol testing will only be required if there are reasonable grounds for testing, or if there has been an accident or Near Miss or Significant Incident affecting persons and/or property damage.

If a prescription drug is required by a physician or medical professional that may have the potential for impairment, drowsiness or reduced alertness, the Worker must immediately report this to their supervisor or manager. The supervisor or manager must take appropriate steps to ensure that the Worker and the workplace are safe.

i. Reasonable Grounds for Testing

Testing for the presence of Drugs and Alcohols when a Supervisor or Manager suspects a worker is unfit for duty due to impairment can be required of the Worker in the circumstance of reasonable grounds. Reasonable grounds include, but are not limited to, information established by the observation of the Worker's conduct or other indicators, such as the physical appearance of the Worker, his or her attendance record, speech, behaviour, and/or body odours which suggest the Worker, is under the influence of a substance prohibit by this policy (including withdrawal symptoms). The Worker will not be permitted to return to work until verified negative test results have been received. If the Worker refuses to comply it will be considered misconduct and a violation of this policy. Any individual failing to cooperate with reasonable suspicion testing may be subject to discipline, up to and including termination of employment.

ii. Post-Accident/Post-Incident Testing

Testing may be conducted following an accident, or following an incident at the workplace where safety precautions were violated and/or careless acts were performed which resulted in, or substantially increased the risk of, injury or harm to any person or damage to property or the physical environment. As soon as possible, following an accident or incident, the Worker shall submit to tests for substances prohibited by this policy, unless there is clear evidence that the accident and/or incident could not have been contributed by the Worker, but by an unsafe condition (i.e., structural or mechanical failure which the Worker could not have foreseen or prevented.)

VI. Policy Violations

The Company may discipline or terminate the employment of a Worker who fails to comply with the drug and alcohol policy, including failure to report for a test, delaying testing, or refusing to submit to a test. The appropriate consequences depends on the facts of the case, including the nature of the violation, the existence of prior violations, the response to prior corrective assistance programs, and the seriousness of the violation and applicable laws.

VII. Definitions

Alcohol - means the intoxicating agent in beverage Alcohol, ethyl Alcohol, or other low molecular weight Alcohols including methyl and isopropyl. It includes but is not limited to beer, wine and distilled spirits.

Alcohol and Drug Test - a test administered using technologies such as oral fluids, urine testing and hair samples analyzed by qualified personnel; in the case of urine laboratory test, samples are analyzed by an approved laboratory.

Company Business – refers to all business activities undertaken by Workers in the course of performing duties, whether conducted on or off Company premises.

Company Premises – includes but is not necessarily restricted to all land, facilities, mobile equipment and vehicles owned, leased, or otherwise directly controlled by the Company.

Drug – means any substance which may, depending on the context, include alcohol, legal drugs, Illegal Drugs or medications, the use of which has the potential to change or adversely affect 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

Worker - any person engaged in work at the workplace and includes contractors and subcontractors.

Employee Assistance Programs or EAP - external services designated by the company to help workers who are experiencing personal problems such as Alcohol and Drug abuse. These programs may be available to contractors or subcontractors through their own employment relationships but are not offered by the Company. [insert only if applicable]

Fit for Duty - means that a worker is able to safely perform assigned duties without any limitations resulting from, but not limited to: the use or after-effects of Illegal Drugs, Alcohol, and/or medications.

Medication – refers to a Drug obtained legally, either over-the-counter or through a doctor’s prescription.

Reasonable Grounds - includes objective information established by observations of a Worker’s conduct or other indicators such as physical appearance, attendance record, circumstances surrounding accidents or near misses in the workplace, presence of Alcohol, Drugs and Drug paraphernalia in the vicinity of the Worker or an area where the Worker works.

This policy template was developed by Fasken for the Canadian Federation of Independent Business (CFIB) and is designed to be adapted to the individual situation of each business. As such, neither CFIB or Fasken can be held responsible for its final content or for any subsequent use and interpretation. If you have any questions, please consult with a CFIB Business Counsellor at 1 888 234-2232, cfib@cfib.ca or your lawyer.