

CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

BY-LAW NO. 09-343

Being a by-law adopt the Human Resources Policy HR-008-00

WHEREAS *Section 224b of the Municipal Act, 2001* as amended (the Act) requires all municipalities to develop and evaluate the policies and programs of the municipality;

AND WHEREAS the Council for the Corporation of the Township of South Algonquin is interested in fostering a respectful work environment that is free from discrimination and biases.

NOW THEREFORE the Council for the Corporation of the Township of South Algonquin hereby approves and adopts the following policies:

Employee Substance Abuse Policy HR-008-00 (attached as Appendix A)

Purpose: The Township of South Algonquin “Township” recognizes the importance of employees performing their duties in a safe and predictable manner. The purpose of this policy is to protect the employees of the Township and the general public from risks, which may result from employee drug or alcohol, induced behaviour.

REPEAL OF BY-LAWS

Any other by-law inconsistent with or antedating this By-law is hereby repealed.

DATE BY-LAW COMES INTO EFFECT

This by-law shall come into force and take effect upon final passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED AND ENACTED this 20th day of August 2009.

Percy Bresnahan, Mayor

Harold Luckasavitch, Clerk-Treasurer

SCHEDULE “A”

CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN			
SUBJECT:	Employee Substance Abuse Policy		
TYPE:	Human Resources	POLICY NO. HR-008-00	
DATE: July 7, 2009	REVIEW DATE:	FREQUENCY: As Required	PAGE #: 1 of 6
Revisions			
July 7, 2009 New Policy			

I. Purpose:

The Township of South Algonquin “Township” recognizes the importance of employees performing their duties in a safe and predictable manner. The purpose of this policy is to protect the employees of the Township and the general public from risks, which may result from employee drug or alcohol, induced behaviour.

II. Scope:

This policy applies to all employees of the Township, including but not limited to regular, temporary and contract employees, and to volunteers and students.

III. Policy Statement:

The Township of South Algonquin is committed to providing and maintaining the safety and health of its employees and that of the general public. It is essential that employees are alert and fully competent while at work. Accordingly, the Township will take appropriate steps to ensure that the workplace is free from the effects of substance abuse as defined in this policy. Additionally, the Township supports and encourages the early detection, assistance and treatment of employees who may have a drug and/or alcohol related dependency.

IV. Definitions:

Alcohol shall mean any product which contains ethyl alcohol, including beer, wine, liqueurs and spirits, and medicine products.

Illicit Drugs shall mean drugs which cannot be legally possessed under Canadian Law, including a wide range of “street” drugs (i.e. marijuana, cocaine, heroin) and prescription drugs obtained without a physician’s prescription.

Impairment shall mean the use of any substance that interferes with an individual’s ability to carry out his/her job functions (whether physical or mental) in a safe, efficient and satisfactory manner, consistent with that individual’s usual level of functioning.

Prescription & Over-the-Counter Drugs shall mean drugs which have been legally obtained with a physician’s prescription and/or consent, and/or over-the-counter medications, when taken as directed.

Safety-Sensitive Positions shall mean positions within the Township that have the potential for serious health and safety consequences for the employee, co-workers and/or the general public, should an error occur.

Substance Abuse shall mean the inappropriate use of any substance known to impair judgement and/or physical coordination such as but not limited to alcohol, illicit drugs, narcotics and any other intoxicants.

Workplace shall mean any building or part of a building in which one or more employee works, including employee eating, changing and lounge areas; any area, including outside worksites, where employees perform their duties; and any vehicle or conveyance used by employees to perform their duties.

V. Procedures:

- a) Employees shall not be impaired by alcohol or illicit drugs while:
 - on Township property;
 - conducting Township business;
 - acting as a representative of the Township;
 - at any work location;
 - subject to being called to duty, i.e. standby or on call.
- b) Employees must not wilfully use any substance that impairs their job performance. Consuming any amount of a substance that impairs job performance, or reporting for work in an intoxicated state which could impair job performance, is a violation of this policy.
- c) Employees shall not be in possession of alcohol that is readily accessible, nor shall they be in possession of illicit drugs while on Township property or at any work location, including Township vehicles.
- d) Possession or sale of alcohol or illicit drugs in the workplace, or during work hours, is a violation of this policy.
- e) Employees on “standby” or “on call” duty will exercise the utmost personal judgement on every occasion before responding to a call to work to exclude any possibility of being impaired when reporting to work. If there is any doubt whatsoever as to impairment, employees will not respond to work, will so advise their immediate Supervisor on being called to work and will be relieved from “standby” or “on call” duty on that occasion.
- f) Those employees under the influence of drugs or medications, whether prescribed by a physician or over-the-counter, shall carefully consider whether their ability to operate any vehicle or other motorized equipment may be impaired as a result, and to consult with their immediate Department Head/Supervisor before reporting to work or continuing to work, if already on duty.
- g) Employees who, in the opinion of the Department Head/Supervisor, present themselves to the workplace impaired by alcohol or any performance-impairing drug (whether illicit or not), shall be transported home and will be subject to all the regular provisions of the Township’s Disciplinary Action unless otherwise provided for under the *Human Rights Legislation*.

- h) Under the *Occupational Health and Safety Act*, all employees have a duty to avoid actions that may endanger themselves or others and to report to their Department Head/Supervisor any circumstances that might endanger themselves, a co-worker or that of the general public.
- i) When an employee's work is unsatisfactory and the Department Head/Supervisor has reason to believe that this is a result of substance abuse, the Department Head/Supervisor shall approach the employee in a confidential manner to address the concern.
- j) When an employee becomes aware of any situation where he/she believes a co[-worker may compromise an/other employee(s)' ability to work because of impairment due to substance abuse (alcohol and/or drug), that employee shall report the situation to his/her Department Head/Supervisor.
- k) The Department Head/Supervisor shall be required to take appropriate action, based on information provided by the employee, appraise the potential risks and other factors deemed relevant to ensure a safe work environment, consult with Human Resources regarding disciplinary action, and treat such notification and action in confidence.

VI. Exceptions:

- a) Employees who attend Township sanctioned social functions, where alcohol is available for consumption, i.e. staff & volunteer appreciation dinner, shall behave in a responsible manner and in accordance with the law regarding the consumption of alcohol so as not to endanger the safety and enjoyment of themselves, nor shall they interfere with the safety and enjoyment of others. The Township of South Algonquin supports the policy "Don't Drink and Drive".
- b) The organizers of work related social events where alcohol is available for consumption have a responsibility to arrange transportation for any guest who appears to be impaired, and to make every reasonable effort to ensure that anyone in attendance who may become impaired does not put him/herself or others at risk or otherwise expose the Township to the possibility of liability action. Organizers of work related social events held on third party premises have the added responsibility of ensuring that said third party has an appropriate alcohol servicing policy in place and will provide alternate transportation for those unable to drive due to impairment.
- c) Employees and/or their guests who attend work related social events, become impaired, refuse safe transportation and proceed to operate a vehicle are subject to having their actions reported to police authorities. The organizers of such events shall, in all cases, immediately report said incidents to police authorities.
- d) Employees who may have the occasion to attend business-related conferences, seminars, luncheons and/or receptions as a representative of the Township, shall behave in a responsible manner and in accordance with the law regarding alcohol consumption so as to protect the safety of themselves, that of others, as well as the Township's image and reputation.
- e) The Township recognizes that certain employees may be required, within the normal course of their duties, to assist in loading, unloading and delivering liquor between vehicles and Township owned facilities in relation to public events for which the Township facilities have been leased/rented or Township sanctioned social events.

Violations of any of the above mentioned Exceptions, Item 6(a) through (d) will be treated in the same manner as described under Procedures Item 5(g) of this Policy.

VII. Responsibilities:

Council responsibility:

- provide a workplace free from substance misuse/abuse;
- support employees with substance abuse problems in receiving the appropriate assistance to overcome their problems so they can remain safely and productively employed.

Management responsibility:

- ensure employees are made aware of the workplace policy and requirements;
- ensure employees work in a manner that protects the safety of themselves and that of others;
- identify and address any situation where an employee appears to be under the influence of a substance and/or appears to be suffering from a substance misuse/abuse problem;
- take appropriate action which may include disciplinary action, as circumstances are identified or brought to their attention;
- ensure that procedures for dealing with suspected impairment are set out in this Policy.

Employee responsibility:

- work in compliance with the requirements of this policy and in a manner that does not endanger themselves or that of others;
- support efforts in the workplace to identify concerns about alcohol and substance abuse in the workplace which may endanger employees and/or the general public;
- when made aware of or become aware of any situation that he/she believes a co-worker may compromise an/other employee(s)' ability to work because of impairment due to substance abuse, that employee shall report the situation immediately to his/her Department Head/Supervisor;
- any employee voluntarily seeking or receiving treatment for substance abuse problems are not exempt from this policy.

VIII. Compliance, Accommodation and/or Disciplinary Action:

The Township of South Algonquin encourages early detection of abuse problems and is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped to the extent provided for under Provincial Law. Employees will be provided support to obtain help and each case will be assessed on its own circumstances.

Department Heads/Supervisors who become aware of non-compliance with this policy must consult with the Human Resources Committee, after which the following actions for employees may be taken:

a) Participation in Treatment or Rehabilitation Programs:

- Any employee having a drug or alcohol dependency problem, and/or having been determined to have violated this policy shall participate in any remedial action and/or treatment necessary to prevent continuation, reoccurrence or relapse;
- The Township of South Algonquin will support employees requiring help with substance misuse/abuse problems by facilitating access to appropriate information, education and treatment;
- Access to the appropriate information or treatment may be provided by a direct request from an employee or through a referral from a Department Head/Supervisor, in accordance with the Substance Abuse Procedures.

- The Township may provide suitable short term work accommodations for employees to participate in treatment and rehabilitation programs;
- If an employee refuses to participate in a rehabilitation program and the employee's work performance continues to be unsatisfactory, the employee shall be subject to appropriate action, up to and including dismissal.

b) Reassignment Out of Safety-Sensitive Work:

- Where an employee becomes aware of any situation that he/she believes a co-worker may compromise an/other employee(s) ability to work because of impairment due to substance abuse, that employee shall report the situation immediately to his/her Department Head/Supervisor;
- The Department Head/Supervisor shall take appropriate action based on information provided, appraisal of the potential risks and any other factors deemed relevant to reassign an employee to alternate duties until such risks are eliminated or safely reduced. If this is impossible, the employee shall be subject to appropriate action, up to and including dismissal.

c) Disciplinary Action:

The following types of discipline may be used depending on the severity and nature of the offence.

- Verbal Reprimand – A verbal reprimand will be given, in private, by the employee's Department Head/Supervisor. The employee will be advised:
 - That the particular conduct is unacceptable;
 - As to what improvement is expected;
 - That the verbal reprimand is a disciplinary action and that a written record of the discipline will be placed in the employees file.
- Letter of Warning – A letter of warning, signed by the Department Head/Supervisor, will be given to an employee within five (5) days of an offence. The employee will be advised:
 - That the particular conduct is unacceptable;
 - That repetition will result in a more severe discipline;
 - That, in the case of incompetent or poor work, a time limit for demonstrating improvement;
 - That a copy of the letter will be retained in the employees file for future reference.
- Suspension – An employee may be suspended without pay for a period of time. The duration of the suspension will be determined by the appropriate discipline authority for that employee. Any suspension will be in the form of a letter within five (5) days of the infraction, signed by the Supervisor, and will include the following:
 - A description of the infraction;
 - A warning that repetition will result in a more severe discipline;
 - Notice that a copy of the letter will be retained in the employees file for future reference.
- Discharge – An employee may be discharged for severe or repeated infractions of the Township's policies. The procedural duty of fairness will be followed for those employees qualifying for that process. For all other employees, a letter of dismissal, signed by the appropriate discipline authority for that employee, will be given immediately to the employee and will include the following:
 - A description of the infraction;
 - Notice that a copy of the letter will be retained in the employees file for future reference.