

# CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

## BY-LAW NO. 18-583

**Being a by-law to adopt HR Policy HR 007-00; Fit for Duty within the Township of South Algonquin**

**WHEREAS** Section 8(1) of the Municipal Act, S.O. 2001, as amended, states that the powers of a Township under this or any other Act shall be interpreted broadly so as to confer broad authority on a Township to enable it to govern its affairs as it considers appropriate and to enhance the Township's ability to respond to municipal issues; and

**WHEREAS** Municipal Council deems it to provide a safe, healthy and productive work environment for employees, clients, contractors and visitors, and

**WHEREAS** use of alcohol, medication and/or drugs by employees may impact on the job performance, threaten their own safety and the safety of the public and other employees,

**NOW THEREFORE** the Council of the Corporation of the Township of South Algonquin enacts as follows:

1. The Policy Fit for Duty attached hereto as Schedule "A" and forming part of the by-law is hereby adopted.
2. That this by-law will come into force and take effect on its passing.

**READ A FIRST AND SECOND TIME this 1<sup>st</sup>, day November 2018.**

\_\_\_\_\_  
Jane A. E. Dumas, Mayor

\_\_\_\_\_  
Holly Hayes, CAO/Clerk-Treasurer

**READ A THIRD TIME AND PASSED AND ENACTED this 1<sup>st</sup>, day November 2018.**

\_\_\_\_\_  
Jane A. E. Dumas, Mayor

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Holly Hayes, CAO/Clerk-Treasurer

<b>CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN</b>				
<b>SUBJECT:</b>	<b>FIT FOR DUTY</b>			
<b>TYPE:</b>	HUMAN RESOURCES	<b>POLICY NO. HR-007-00</b>		
<b>DATE:</b>	<b>REVIEW DATE:</b>	<b>FREQUENCY:</b>	<b>REL. BY-LAW:</b>	<b>PAGE #:</b>
Oct, 26, 2018		As Required	18-	6
<b>Revisions</b>				
Oct. 26, 2018 New Policy				

**I. Policy Statement:**

The Corporation of the Township of South Algonquin is committed to ensuring a safe, healthy and productive workplace. The consumption of alcohol, medication and/or drugs by employees may impact on-the-job performance, threaten their own safety, the safety of the public, and other employees. All employees are responsible for safety in the workplace. Alcohol and/or drug or medication use that impairs the ability of employees to perform their jobs, including jeopardizing their safety and/or the safety of other employees, the general public and the environment, is prohibited. This policy is intended to encourage mutual cooperation between employer and employee to prevent and address alcohol, medication and drug use problems. This policy is not meant to substitute municipal disability and/or other related policies.

**II. Purpose:**

The purpose of this policy is to:

- ensure that all employees in safety-sensitive positions understand that they must report and remain fit for duty at all times;
- identify, assist, support and accommodate employees that have a drug and/or alcohol dependency
- implement corrective actions

**III. Definition(s):**

**“Alcohol”** means any beverage which contains ethyl alcohol, including but not limited to beer, wine and distilled spirits, and includes the intoxicating agent found in medicines or other products.

**“Drug”** means any substance, including but not limited to alcohol, legal and/or illicit drugs, medications, or other substances the use of which has the potential to change or adversely affect the way a person thinks, feels or acts.

**“Drug Paraphernalia”** means any personal property associated with the use of any drug, substance, chemical or agent.

**“Extreme Fatigue/Stress”** means physical and/or mental exhaustion that reduces a person’s alertness such that a safety hazard is created or results in an inability to safely perform work.

**“Fit for Work/Duty”** means that a worker is able to safely and /or acceptably perform assigned duties without any limitations resulting from, but not limited to:

- the use or after-effects of drugs, alcohol, and/or medications,

- the misuse of and/or failure to take prescribed medications
- extreme fatigue/stress

**“Illicit Drug”** mean any drug or substance which is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g. street drugs such as cocaine, heroin, crystal meth).

**“Impairment”** means when functional limitations result from the use of alcohol, illicit and/or legal drugs or medication which negatively affect the worker’s ability to carry out the requirements of the job in a safe and efficient manner.

**“Medication”** means a drug which has been legally obtained with a physician’s prescription, or purchased as an over the counter medication and taken as directed and monitored appropriately.

**“On Duty”** means the time period commencing from when a worker reports to perform work up to the time he or she ceases to perform work for the day, and includes lunch, break times, and the time period which an individual is required to be performing work or is on stand-by to perform work.

**“Safety Sensitive Positions”** means positions that have a key and direct role in an operation where impaired performance could result in, or risk resulting in a significant error, incident, or accident affecting the health or safety of employees, and/or negatively impact the public, property, finances, or the environment.

**“Worker”** means a person who performs work or supplies services to the municipality.

**“Workplace”** means any land, premises, location or thing at, upon, from or near which an employee works and includes a motor vehicle operated by an employee in the course of his or her duties.

#### **IV. Responsibility:**

##### Employer:

1. Define and enforce the procedures and requirements of this policy.
2. Ensure qualified and objective fit for duty evaluations are conducted where required.
3. Ensure all parties are properly trained to enforce and fulfill their duties.

##### Supervisor:

1. Monitor and observe workers to ensure they present as fit to perform work. This may include but is not limited to:
  - a) Attendance
  - b) Performance
  - c) Behaviour
2. Encourage employees to self-disclose any conditions or concerns that might impair job performance or compromise health and safety.
3. Monitor employees for fitness for duty, including documenting evidence of alcohol and/or drug use and/or impairment.
4. Identify and address any situation where an employee appears to be under the influence of alcohol, drugs or medication that could impair job performance or compromise health and safety, or where an employee appears to have a Substance Use Disorder problem.
5. Initiate the steps required to be followed when presented with reasonable suspicion (circumstances or knowledge) that indicate a worker may not be fit for duty.
6. Remove worker deemed not fit for duty from the workplace in a safe manner. This may include but is not limited to:
  - a) Making reasonable efforts to ensure that the employee returns home safely

- b) Calling 911 if there is an immediate safety threat
- 7. Implement any reasonable accommodation upon return to work as deemed necessary.
- 8. Monitor performance after an employee returns to work from drug and/or alcohol treatment, assisting the employee as necessary.
- 9. Maintain the confidentiality of an employee's medical information.
- 10. Facilitate and support the safe, healthy and productive return to work of an employee who has received treatment for a Substance Use Disorder.

Worker:

Employees in safety-sensitive positions must:

1. Report to work fit for duty and remain fit while on duty throughout their work day. To be fit for duty, the employee must not be impaired by alcohol, drugs or medication.
2. Perform responsibilities in a safe and effective manner, with or without accommodations during the entire time for work.
3. Notify supervisor when not fit for duty. Report to their supervisor any conditions or concerns they believe may impair their job performance or compromise health or safety.
4. Notify supervisor when a co-worker is observed acting in a manner that indicates the co-worker may not be fit for duty.
5. Report the loss or suspension of a valid driver's licence or impaired driving charge and/or suspension to their supervisor immediately if required to drive a motorized vehicle for work.
6. Responsibly use all medications (including medical cannabis).
  - a) Consult with their personal physician or pharmacist to determine if medication use could have any potential negative effects on job performance and/or on their or their co-worker's health & safety, and if use of their medication may adversely affect their safe operation of any equipment or machinery, including vehicles. The worker is required to report any potential risks to health & safety to their Supervisor.
  - b) Take appropriate steps to minimize associated risk, which would include notifying their supervisor of their inability to perform work safely.
7. Take appropriate action(s) to avoid extreme fatigue or stress while on duty.
  - a) Ensure sufficient rest periods prior to starting work.
  - b) Utilize breaks provided within work periods to rest and recuperate.
8. Recognize symptoms of fatigue and/or stress and report such to supervisor.
9. Co-operate with any investigation.
10. Provide relevant medical and psychological information when required.
11. Be aware that Supervisors are required to address any concerns raised with regards to an employee's ability to perform their job safely, including concerns regarding potential impairment from medications. As such, an employee may be required to provide medical documentation confirming their ability to perform work safely.
12. Be aware that workers will be either removed from duty or removed from the safety-sensitive position, and accommodated through other duties if possible, if there are concerns related to alcohol, drugs, or medications that might hinder their job performance or compromise health and safety.

Non-compliance with this Policy may result in the appropriate disciplinary measures, up to and including dismissal from employment.

Employees in safety-sensitive positions who have been identified as having a substance use disorder or who are voluntarily seeking or receiving treatment for a substance use disorder must:

1. Undertake professional assessment, treatment, rehabilitative and follow-up (e.g. after care) programs for Substance Use Disorder in order to maintain their position at the Township of South Algonquin. Employees who refuse to participate or co-operate in such programs may be subject to discipline, up to and including termination of employment.
2. Participate in work accommodation if necessary and available, during the course of their rehabilitative or follow-up programs.
3. Understand that, after treatment and prior to their return to work, their rehabilitation status

will be shared with their supervisor(s). Information will be shared on a “need-to know” basis and only to the extent that is necessary to ensure appropriate support and monitoring in the workplace.

4. Be aware that if they refuse to consent to the sharing of rehabilitation information, they will not be able to return to work until the township is assured that they pose no risk to their personal health and safety, the health and safety of co-workers and to members of the public in the position to which they will be returning.
5. Participate in any further treatment or follow up care that is necessary when they return to the workplace to prevent recurrence or relapse.

Employees must advise their supervisor if they suspect that an employee in a safety-sensitive position is under the influence of drugs, alcohol or medication that might hinder job performance or compromise health and safety.

Contractor/Subcontractor:

1. Contractors and/or Subcontractors are expected to adhere to this document as applicable, and to ensure, by enforcing these requirements, that their workers and/or subcontractors do the same.

**V. Procedure:**

Prohibitions

The following (not limited to) are prohibited while on duty:

- Reporting for duty or remaining on duty under the influence of drugs or alcohol.
- Consuming any drugs or alcohol during work and/or breaks, whether on or off municipal property, including vehicles.
- Possession of prescribed medications without a legally obtained prescription.
- Intentional misuse of medications (e.g. using the medication not as prescribed, using someone else’s medication or combining medication and alcohol use against direction).
- Using, possessing, distributing, offering or selling drugs, illicit drugs, drug paraphernalia, medication or alcohol (trafficking).

Investigations

Professional evaluation of an employee’s physical, emotional or mental capacities is required to determine his or her ability to perform essential job functions. Such evaluations are to be conducted by an independent, licensed health care professional.

Communication:

This policy will be communicated to all staff upon hire and made available for further reference in the Human Resources Policies & Procedures Manual for the Township of South Algonquin.

Employee Assistance:

The Work-Life Employee Assistance Program is designed to assist full time employees (and their dependents) who are experiencing personal or work-related problems, including those arising from drug and/or alcohol abuse. For the Township of South Algonquin this service is provided through the RBC Group Insurance Program at no cost to the employee. To access help with work, home, personal or family issues contact:

[www.lifebalance.net](http://www.lifebalance.net)

Call: 1-877-630-6701

TTY: 1-877-371-9978

Records:

All documents and reports related to Fit for Duty evaluations and/or alcohol and/or drug dependence problems, will be kept confidential and secure in employee personnel files.