

SUBSTANCE ABUSE POLICY

[Large Contractor Version]

A. Purpose

The purpose of this Policy (“the Policy”) is to provide a safe, healthy, substance-free work place, with strong workplace productivity and service quality at competitive employers, while at the same time ensuring the protection of employee privacy and access to assistance.

B. Definitions

As used in this Policy, the terms listed hereafter are defined as follows:

- (a) **“Alcohol”** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- (b) **“Company Premises”** – Any and all property, facilities, land, parking lots, structures, and vehicles owned, leased, used or under the control of an employer, and/or any job site to which an employer assigns an employee.
- (c) **“Cannabis”** – Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not; any substance or mixture of substances that contains or has on it any part of such a plant; and/or any substance that is identical to any phytocannabinoids produced by, or found in, such a plant, regardless of how the substance was obtained.
- (d) **“Medications”** – Ingested or inhaled prescription drugs, non-prescription drugs, or herbal remedies which may impair mental or motor functions so as to affect the performance of job duties;
- (e) **“Near miss”** – A failure in work performance or other occurrence that nearly results in an accident.
- (f) **“Negative Test Result”** - A test result that indicates that an alcohol level is below .04 BAC and/or fails to confirm that the employee was, at the time of testing, under the influence of a Substance.
- (g) **“Positive Test Result”** - A test result which indicates that the alcohol level is .04 BAC or higher and/or a test result which confirms that the employee is under the influence of a Substance.
- (h) **“Possession”** – The care, custody, control or ability to immediately access a substance.
- (i) **“Reasonable Suspicion”** – An understanding based on objective and articulated facts sufficient to lead a supervisor to form a reasonable suspicion that drugs or alcohol might be influencing an individual’s work performance.
- (j) **“Safety Sensitive”** - A characteristic of operations where error could result in serious harm to a person, property or the environment.

- (k) **“Substance”** – Alcohol, Cannabis or any substance listed on a schedule of the *Controlled Drugs and Substances Act* or any impairing agent or any medication used by an individual in a manner that is inconsistent with the instructions of the prescribing physician.
- (l) **“Substance Abuse Professional ”**– A licensed physician or certified counselor who has received the appropriate training in substance abuse disorders to provide rehabilitation, assistance and recommendations to individuals who have an addiction or a Substance use problem.
- (m) **“Substance Testing”** – The analysis of the biological presence of a Substance by means of urine, breath, blood and/or saliva sampling and analysis.

C. Prohibitions

Under this Policy, the following are prohibited:

- (a) Use of a Substance on Company Premises during working hours;
- (b) Being under the influence of a Substance during working hours;
- (c) Reporting to work under the influence of a Substance; and
- (d) The manufacture, distribution, possession, transfer, storage, concealment, transportation, promotion or sale of a Substance or Substance related paraphernalia on Company Premises.

D. Use of Medications

Employees who are taking Medications of any kind, whether prescribed or self-administered, are required to determine whether the Medications are capable of causing any impairment to their ability to carry out their job duties safely and efficiently, and where this is the case, to report without delay to his/her supervisor the facts and associated use of the Medications.

Upon being informed of an employee’s use of Medications, the employee’s supervisor shall consult with the employee and his/her physician to determine if a temporary medical leave of absence is appropriate and/or necessary in order to preserve the employee’s safety and the safety of others in the workplace. In the event that a leave of absence is necessary, the employee will remain off-duty until such time as the employee’s physician determines that the employee is fit for duty.

E. Self-Reporting

Where an employee has reason to believe that he/she has a Substance abuse problem, whether or not the Substance abuse problem results in a violation of this Policy, the employee is obligated to report the fact and circumstances of the potential Substance abuse problem to his/her supervisor, in confidence.

[If there is an Employee Assistance Program] Upon being informed of an employee's Substance abuse problem, management will refer the employee to the company's Employee Assistance Program.

Upon being informed of an employee's Substance abuse problem, management shall consult with the affected employee and the Employee Assistance Program [if applicable] to determine if a leave of absence or other re-assignment of duties is appropriate. Such leave or re-assignment will remain in place until the employee is determined to be fit for duty by a Substance Abuse Professional.

F. Voluntary Disclosure

Employees are encouraged to seek assistance in resolving and treating a Substance abuse problem and they are responsible for doing so. A decision by an employee to seek this assistance by way of self-referral to a bona fide treatment or assistance program will not in itself be used by the employer as the basis for discipline.

G. Substance Testing

i. Personal Information

The personal information of employees shall be collected, used and disclosed only in accordance with the objective of this Policy and only to the extent necessary for the reasonable administration of this Policy. Records of Substance test results shall be kept confidential and are only to be disclosed upon the written consent of the employee to whom such records pertain, except to the members of management reasonably required to review this information and in accordance with the terms of the *Personal Information Protection Act*.

ii. Sample Collections

Test samples, where collected, shall be collected by appropriately trained persons so as to ensure both proper chain of custody protocols and employee privacy protocols are respected. All samples will be collected with concern for each employee's personal privacy, dignity, and confidentiality.

iii. Types of Testing

(a) Pre-Access Testing:

As a condition of entering the job site, employees may be subject to the testing requirements of the client / project owner in relation to their employment duties. Employees who volunteer to participate in voluntary testing, as described below, will be excused from pre-access testing.

(b) Voluntary Testing

1. As an alternative to pre-access testing, an employee may participate in voluntary testing. To be eligible for voluntary testing, an employee must, by agreement, participate in three types of tests as follows:

- i. Implementation testing;
 - ii. Unannounced testing; and
 - iii. Periodic testing.
- 2. Participation in voluntary testing, where elected, shall occur in accordance with the following descriptions and protocols:

- i. Implementation Testing:

- A substance test by pre-appointment as soon as feasible after the implementation of this Policy.

- ii. Unannounced Testing

- a) Employees to be tested will be randomly selected and such selections will be made by use of a computer generated numerical program designed to ensure that no employee can be singled out.
 - b) Random selections will be made six times per calendar year.
 - c) No more that 20% of an employer's work force shall be subject to unannounced testing in a given year.
 - d) Management shall be notified of the selection of an employee for unannounced testing. Within 10 calendar days of being notified of the selection of an employee for unannounced testing, management shall inform the selected employee of the requirement that he/she report for testing. Selected employees must report for unannounced testing within 24 hours after notification by management of the requirement to report for testing.

- iii. Periodic Testing:

- A Substance test required of an employee on the basis of the fact that he or she has not been tested over the preceding 36 month period.

- 3. The provisions in this Policy for voluntary testing are applicable:

- i. Where pre-access testing is required by a client or project owner; or
 - ii. Where the employee and the employer otherwise agree that voluntary testing is applicable.

- (c) Post-Incident Testing:

- An employee shall be required to take a substance test after:

- 1. Having been directly and immediately involved in, or after having caused, an accident or a near miss; and

2. The employer has come to a reasonable belief, on the basis of an investigation into all relevant circumstances, that the employee's mental state may be a contributing factor to the accident or near miss.

(d) Reasonable Suspicion Testing:

Employees will be subject to substance testing where circumstances give rise to a reasonable suspicion that the employee has violated a prohibition under this Policy. A decision to require a reasonable suspicion test shall be based on observations of specific physical, behavioral or performance indicators.

(e) Return To Work, Post Treatment, Rehabilitation Testing:

If an employee tests positive or refuses a test mandated by this Policy, the employee will be assessed by a Substance Abuse Professional (SAP) and prior to a return to duty, the employee must complete whatever requirements are stipulated by the SAP, which may include further assessment, treatment and counseling. In any event, prior to returning to duty, the employee must provide a negative test result.

(f) Probationary Status/Follow-up Testing

Having been the subject of a positive substance test, and having satisfied the reinstatement requirements of this Policy, an employee shall undergo a further test upon his/her return to the job site and shall, thereafter, be subject to random testing for a period of up to two years at an annual rate of 50% of the random pool of workers.

iv. Positive Test Result

In the event that one of the above tests results in a determination that the employee is under the influence of, or impaired by, a Substance, and the employee has not (prior to the test) self-reported or voluntarily disclosed a substance abuse issue, then the employee will be in breach of this Policy, will be placed on an immediate leave of absence and, depending on the circumstances, may be required to be assessed by a Substance Abuse Professional. The employee may also be subject to discipline, up to and including termination of employment, for breach of the Policy.

The employer will carefully consider all of the circumstances to determine the appropriate course of action. Should the employer decide to return the employee to work, it will do so in accordance with the recommendations, if any, from the Substance Abuse Professional and may also require the employee to enter into a monitoring agreement as a condition of reinstatement. The monitoring agreement may include the obligation to engage in regular and/or random Substance Testing. Under no circumstances will an employee be permitted to return to work without first receiving a negative test result.

H. POLICY VIOLATIONS

The following conduct by an employee is a violation of this Policy and may result in discipline up to

and including termination of employment:

- (a) A violation by an employee of any Prohibition, listed in Section C above;
- (b) A violation by an employee of any reporting obligation under Sections D & E, above.;
- (c) Failure to report as directed for testing;
- (d) Switching, adulterating, or attempting to tamper with any sample submitted for Substance Testing, or otherwise interfering or attempting to interfere with the testing process; and
- (e) Refusal to submit a specimen for testing

