



### APPLICATION

35.1 This policy applies to all NPF employees

### APPROVAL AUTHORITY

Chief Executive Officer (CEO) or delegate

### OPI

Chief Human Resources Officer (CHRO)

### ENQUIRIES

35.2 All inquiries on the interpretation and application of this policy are to be directed to the HRM or the RMHR and when required, forwarded to the Office of Primary Interest (OPI).

### POLICY OBJECTIVE

35.3 This policy establishes expectations for appropriate behaviour as it relates to the use of substances that could impact an employee's ability to perform their work duties safely, competently, and efficiently. The policy balances NPF's need to have its work performed safely, competently and efficiently, the responsibilities of NPF employees to perform that work safely, competently and efficiently, and the need to consider the rights, dignity and privacy of individuals. It also provides guidance in cases where substance use is related to addiction/dependency.

### DEFINITIONS

35.4 The following vocabulary is used throughout this policy:

Fit for Work (Apte au travail): is defined as an employee's ability to safely, competently, and efficiently perform the job requirements of their position without any limitations.

Impaired (Capacités affaiblies): is defined as an employee's lack of full functional abilities resulting from the use or misuse of substances, such as alcohol, prescription or nonprescription medication, and/or other drugs, which negatively affects the employee's ability to carry out the requirements of their job in a safe, competent, and efficient manner.

Safety Sensitive Position (Poste critique pour la sécurité): is a position that, if not performed in a safe manner, can cause direct and significant damage to property and/or injury to the employee, customers, others around them, the public and/or the immediate environment. For Safety Sensitive positions, fit for work is defined as the total absence of any substance that could affect or impair a person's physical or cognitive abilities when working.

Substances (Substance): for the purposes of this policy, are defined as any substance that can

cause impairment and/or impact an employee's fitness for work, and includes alcohol, cannabis, prescription and non-prescription medication, and other legal or illegal drugs, or recreational substances.

Addiction/ Dependency (Toxicomanie/Dépendance): is defined as a problematic pattern of substance use leading to clinically significant impairment or distress as diagnosed by a medical practitioner.

## GENERAL POLICY

- 35.5 Employees must abide by all laws governing the consumption and use of alcohol, cannabis, and other drugs in effect in the jurisdiction in which they work. Employees must also abide by any Department of National Defence or Canadian Armed Forces policies, directives or regulations pertaining to possession and use of substances while on Department of National Defence premises or in a Canadian Armed Forces (CAF) Theatre of Operation.
- 35.6 Employees have the responsibility at all times to report fit for work and remain so while at work, while conducting work on behalf of the Employer, and/or while representing the Employer. Employees also have the responsibility to notify their supervisor/manager as far in advance of reporting for work as possible, if, as a result of a disability, illness/injury or Substance Use Disorder, they are using/have used a substance that may impact their fitness for work.
- 35.7 Managers, in consultation with their HR Manager, have a responsibility for identifying any Safety Sensitive positions and for notifying all employees in those positions that they hold a Safety Sensitive position.

## RECREATIONAL USE

- 35.8 Except as explicitly authorized in this policy, the following are strictly prohibited during working hours, while on the Employer's premises, while operating a vehicle as required by their job duties, while attending Employer sponsored or sanctioned events, and whenever an employee is representing the Employer or conducting Employer business:
  - a. Being impaired by alcohol, cannabis or other legal recreational substances that affect fitness for work;
  - b. Consuming/using alcohol, cannabis or other legal recreational substances that affect fitness for work; and/or
  - c. Possessing, distributing, offering or selling alcoholic beverages, cannabis or other legal recreational substances that can affect fitness for work, other than where required as a part of an employee's job duties.
- 35.9 Employees in Safety Sensitive positions are expected to refrain from using substances that could impair their physical or cognitive functional abilities at least eight (8) hours prior to commencing work.
- 35.10 Notwithstanding the foregoing, where the Employer has permitted the consumption of alcohol on the Employer's premises and/or at Employer sponsored or sanctioned events or other work-related events, employees may consume alcohol, cannabis or other legal recreational substances, provided that they exercise good judgement and consume only in authorized locations.

## MEDICAL USE AND ADDICTION/DEPENDENCY

- 35.11 All employees are expected to use prescribed and over-the-counter medications, including medically authorized or prescribed cannabis, responsibly and in accordance with the prescribed treatment or dosage. Employees are required to investigate through their doctor or pharmacist whether a medication can affect their ability to report fit for work and work without impairment.
- 35.12 The Employer recognizes that substance addiction/dependency are illnesses and should be treated as such. NPF encourages employees to seek help if they are concerned that they may have a substance addiction/dependency.
- 35.13 Employees whose medical prescribed treatment renders them impaired or unfit for work are required to notify their immediate supervisor/manager in order to request appropriate workplace accommodation measures. Managers can obtain advice from their HR Manager on reasonable accommodation measures including resources available to assist in the assessment of such requests. More information regarding workplace accommodation can be found in the Employment Accommodation Policy.

## REPORTING AN INCIDENT

- 35.14 Where an employee suspects another employee may be impaired by drugs or alcohol, or has otherwise breached this policy, they should immediately report their suspicion to their immediate manager/supervisor.

## RESPONDING TO SUSPECTED IMPAIRMENT

- 35.15 Where there are reasonable grounds to believe an employee is impaired, the manager, in consultation with their HR Manager, shall take immediate steps to ensure the safety of the operations, the employee and others in the workplace. The manager should then investigate the situation in order to determine if any administrative or disciplinary action is required. Additional guidance can be obtained in the Substance Use Guidelines and the Discipline policy.

## VIOLATIONS

- 35.16 When a violation of this policy is found to have occurred, the resulting actions taken by the Employer will depend on the nature of the violation and the employee's circumstances, and may include:
- a. Modified Duties;
  - b. Temporary removal from the employee's position or placement in another position, with or without modified duties;
  - c. Workplace accommodation measures as appropriate; and/or
  - d. Discipline up to and including termination.

## RISK STATEMENT

- 35.17 Pursuant to the *Canada Labour Code*, the Employer is required to protect the health and safety of its employees while at work. The Employer's ability to meet this obligation is jeopardized if employees attend work impaired, particularly if they are employed in a Safety Sensitive Position.

## RESPONSIBILITIES

35.18 The levels of responsibilities are as follows:

- a. Manager/Supervisor:
  - i. Ensure employees are aware of and understand this policy.
  - ii. Assess on an ongoing basis employee fitness for work.
  - iii. Receive and promptly address concerns regarding potential breaches of this policy.
  - iv. Encourage employees to disclose any conditions or concerns, relating to themselves or a co-worker, that might impair their job performance or compromise health and safety.
  - v. Contact law enforcement in situations of confrontation with employees, where there is evidence of drug trafficking or other illegal activity, and in other circumstances where the manager/supervisor deems it appropriate to do so.
  - vi. Prohibit the use of a motor vehicle and/or machinery by any employee who appears to be impaired/unfit for work.
  - vii. Implement appropriate accommodation and/or corrective measures as necessary.
- b. Employees:
  - i. To report to work fit for work and remain fit for work for the duration of their working hours and at all other times as outlined above.
  - ii. Disclose to their manager/supervisor any conditions concerns, or medications that might contribute to an inability to safely, competently, and efficiently perform the duties of his/her job.
  - iii. Consult with their physician or pharmacist to determine if medication use will have any potential negative impact on his/her job performance and/or their or their co-workers' health and safety and report this to their manager/ supervisor.
  - iv. Report suspected incidents of breaches of this policy by coworkers to their manager/supervisor.
  - v. Co-operate in investigations of suspected or confirmed breaches of this policy.
- c. Human Resources:
  - i. Provide advice and support regarding this policy and the Substance Use Guidelines.
  - ii. Provide advice and support to managers/supervisors regarding violations of this policy, including with respect to appropriate accommodations measures and/or corrective action.

## REFERENCES

35.19 The following legislation is relevant to the content of this policy:

- *Canada Labour Code Part II*
- *Canadian Human Rights Act*
- *Criminal Code*
- Applicable provincial and federal acts governing use of cannabis

- Applicable legislation governing alcohol and cannabis use in all locations outside of Canada where an employee is deployed is or otherwise assigned to work or to represent the employer in an official capacity as required by his/her position

## ANNEX

35.20 The attachments listed below are part of the present policy:

- Annex A: Substance Use Guidelines

### SUBSTANCE USE POLICY GUIDELINES

#### IDENTIFYING SAFETY SENSITIVE POSITIONS

- 35.A.1 Managers are responsible for identifying Safety Sensitive Positions that report to them. Once a position has been identified as Safety Sensitive, the manager must inform the incumbent of the fact, and keep a record of having done so. Characteristics of Safety Sensitive Positions include:
- a. Use of heavy machinery;
  - b. Operating vehicles or any other dangerous tools/equipment;
  - c. Dealing with or having access to hazardous chemicals/materials;
  - d. Working with vulnerable populations or clients including children;
  - e. Serving alcohol;
  - f. Overseeing the health, safety or security of other employees or clients; and/or
  - g. Lack of attention may adversely affect the health and safety of the employee, others, or the environment, particularly in areas where the employee is largely unsupervised
- 35.A.2 The following is a non-exhaustive list of potential Safety Sensitive positions:
- a. Bartenders/Servers/Waiters
  - b. Fitness and Sports Instructors;
  - c. Fitness Leaders;
  - d. Aquatics Supervisors;
  - e. Lifeguard/Swim Instructors;
  - f. Aerobics Instructors (and similar Recreation Class Instructors);
  - g. Climbing Wall Attendants;
  - h. Youth Camp Workers;
  - i. Arena Operators;
  - j. Arena Ice Makers;
  - k. Greenskeepers;
  - l. Grasscutters;
  - m. Golf Marshalls
  - n. Marina Staff (if they operate dangerous tools/equipment)
  - o. Campground Staff (if they operate dangerous tools/equipment)
  - p. Maintenance Workers (indoor/outdoor, if they operate dangerous tools/ equipment)
  - q. Building Maintenance Handyman (if they operate dangerous tools/equipment)
  - r. Zamboni Drivers;
  - s. Mechanics;
  - t. Snow Grooming Equipment Operators
  - u. Shipper/Receivers (if they operate a forklift or other vehicle);

- v. Warehouse Clerks (if they operate a forklift); and
- w. Delivery Clerks.

## IDENTIFYING IMPAIRMENT AND REPORTING AN INCIDENT

- 35.A.3 Managers and supervisors are responsible for assessing employees' fitness for work on an ongoing basis. Similarly, employees must advise their manager/supervisor if they reasonably believe that another employee is impaired or not fit for duty.
- 35.A.4 The indicators below can be used to help identify impairment in the workplace. When used alone, or in combination, these indicators do not necessarily mean that an individual is impaired as a result of the use or misuse of substances, and employees will need to use discretion and common sense in assessing fitness for work. It is also important to note that signs and symptoms of impairment will vary from individual to individual. The following indicators can help in identifying impairment, but are not exhaustive or definitive.

## SIGNS AND SYMPTOMS OF IMPAIRMENT

### PHYSICAL INDICATORS

- a. Sweating
- b. Complaints of headaches
- c. Tremors
- d. Diarrhea and vomiting
- e. Abdominal/muscle cramps
- f. Restlessness
- g. Frequent use of breath mints/gum or mouthwash
- h. Odour of alcohol or cannabis
- i. Slurred speech
- j. Unsteady gait
- k. Rambling speech

### PSYCHOSOCIAL IMPACTS INDICATORS

- a. Mood fluctuations (i.e., swinging from being extremely fatigued to 'perkiness' in a short period of time)
- b. Inappropriate verbal or emotional responses
- c. Irritability
- d. Nervousness
- e. Confusion or memory lapses
- f. Inappropriate responses/behaviours
- g. Lack of focus/concentration and forgetfulness
- h. Overly talkative
- i. Lying and/or providing implausible excuses for behavior
- j. Personality changes
- k. Erratic behavior

## WORKPLACE PERFORMANCE AND PROFESSIONAL IMAGE INDICATORS

- a. Extended breaks; sometimes without telling colleagues they are leaving
- b. Forgetfulness
- c. Errors in judgment

## RESPONDING TO SUSPECTED IMPAIRMENT

35.A.5 Managers/Supervisors investigating reported suspected incidents of impairment will need to use good judgment on how to proceed, since each situation will be different. The following steps provide guidance on how to proceed.

- a. If the employee appears to be in need of immediate medical care, call 911.

## INITIAL MEETING

- a. If the manager/supervisor believes there are reasonable grounds to believe the employee is impaired, the employee should be removed to a private and safe location, and given an opportunity to explain his/her behaviour. The manager/supervisor should ask another manager/supervisor to be present at the meeting as a witness, and inform upper management of the meeting. Unionized employees should have the opportunity to have a union representative present if they wish.
- b. If the employee refuses to be removed to a private, safe location, or otherwise becomes aggressive or resistant, security may need to become involved.
- c. The manager/supervisor meeting with the employee should document the date, time, and location of the incident, the basis giving rise to the reasonable grounds to believe the employee is impaired, the employee's unsafe work practices (if any), the employee's responses to the manager/supervisor's questions, a list of all actions taken, that management and union representatives were notified, where necessary, and any recommendations made to the employee.
- d. At the outset of the meeting, the manager/supervisor should state their concerns about the employee's perceived behaviour in an unbiased and factual manner. Do not place blame or make assumptions. Examples of appropriate statements include:
  - i. "I would like to talk to you as I have noticed the following actions or behaviours. I'm concerned for your safety and that you or someone else may get hurt"
  - ii. "It was reported to me that you were almost involved in an incident. Can we discuss what happened leading up to that event?"
  - iii. "You don't seem yourself today and I'm concerned. Can we talk?"
  - iv. "Are you okay?"
  - v. "For your safety, and the safety of others, I'd like to discuss..."
- e. The manager/supervisor should be clear that the intent of the conversation is to maintain a safe working environment or that NPF is concerned for the employee's wellbeing.
- f. If, as a result of the meeting, the manager/supervisor no longer believes the employee was impaired, the employee should be allowed to return to work.



- g. If the manager/supervisor still believes the employee to be impaired, the employee should be provided with safe transportation home and instructed not to return to work for the rest of the day. An employee should never be permitted to drive any vehicle away from the workplace. If an employee refuses safe transportation, the manager/supervisor should record the employee's license plate number and call the police. If the employee's condition appears to have worsened, he or she should instead be provided with appropriate medical treatment.

## **FOLLOW UP INTERVIEW**

- a. The manager/supervisor should arrange a follow up interview with the employee prior to or on the employee's next scheduled work day. Another manager/supervisor should again be present. During this interview the manager/supervisor should question the employee, with representation if the employee wishes, about the behaviour and the incident that led to his/ her removal from the workplace.
- b. If as a result of the follow up interview the manager/supervisor no longer believes that the employee was impaired, the employee should be permitted to return to work immediately. If the employee has identified that he/she is experiencing other nonsubstance use addiction or dependency issues, the manager/supervisor should discuss supports available to the employee including the EFAP.
- c. If as a result of the interview the manager/supervisor continues to believe that the employee was impaired, and the incident does not appear to have been related to other problems or a substance use addiction or dependency, the employee should be advised that disciplinary consequences will be determined and communicated to him/her at a later date.

## **SUBSTANCE USE ADDICTION OR DEPENDENCIES**

- 35.A.6 If the employee discloses a substance use addiction or dependency during the meeting, the employee should be advised that he/she will be removed from his/her position pending a decision on next steps to assist the employee. The manager/supervisor should contact HR to canvas options.
- a. Where a manager/supervisor has reason to believe an employee may be suffering from a substance use addiction or dependency, they should inquire with the employee whether there are any underlying causes that may be contributing to the behaviour in question.
  - b. Employees with substance use addiction or dependencies will be accommodated to the point of undue hardship in accordance with NPF's Employment Accommodation policy.

## **ACCOMMODATING IMPAIRMENT RESULTING FROM APPROPRIATE USE OF MEDICATIONS**

- 35.A.7 If the employee's behaviour is determined to be as a result of side effects from the appropriate use of medication, the manager/supervisor should contact their local Human Resources Manager to discuss options for accommodation. It may be appropriate to refer the employee to NPF's Service Provider for an Accommodation Review to assess the suitability of less impairing medications to treat the employee's condition, and to identify other appropriate accommodation measures.