

Fit for Work Program		Effective Date: July, 2020	Policy 200-97.1
Old Policy	Drug & Alcohol Policy (Res 177-10 is hereby repealed)		
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## Purpose

The Rural Municipality of Gull Lake No. 139 (“the RM”) is committed to providing safety at work. Our Fit for Work Program has many applications, and we have designed it to strengthen our commitment to safe and efficient operations. All who are employed or contracted by the RM should be fit for the work they are employed or contracted to perform and free from any impairment which could result in injury, illness or incident, especially those employees with **Safety Sensitive Positions**.

The RM is committed to providing all employees and contractors with a work environment free of alcohol and drug use/abuse. The Fit for Work Program outlines the RM’s expectations and requirements for creating and maintaining an alcohol and drug free work environment and provides a policy for dealing with substance abuse in the workplace. This program will provide a framework for dealing with difficult and sensitive issues around impairment with a focus on early intervention to assist the individual employee or contracted and the RM when dealing with a situation which may otherwise place the individual employee or contractor and others’ health, safety, and employment at risk.

Every employee will be aware of this Policy through an orientation with the Reeve and Council or Administrator. The employee and the RM will sign and acknowledge on Page 23 of this document declaring they understand their roles and responsibilities under the Fit for Work Program as presented. While employed with the RM any individual who recognizes that they have any impairment causing factors, such as fatigue, stress, have a drinking or drug problem, or that they are at risk of developing one, will be encouraged to come forward for confidential help. Contacts at outside agencies where help can be obtained will be radially available to all within ongoing communication and awareness campaigns.

## Scope

This program applies to all RM staff and contractors. Parts of the program may only apply to people employed in Safety Sensitive Positions or post incidents, such as requirements of medical assessments, physical ability testing and / or drug testing.

The consumption of alcohol within eight hours prior to arriving at work or the consumption of cannabis within seventy two hours prior to arriving at work can have adverse effects upon the workplace, the integrity of the work produced, the safety of other team members and the safety of the traveling public within the RM. The RM has a **zero tolerance** policy for employees or contractors who arrive at work under the influence of alcohol or drugs and/or whose ability to perform their work is impaired in any way. The RM has a **zero tolerance** policy for employees or contractors who consume alcohol or drugs during working hours.

## Definitions

**Alcohol** – beverage alcohol which is designed and manufactured for human consumption.

**RM Business** – refers, but is not limited to, all activities undertaken by individuals in the course of the RM's operations, whether conducted on or off the RM's property.

**RM Property** – any land, building, or property owned, leased, or occupied by the RM and any motor vehicle or container, owned, leased, rented, or used by the RM or any private motor vehicle used in the course of RM Business.

**RM Driver** – includes those individuals whose duties involve driving an RM vehicle as defined under RM Property.

**Drug** – for the purpose of this policy, a Drug is any substance, including alcohol, legal drugs, illicit drugs, or medications in which the use has the potential to change or adversely affect a person's physiological and/or psychological state. Drugs of concern are those that potentially inhibit a person's ability to perform their job safely and productively. Specific drugs of concern include but are not limited to Alcohol, Marijuana, Cocaine, Opiates, Phencyclidine, Amphetamines, Barbiturates, Benzodiazepines, Synthetic Opiates, Propoxyphene and Buprenorphine.

**Fit for Work** – means that an individual is in a state – physical, mental, and emotional – which enables the individual / employee to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others. Final determination of "Fit for Work" is based on the opinion of the supervisor, and where appropriate in conjunction with other assessment procedures.

**Impairment** is a state of reduced competence, or reduced or weakened physical or mental state, ability, or condition. A variety of conditions and substances that impact the normal ability to work safely can come from many sources including fatigue, stress, use of alcohol, illicit drugs, and prescribed and / or over the counter medications.

Impairment can vary depending on cause, but can include:

- Inability to concentrate;
- Inability to think clearly and make decisions;
- Dizziness and / or drowsiness;
- Disorientation and confusion;
- Slowed reaction times and lack of coordination; and
- Increase in anxiety or panic attacks.

As defined by the Canadian Human Rights Commission, symptoms can be an "odor of alcohol or drugs, glassy or red eyes, unsteady gait, slurring and poor coordination".

**Incident** – an event which intentionally or unintentionally causes or may have caused injury or damage.

**On the job** – is defined as any time while on RM Property whether on or off duty or off RM Property while performing RM Business.

**Positive** – a positive test means different things for different substances.

- A positive Alcohol test means a blood alcohol concentration is equal to or greater than 20 milligrams of Alcohol in 100 milliliters of blood. Blood alcohol concentration which is confirmed at 40 milligrams will be considered a violation of this policy.
- A positive Drug test means that the quantitative levels in the body are over the approved cutoff levels as set out by the Canadian Federal Government and monitored by the Substance Abuse and Mental Health Services Administration, HHS Laboratories.

**Supervisor** – the general term used to mean the position of authority. For the most part this will refer to the RM Administrator, but it could also mean other positions of authority, such as Foreman. In situations where the Administrator is subject to a “fit for work” assessment, reasonable suspicion, etc., then the term supervisor would refer to the Reeve.

**Safety Sensitive Position** – is one in which incapacity, substandard performance, or failure to follow applicable instructions, codes, or guidelines could result in risk of injury to the individual, others, or the environment and which depends on alertness, quickness of response, soundness of judgment, mental acuity, and accuracy of coordination of multiple muscle functions in order to safely and properly carry out the assigned task. This definition includes all individuals who are required to rotate through or within a safety sensitive area.

Safety Sensitive Positions are positions that which “if not performed in a safe manner, can cause direct and significant damage to property and / or injury to the individual, others around them, the public and / or the immediate environment” (Canadian Human Rights Commission).

**Substance Abuse Professional – SAP** – has a role to determine whether or not an individual has a dependency or abuse problem and requires assistance to overcome such problems.

**Testing** – should always be considered on a case by case basis, and is under the protection of Canadian Charter of Rights and Freedoms. This means the employer must have a reasonable suspicion an employee is impaired before they can request a drug or alcohol test. (Saskatchewan Human Rights Commission Drug and Alcohol Testing – A General Guide). Testing is generally permissible where the position is safety sensitive, where there is a reasonable cause to believe that an accident was the result of an employee being under the influence of drugs or alcohol or testing is a part of a return to work program which also recognizes that relapse is common and a part of the dependence disability. Alcohol testing by breathalyzer accurately measures present alcohol impairment and is minimally intrusive. Drug testing does not test present impairment, just identifies drugs present in the body.

## Roles and Responsibilities

### Council

- To provide a safe work environment and take all reasonable precautions to protect the health and safety of individuals and others in the workplace.
- Through this program, take reasonable precautions to ensure all individuals on its sites are in a fit state to work so as to minimize risk to themselves and others.
- Will ensure RM -wide implementation through the Administrator.
- Will ensure adequate resources are allocated for the education, training, counselling, and other requirements of the program within the RM's operations.

### Administrator

- Ensure the adoption, implementation, and application of the Fit for Work Program.
- Work with supervisors to determine Safety Sensitive Positions.
- Leadership - lead by example. Be fit to do the job and follow the do's and don'ts of the Fit for Work Program and work to ensure all individuals in their area of responsibility understand and comply with the program requirements.
- Implementation – arrange for supervisors to be trained in, implement, and apply this program.
- Provision of resources - provide adequate resources for education, training, counselling and other requirements of the program.
- Consistent application – ensure fair and consistent application of the program. In particular, individuals who seek assistance with not be disadvantaged and their employment rights will be safeguarded.
- Confidentiality – establish and maintain appropriate procedures and facilities so that sensitive medical and other personal information is safeguarded.
- Coordinate the Workplace Hazard and Risk Assessment Process to include Safety Sensitive Positions and Physically Demanding Job inclusions.
- Foster active participation and cooperation - working with supervisors and individuals to raise concerns and work to a safe demonstration of fitness for work.
- Will guide all consequences of non-compliance including discipline.

### Supervisor

- Leadership – lead by example. Be fit to do the job and follow the do's and don'ts of the Fit for Work Program and work to ensure all individuals in their area of responsibility understand and comply with the program requirements.
- Implementation – lead the effective implementation of the program, adherence to the program, and review of the program application and effectiveness in their area of responsibility.

- Foster active participation and cooperation – implement and manage the program in a way that encourages individuals to raise concerns about their own or other individuals' fitness for work.
- Application of the program – ensure that the program is applied fairly and consistently. They will ensure that individuals who seek assistance will not be disadvantaged and that all employment rights will be safeguarded.
- Compliance with program training requirements – being responsible for facilitating individual's complacence with the training requirements.
- Assessment of fitness for work – making the assessment at both the start of work and throughout the work period where appropriate and practical.
- Action required when an individual is unfit for work – taking prompt and appropriate action whenever they believe that any individual is not capable of working in a safe and effective manner. This includes documenting occasions when an individual is not fit for work or when performance is affected or unsatisfactory, providing effective feedback to the individual concerning their performance or safety and assisting the individual to access support and assistance.
- Confidentiality – following all requirements with respect to confidentiality.
- Program training participation and resource provision – being involved in the training programs and provision of information about the Fit for Work Program and other support programs.

## Employees

- Each is responsible for their own health and safety at work and must avoid adversely affecting their health and safety and the health and safety of any other individual.
- Report for work in a fit condition – each must be fit for work when they present for work and must be able to carry out their duties without risk to themselves or others.
- Demonstrate fitness for work upon request – an individual must, if requested by a supervisor, satisfactorily demonstrate that they are fit for work.
- Each must self-disclose to their supervisor, or not attend work, if they believe they are impaired or unfit for work.
- If an individual has a medical condition that could affect their fitness for work, that individual must inform their supervisor of the likely impact of the medical condition on their fitness for work. Where appropriate, a medical certificate must be provided by the individual to their supervisor.
- Appropriate use of medication. Individuals are required to:
  - Discuss with the prescribing medical practitioner the inherent requirements of their job and the likely impact of any medication on their safety or fitness for work; and
  - Take any medication strictly in accordance with the medical practitioners, pharmacists, or manufacturers recommendations.

- Notification of breaches in the Fit for Work Program – all individuals must notify their supervisor of any situation in which the program may have been breached and this includes:
  - Any situation in which other individuals may be unfit for work;
  - The unauthorized possession or consumption of drugs or alcohol on site or during the work period by another individual; and
  - Any other apparent breaches of the program.
- If impairment is suspected, the individual is to sign the consent and participate in either any on site or third-party testing.

## Program Components

All RM individuals must be fit for work during the time they are at work.

This program is made up of two parts,

- I. Determining Safety Sensitive Positions or Physically Demanding Positions
- II. Assessment of Fitness for Work

To establish fitness for work, an organizational and medical and / or other professional determination is made of the physical and psychological capability of an individual to safely and acceptably perform assigned duties without limitations.

This determination is made considering job demands and potential job exposures.

### I. Assessment for Safety Sensitive Positions and Physically Demanding Positions

An assessment is done to determine Safety Sensitive Positions and Physically Demanding Positions or tasks that require specific physical requirements either due to injury experience (e.g. repeated heavy lifting where engineering controls are not feasible) or government standards (e.g. respirator wearing appropriateness), in conjunction with the Workplace Hazard and Risk Assessment Program.

With each position or task that is defined as Safety Sensitive, the following would need to be taken into consideration:

- Clear, direct, and immediate connection between the individual's job duties and a safety risk / potential for harm;
- Immediacy of threat posed by an impaired induced mistake or failure in performance;
- That an error committed could have a negative impact on others' health and safety including the public;
- Operation of heavy equipment or equipment around the public, including commercial vehicle operators;



- Maintenance of equipment that if malfunctioned could cause immediate threat causing human harm or environmental harm; and
- Handling of hazardous substances.

The forms in [Appendix A](#) will be used on each occupation or position within the RM to determine Safety Sensitive Positions and Physically Demanding Positions.

A list of all Safety Sensitive Positions and Physically Demanding Positions from this process will be documented and reviewed by the Council, Supervisor and Administrator.

The documented list will be kept by the Administrator and reviewed on a regular basis.

Any new or expanded job tasks or positions will go through the assessment process.

With each position identified as **Safety Sensitive**, education in hazards, risks, and control will include the Fit for Work Program information, and ensure that the individuals performing the tasks understand that it is safety sensitive, and how the aspects of the Fit for Work Program apply to them.

- Fitness for work factors would be the basis of additional training and understanding such as physical fitness, fatigue, stress, drugs, and alcohol.
- Self-reporting and proactive communication would be emphasized along with confidentiality and working together to ensure a safe and healthy work environment.
- Each Safety Sensitive Position will have a job hazard analysis documented.

With each task defined as **Physically Demanding**, the individuals performing the tasks need to understand the physical demands process and the need of function fitness or medical evaluation. Then a physical demands analysis for the positions will be conducted, documented, and provided to the medical practitioners performing the assessments.

- Physical demands analysis is to:
  - Include an overall description of the job position, breakdown of each physical job task, information about the equipment and tools required, frequency and duration of each specific job task, objective measurements of weights, distances, heights, and forces associated with each job task, a description of environmental conditions, and personal protective equipment necessary. For job descriptions for each job positions refer to Policies 200-20, 400-2.5, 400-2.6 & 400-2.7.
- The physical demands analysis would not be finalized until it is verified by the RM and employee representatives chosen.
- The physical demand analysis would be the foundation for a work functional fitness and / or medical evaluation that would provide comprehensive information in relation to an individual's physical fitness to understand if they can perform the tasks required within a job role, and establishing medical clearance to work in all safety sensitive roles.

## II. Assessment of Fitness for Work

The R.M. of Gull Lake will adopt the following Fitness for Work assessment methods:

- Individual self-assessment and reporting, including reporting of illness and other altered states, and self-testing for alcohol or drugs;
- Face to face discussions between supervisors and individuals at the start of and/or during the work period;
- Functional fitness and other medical assessments;
- Drug and alcohol testing with reasonable cause, especially with Safety Sensitive Positions, post incident, and reintegration and return to duty; and
- Other recognized assessments as appropriate.

All reported or suspected incidences of impairment and identification of fitness for work factors listed below, shall be documented on the Impairment Incident Report form included in [Appendix B](#).

Actions and consequences will be dependent on the Fit for Work and Impairment factors identified.

### Recognizing Impairment

Impairment symptoms are included in the Impairment Incident Report.

### Responding to Suspected Impairment

When responding to a suspected impairment, the supervisors will:

- Speak to the individual in a private area;
- Ask a designated person to be present as a witness –supervisor, Administrator, another employee, or worker representative;
- Handle all actions and conversation with empathy and without judgement;
- State that the concern is about safety for themselves and others;
- Review the Fit for Work Program and obligations on the RM and on the individual;
- State the noted concerns to the individual – as listed on the factors indicated on the Impairment Incident Report and explain to the individual that because of those you are concerned;
- Request that the individual explain what is going on;
- Discuss why such states or behaviors create risk for safety;
- Based on individual’s response, discuss the options where applicable and available;
- Focus on the behavior or concern, and how the organization can help;
- Follow the steps outlined, dependent on the determined contributing factors suspected as the cause of impairment, focusing on solutions for work performance or conduct;
- Require the individual to participate in the establishment of a Fit for Work plan;
- Outline the consequences of the breach and any potential future breaches;

- Issue an appropriate written warning which will reflect the key points covered in this process; and
- In the case of drugs or alcohol, the individual will need to provide appropriate negative results before being able to return to work.

Every discussion is to be accompanied by an Impairment Incident Report.

### III. Fitness for Work Factors and Situations

#### 1. Illness

Illness can occur at any time that can affect one's ability to work. Anything from a common flu or more serious medical conditions can affect one's level of ability and therefore impairment.

##### Self-reporting Illness

- If one feels ill at work, then it needs to be reported to the supervisor immediately.
- If one has been diagnosed with a more serious illness, a temporary medical condition, or another disability, and / or is taking medication that could potentially affect their work, then that needs to be discussed with the supervisor as soon as possible, and involvement of the supervisor should occur as soon as possible to determine the best course forward.

If illness is suspected by the supervisor or by others and reported to the supervisor, the supervisor will talk with the individual to assess the situation. In cases where severe illness exists or impairment places the individual in immediate danger, the supervisor will take appropriate action which may include obtaining the appropriate medical assistance.

##### Leaving the Work Site

- If the supervisor or the individual feels they are too ill and unfit to drive home due to illness, the supervisor and individual will work together so that the RM can take reasonable steps to get the individual home safely or to a medical facility for assessment.

If the individual was under medical care, then the Return to Work Program will be used. The individual will not be able to return to work until they have had appropriate discussions with their supervisor and are able to demonstrate that they are fit for work, which is usually a letter from their medical professional.

If repeated illness is creating a concern, discussion with the supervisor will occur to come up with the best solution for the specific circumstances. Medical assessments, and outlined modification and accommodation can occur under certain circumstances, as well as short and long-term disability plan options.

#### 2. Physical Condition

Functional fitness, medical evaluations, and assessment will be done when the RM wishes to be sure an individual can safely do a specific job or task, and if that task has been defined as

physically demanding. The purpose is to determine if, medically, the individual can perform the job or task under the working conditions.

The evaluation or assessment request will be made by the direct supervisor.

Forms and documents will be sent with the individual to the medical provider.

The medical professional will determine if the person is able to do that particular job. The medical professional may consider physical or mental abilities, sensory acuity, level of skill, functional limitations, etc.

Job details, requirements, physical demand analysis forms, and working condition information will be provided to the occupational medical specialist (either on staff or an outside professional), so that the fit for work evaluation can be made accurately.

The medical professional will typically only report one of three conditions back to the supervisor as:

- Fit – in which case the worker will work within that position.
- Unfit – in which case the supervisor will explore the following options which may be available:
  - If pre-access, may have conditional job offer revoked or may have other positions to offer;
  - If proactive evaluation, can work on a treatment plan or modify work;
  - If post-injury evaluation, may need to extend the rehabilitation time, or look at accommodations; or
  - If pre-transfer, may have transfer denied.
- Or fit subject to work modifications – in which case the supervisor will explore options available for modification and accommodation.

Refer to the physical demands analysis from WCB.

Functional Fitness and Medical Evaluations will be used with:

- Pre-access – to reduce the chance of injury by ensuring the right person is able to perform all essential tasks of a job, these are done after a conditional job offer;
- Proactively – if a concern has been identified or brought forward that can potentially affect the safety and health of the individual or others;
- Post-injury return to work – to ensure individuals are ready to return to the job; and
- Pre-transfer – to make sure individuals can handle the different functional fitness demands of a new role before injuries happen.

The results of the evaluations will be used to:

- Assess whether potential individuals can meet the essential physical demands of a specific job;
- Mitigate risk by assigning new individuals to job classifications that match their current physical abilities; and

- Establish baseline or benchmarks for the physical abilities and functions required for a job and provide appropriate support to improve or accommodate information where necessary.

These Fit for Work Evaluations and Assessments will be done when:

- A task has been deemed physically demanding;
- A significant change in the working conditions;
- Individual transfers to a position where the working conditions are significantly different;
- The job has been modified and a returning worker is still undergoing rehabilitation;
- There has been a change in an individual's health status such as returning to work after recovery from a serious illness or injury;
- A medical condition may limit, reduce, or prevent the person from performing a new or current job effectively and safely;
- A medical condition is likely to make it unsafe to do the job (e.g. person may unpredictably become unconscious in a hazardous situation);
- A medical condition is likely to make it unsafe for themselves, co-workers, or the public (*e.g. visual impairment for driving*); and
- Medical condition may be made worse by the job (*e.g. excessive physical exertion and wearing of a respirator by an individual with a heart or lung disorder*).

### 3. Personal Stress and Mental Health

Impairment can be caused by any personal or work related event that results in lack of concentration, the inability to do a task, or the inability to make decisions.

Self-reporting stress or situations that cause stress should be done with the immediate supervisor.

### 4. Fatigue

Every individual has a responsibility to monitor and assess their own level of alertness at the start of and throughout the work period.

Self-reporting Illness

- If one feels symptoms of fatigue at work, then it needs to be reported to the supervisor immediately.
- If one feels seriously fatigued and if they feel they present a hazard to self or others, then they must not remain working.
- If one has been diagnosed with a more serious illness, a temporary medical condition or another disability, and / or is taking medication that could potentially affect their level of fatigue at work, then that needs to be discussed with the supervisor as soon as possible.

If effects of fatigue are suspected by the supervisor or by others and reported to the supervisor, the supervisor will talk with the individual to assess the situation.

The supervisor and the individual will discuss the causes of the fatigue and address them. Cause can be either:

- Work Related Fatigue – such as long hours, shift work, or demands of the job; or
- Non-work related fatigue – such as poor sleep or life events causing tiredness.

#### Leaving the Site

- Either through self-reporting or identified fatigue symptoms, individuals may be required to leave work. The supervisor will make arrangements for the individual to get home safely.

### 5. Drugs and Alcohol

Individuals must perform their work duties without limitation due to the use of or after effects of alcohol, illegal or other drugs, or medications. The following are strictly prohibited:

- To use alcohol, illegal or other drugs, or misuse medications while on RM work premises or on the job;
- To possess, distribute, or offer for sale alcohol, illegal or other drugs, or drug paraphernalia (not essential to a medical condition) or to illegally possess, distribute, or offer for sale medications on RM property, in assigned vehicles or on premises where the RM work is being performed;
- To use alcohol or illegal or other drugs following a work-related incident, before completion of post incident tests or receiving notification that tests will not be required; and
- To fail to submit to or interfere with tests required pursuant to this program.

#### Over the Counter or Prescription Medication

In the event that an individual is taking over the counter or prescription medication that has the possibility of impairment, and has reported to site for duty, then the following procedure will apply:

- The individual will discuss with the prescribing medical practitioner what they do at work and what is the likely impact of the medication on their safety or fitness for work. If there is an impact, a medical certificate / letter must be provided outlining any impairments and work restrictions as a result of the prescription medication use;
- Take any medication strictly in accordance with the medical practitioners, pharmacists, or manufacturers recommendations;
- The individual will notify their supervisor that they are taking over the counter or prescription medication before commencing their shift, and provide any medical documentation as outlined above; and
- If the medication can cause impairment such as drowsiness or specific impairment considerations – e.g. narcotic based painkillers, or medical cannabis prescribed, then:

- Individual must have a note from the medical professional indicating possible impairments and restrictions as noted above;
- If appropriate the Supervisor will notify the next position of authority;
- The Supervisor will decide whether or not the individual can start their normal duties;
- If not, then suitable alternative duties can be found so that the individual may remain at work under the direction of the area supervisor;
- If no alternative duties can be found, then the Supervisor will arrange transportation for the individual to his/her home, and they must have a medical evaluation with a medical professional; and
- The individual can return to work with limitations outlined for work modification and accommodation.

## Legal / Illegal Drugs and Alcohol

### Intervention

If an individual self-reports that there is a problem with drugs or alcohol, if co-workers report suspected drug or alcohol related issues, or the Supervisor feels an individual's unsatisfactory performance maybe drug or alcohol-related, a meeting with the individual will be arranged.

If there are reasonable grounds to believe or reasonable suspicion that the conduct of an individual while on duty in a Safety Sensitive Position is indicative of the use of or after effects of alcohol or drugs or the misuse of medications, then testing for alcohol and specified drugs will be performed. Reasonable cause for testing is outlined further in this document.

The supervisor would start to fill out the Impairment Incident Report form and finalize its inclusions at the return to work meeting.

A meeting with the Supervisor will take place to discuss treatment and /or disciplinary actions that will occur once the individual is not impaired. If the situation concerns the Administrator, then the individual would report to the Reeve and the Reeve would follow the confidential process with having the council investigate the situation.

At the meeting, the following will be reviewed:

- Individual's fitness for work status / unsatisfactory performance, conduct, and indicators discussed;
- The RM's required standards, making sure the individual understands what is expected of them; and
- The cause of the problem – if drug or alcohol related, or another cause of impairment, and related performance issues.

Supervisor should issue warnings appropriate to the situation and consistent with the RM's program, following up with further meetings and eventual disciplinary action if the situation is not rectified.

The Impairment Incident Report form would be completed with next step actions and follow-up. The form would be kept either in an incident file and / or on the individual's personnel file.

## Testing Applications

### 1. Reasonable Cause

Testing for alcohol and specified drugs will be performed when there is/are reasonable ground(s) to believe that the conduct of an individual while performing work duties in a Safety Sensitive Position is indicative of the use of or after effects of alcohol, drugs, or the misuse of medications.

The decision to test may be made by the Supervisor and if possible, with the concurrence of the Administrator, based upon specific observations about the individual recorded on the Impairment Incident Report form, which include, but are not limited to the following:

- Observed use of drugs or alcohol;
- Smell of alcohol;
- Slurred speech;
- Tremors or unsteadiness in walking or standing;
- Repeated errors or other unexplained changes in job performance or behaviors;
- Disoriented behavior or drowsiness;
- Erratic or unusual behavior;
- Unsafe or careless conduct; and
- Possession of alcohol or drugs on premises.

These tests can identify medical conditions that have not been identified or treated.

Reasonable cause may be required of an individual in non-safety sensitive positions at the discretion of the Supervisor, if the individual has been referred to the Supervisor on the reasonable belief that the work performance of the individual is indicative of the use of or after effects of alcohol, drugs, or misuse of medications.

### 2. Post Incident

Testing for alcohol and specified drugs will be performed as part of an internal investigation for all individuals whose acts, omissions, or decisions could have been a contributing factor in the cause of any work related incident such as:

- Death;
- Medical treatment resulting from serious injury where life was in jeopardy, person was unconscious, resulted in substantial loss of blood, involves fracture or amputation of a leg, arm, hand, foot, finger, or toe, consists of burns to a major portion of the body, or causes the loss of sight in an eye;
- Any damage to public or private property where the loss exceeds \$5,000 (or value determined by the RM), including estimated property damage, cost of clean-up, and recovery;
- Incident results in an emergency shutdown of a facility or part of; and



- Testing may also be required in incidents of near misses if they are considered to have had significant potential for more serious consequences.

Post incident testing should not be performed where there is clear evidence that individual error could not have been a contributing factor in causing a work-related incident (e.g. structural failure from inherent defects).

Because post incident testing is an investigative procedure, testing is required even in the absence of direct evidence or suspicion of alcohol, drug use, or misuse.

### **3. Reintegration and Return to Duty**

Unannounced alcohol and drug testing may be performed as part of a support program for any individual and will be a condition for individuals in Safety Sensitive Positions following rehabilitative treatment, a breach of this policy, or recommendation by a Substance Abuse Professional. After care programs will be developed on a case-by case basis.

### **4. Treatment and Condition of Continued Employment Agreement**

A verified positive drug test does not necessarily constitute impairment at the time of the test or a dependency or addiction to a substance. To reduce the risk from the use of drugs in the workplace, the RM will require a condition of continued employment agreement after a verified positive result is reported.

The individual signs the conditions of continued employment that says that the RM and the individual enter into an agreement, which allows the RM to accommodate knowing that the individual is not refusing treatment if it is required. This form also allows the release of information on the evaluation by a medical professional to the RM.

After the conditions of continued employment is signed, witnessed, and given to the qualified program administrator, arrangements will be made of the individual to be evaluated by the medical practitioner to determine if the individual needs assistance in overcoming a drug problem. While the individual is undergoing treatments, they will be on sick leave, and after successful completion of the evaluation and the treatment program if required, the individual will be considered for appropriate employment if still available, or elsewhere within the RM.

If an individual in a Safety Sensitive Position refuses to participate in a rehabilitation, treatment, or educational program, or sign the required documents, they will not be considered for further employment.

Where individuals acknowledge that they have a problem, they will go through the same process as those with positive test results. They are to be offered help and treatment and this will be on the understanding that:

- They will sign a condition of continued employment agreement;
- While they are undergoing treatment, they will be on sick leave and will be entitled to the usual RM sick pay benefits; and

- Every effort should be made to ensure that on completion of the recovery program, individuals are able to return to the same or equivalent work.

If the individual comes forward to seek assistance from the RM, it will not become a part of the individual's personnel file, will not be used as a basis for disciplinary action, and will not be used against the individual.

However, where such a return to work would jeopardize either a satisfactory level of job performance or the individual's recovery, the foreman will review the full circumstances surrounding the case and agree to a course of action to be taken. This may include the offer of suitable alternative employment, or the consideration of retirement on the grounds of ill health or dismissal.

Before a decision on dismissal is made, it should be discussed with the individual and an up-to-date medical opinion obtained.

### **Relapse**

Where an individual having received treatment suffers a relapse, the RM will consider the case on its individual merits. Medical advice will be sought in an attempt to ascertain how much more treatment / rehabilitation time is likely to be required for a full recovery. At the RM's discretion, more treatment or rehabilitation time may be given in order to help the individual to recover fully.

### **Recovery Unlikely**

If, after an individual has received treatment, recovery seems unlikely, the RM may be unable to wait for the individual any longer. In such cases, dismissal may result. In most cases, a clear warning will be given to the individual beforehand, and a full medical investigation will have been undertaken. In certain cases, strictly at the discretion of management, early retirement may be considered.

If an individual is found to be consuming alcohol during work activities or on the premises, or who are found buying or selling drugs, or are in the possession of unlawful drugs, this will be in breach of RM's standards and program, and will result in disciplinary action being taken, which is likely to result in dismissal for cause.

### **Searches**

The RM may conduct an unannounced search and / or seizure if there are reasonable grounds to believe that alcohol, illegal or other drugs, or drug paraphernalia may be present on work premises or in assigned vehicles.

Any attempt to impede or prevent a search and seizure of alcohol, illegal or other drugs, or drug paraphernalia will be considered a breach of this program and may result in disciplinary action up to and including dismissal for cause.

## Impaired Driving

Any individual charged with an impaired driving related offence while operating a vehicle on RM business or driving an RM assigned vehicle must immediately report the charge to their supervisor.

If an individual has their operator's license suspended or who is charged with an impaired driving related offence as a result of roadside testing must immediately report such suspension / or charge to their supervisor if within the period of suspension, they are required to drive on RM business, operate mobile equipment in their work duties, or drive RM assigned vehicles. The supervisor will determine whether a Fitness for Work Assessment should be arranged and what job accommodation can take place if required.

Provided that the individual retains a valid operator's license and considering the circumstances and any assessment, a determination will be made as to whether the individual is in need of an assistance program and whether they should be allowed to continue to operate mobile equipment or assigned vehicles pending the outcomes of the charge. Any safety concerns may result in work restrictions begin issued for the individual.

If reasonable and possible, individuals who have had their operator's license suspended but require a valid operator's license to perform their job duties may be temporarily accommodated in an alternative position until their operator's license is restored. Any such accommodation should not be considered absolute or indefinite. If driving is an essential part of the individual's work duties and an alternative placement is not feasible, the employment contract may be treated as terminated.

Failure to report an impaired driving or related charge, conviction, or suspension immediately may result in discipline up to and including dismissal for cause.

## IV. Accommodating Medical Needs and Substance Dependence

The RM recognizes the need for accommodation that balances an individual's right to work with our general duty requirement to ensure a safe workplace. We will work together to modify or accommodate for medical needs and / or substance dependence. Following our specific accommodation policy and process, a plan will be developed for each individual on a case-by-case basis.

- An employee who is aware that he/she is suffering from substance dependence is encouraged to disclose the nature and the extent of their substance dependence to the Supervisor.
- The RM will keep any disclosed substance dependence in confidence and only share such information where necessary to assist in treatment or provide the necessary workplace accommodations.
- The same benefits and insurance coverage that are provided to all other diseases will be available for Employees who accept an approved course of treatment for Substance Dependence, subject to the terms of the SARM Employee Benefits and insurance plans.

“The employee shall be assisted in applying for any available resources provided by the RM’s benefits and insurance providers.”

- Nothing in this Policy is to be interpreted as constituting a waiver of the RM’s right to maintain discipline or the right to take disciplinary actions in the case of misconduct arising from a Substance Dependence, up to and including termination.

Specific information is needed to ensure appropriate accommodation. This information may include:

- The RM will provide any medical professional with:
  - o a complete descriptions of work, related duties, responsibilities, work schedules, and physical demand analysis;
  - o confirmation of whether the job is safety sensitive; and
  - o any other pertinent information.
- Medical professionals will then provide the RM with:
  - o any specific accommodation needs;
  - o any relevant details regarding treatment;
  - o any implications regarding behavior, attendance, or job performance;
  - o an assessment of whether the individual can safely perform the job, especially if the individual is in a Safety Sensitive Position; and
  - o a plan for return to work if the individual is to be absent from work.

## V. Record Keeping and Protection of Privacy

All Impairment Incident Reports or documentation of discussions needs to be kept on file. It is important that all of these indicate:

- the identified concerns or unsafe work practices;
- the matters discussed;
- the list of actions taken;
- any agreements made with the individual; and
- any recommendations made to the individual.

Any records concerning alcohol or drug tests maintained by the RM will be kept in a separate confidential file segregated from any other employee records and marked “Strictly Confidential”. All relevant information will be safeguarded according to the requirements for confidential human resource and medical information and will only be provided in cases where such information is necessary to ensure safety, health, and performance on RM sites and operations.

No information relating to this program and identifying a particular individual will be released to anyone outside of the RM without written consent of the individual concerned, subject to the RM’s right to seek professional advice and or legal representation.

Individuals who recognize that they have any impairment causing factors, such as fatigue, stress, have a drinking or drug problem, or that they are at risk of developing one, will be encouraged to come forward for confidential help. Contacts at outside agencies where help can be obtained will be made readily available to all within ongoing communication and awareness campaigns.

## VI. Consequence of Non-Compliance

Each situation will be evaluated and responded to on a case-by-case basis. Where the situation dictates that a witness is required to corroborate a reasonable suspicion that an employee or contractor is not Fit for Work, supervisors must seek corroboration from any two of the Reeve, member of Council and/or Administrator.

Failing to comply with any of the above standards or prohibitions may subject the individual to:

- Referral for assessment;
- Entering into Condition of Continued Employment agreements and plans; and
- Disciplinary measures up to and including dismissal for cause.

If the individual is found to be unfit for duty, or if an assessment cannot be performed, the individual will be provided transportation appropriate in the circumstance.

If individuals have been found to cover up impairment issues, such as drinking or drug problems, they can be disciplined for collusion.

The individual may be temporarily suspended with pay and be removed from the worksite pending one or more of the following:

- Receipt of an evaluation from an appropriate professional as to whether the individual has a drug or alcohol problem;
- The approval of management, after considering the job functions to be performed, the safety of the work environment, and any appropriate conditions governing the individual's return to work; or
- A determination of whether a breach of this policy has occurred and if so the appropriate disciplinary action to be taken.

First breach of the program - The supervisor will discuss the breach with the employee concerned and the discussion will focus on those items as applicable outlined under **Responding to Suspected Impairment**.

Second breach of the program - The supervisor will discuss the breach with the employee concerned focusing on the discussion items listed above, except that the likely result will be a final written warning that a further breach is likely to result in dismissal.

Third breach of the program - When a third breach of the Fit for Work Program has been found to occur, the supervisor will discuss the breach with the employee concerned, and disciplinary action up to and including termination is likely to occur.

## VII. Contractor Management

All contractors must comply with their obligation to actively manage their employees' fit for work whilst on RM property to a standard which is consistent with this Fit for Work Program.

The RM will reserve the right in relation to its contractual arrangements with all contractors to include contractors and their employees in any form of drug or alcohol testing conducted by the RM. Prior to commencing work on site, and whenever else reasonably requested to do so, the contractors are to inform their employees about the Fit for Work Program and procedures. If the contracting company has their own, they are expected to have and be able to demonstrate appropriate education and training, regularly conduct their own Fitness for Work assessment programs and have established appropriate disciplinary and management procedures.

Where a supervisor believes that a contractor is not fit for work, they will immediately isolate and remove the individual, contact the contractor's employer, and hold a meeting with the individual to determine the impairment cause and process, and outline that the program will be followed. If the contracting company has their own Fit for Work process, that will be commenced and the individual will be turned over to the contractor's employer, otherwise RM protocol will be utilized.

Where the contractor is required to participate in a testing program, the contractor may be required to submit proof of their identity acceptable to the collector and sign a Consent Form prior to the samples being taken. The consent required is to enable the RM to release the results of the test to the contractor's employer. Failure to provide consent will be considered a refusal to test and will be a breach of the Fit for Work policy.

## VIII. Confidentiality

Confidentiality is vital in promoting the effectiveness of the Fit for Work Program and all reasonable efforts, consistent with safety, legal requirements, and reasonable action must be made to maintain an individual's privacy.

Information relating to an individual's fitness for work must be transmitted, used, and stored in a confidential manner.

THE RURAL MUNICIPALITY OF GULL LAKE NO. 139

ACKNOWLEDGMENT AND DECLARATION FORM - EMPLOYEE

I, \_\_\_\_\_, an employee of Rural Municipality of Gull Lake No. 139 acknowledge that I have been provided with a copy of the Rural Municipality of Gull Lake No. 139 Fit For Work Program Policy 200-97.1 (the "Policy") and have read and understood it and acknowledge that I will abide by the Policy. I understand that if I violate the rules set forth by this Policy, I may face disciplinary action up to and including termination of employment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

## APPENDIX A - Decision Determination of Safety Sensitive Positions and Physically Demanding Positions

### Safety Sensitive Position Determination:

Job / Position		
Brief Description of Job / Tasks:		
List of critical performance(s) for safe task completion:		
<b>Questions</b>	<b>Yes</b>	<b>No</b>
Could impairment such as decreased alertness, quickness of response, soundness of judgement, mental acuity, and accuracy of coordination of multiple muscle functions affect the task and therefore safety?		
Is there a clear, direct, and immediate connection between the person, their job duties, and the safety risk / potential for harm?		
Does the potential for harm caused by the substandard performance or failure to follow procedure go beyond the individual and include others?		
Does the potential for harm caused by the substandard performance or failure to follow procedure go beyond the individual and include others, the public, and the environment?		
Is there a history of incidents within this job task that has had a high risk of injury result?		
Have there been court cases that have deemed this as a safety sensitive position?		
Have there been other jurisdictions or organizations that have deemed this a safety sensitive position?		
Is there any operation, maintenance, or control of equipment for the production or utilization of any hazardous materials?		
Is there any operation of heavy equipment?		
Are there any direct operational responsibilities for emergency incident response?		

If there are two or more “Yes” answers, it would be seen to be a Safety Sensitive Position. A Job Safety Analysis conducted and reviewed by the joint occupational safety committee would verify that it is a “Safety Sensitive Position”.

Determination of Safety Sensitive	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Individuals involved in review:		
Further recommended actions or assessments:		
If it is a Safety Sensitive Position, then a Job Safety Analysis needs to be done.		
Date Reviewed:		



**Physically Demanding Positions Determination:**

Job / Position
Brief Description of Job / Tasks:
List of critical performance(s) for safe task completion:

Questions	Yes	No
Does this job require physical exertion?		
Is there any human factor or ergonomic risk factors such as heavy lifting, repetitive work, or awkward postures?		
Has this position had any incidents where the person had to be accommodated or work modified due to musculoskeletal injury?		
Is there specific personal protective equipment that could affect the physical exertion needed to complete the task?		
Are there specific hazards that need to have medical assessments and monitoring to work with or around?		
Are there specific medical conditions that would create an impairment that would put the individual at risk for doing the task or wearing the personal protective equipment?		

If there are two or more “Yes” answers, it would be deemed as a possible Physically Demanding Job, and a Physical Demand Analysis should occur to verify it as a “Physically Demanding Job”.

Determination of Physically Demanding	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Individuals involved in review:		
Further recommended actions or assessments:		
If it is a Physically Demanding Job, then a Physical Demands Analysis must be completed, as well as a Job Safety Analysis.		
Date Reviewed:		

## APPENDIX B - Impairment Incident Report

Employee / Individual's Name:			
Date & Time of Incident:			
Description of Incident:			
Description of Position:			
<input type="checkbox"/> Safety Sensitive position <input type="checkbox"/> Non-safety sensitive position			
Reason for Discussion / Reporting	<input type="checkbox"/> Impairment test result	<input type="checkbox"/> Self report	<input type="checkbox"/> Witness / others involved
	<input type="checkbox"/> Other (describe)		
<i>Impairment test result</i>	<i>To be included only if program component of impairment tests conducted</i>		
Drugs or alcohol	<input type="checkbox"/> Observed use	<input type="checkbox"/> Possession on site	<input type="checkbox"/> Smell of alcohol
Behavior	<input type="checkbox"/> Inappropriate verbal or emotional response	<input type="checkbox"/> Lack of focus or concentration	<input type="checkbox"/> Lying or implausible excuses for behavior
	<input type="checkbox"/> Sleepy / Fatigued	<input type="checkbox"/> Combative	<input type="checkbox"/> Insulting
	<input type="checkbox"/> Nervous	<input type="checkbox"/> Irritable	<input type="checkbox"/> Confused
	<input type="checkbox"/> Excited	<input type="checkbox"/> Uncooperative	<input type="checkbox"/> Poor Memory / Forgetfulness
	<input type="checkbox"/> Overly talkative	<input type="checkbox"/> Exaggerated politeness	
	<input type="checkbox"/> repeated errors or other unexplained changes in job performance such as absenteeism or lateness		
	<input type="checkbox"/> Other (describe) erratic / unusual behavior or unsafe / careless conduct		
Unusual Actions	<input type="checkbox"/> Sweating	<input type="checkbox"/> Slow reactions	<input type="checkbox"/> Over emotional – crying
	<input type="checkbox"/> Quick moving	<input type="checkbox"/> Tremors / Shaking	<input type="checkbox"/> Red or glassy eyes

	<input type="checkbox"/> Other (describe)		
Speech	<input type="checkbox"/> Slurred	<input type="checkbox"/> Slow	<input type="checkbox"/> Confused
	<input type="checkbox"/> Thick	<input type="checkbox"/> Rambling	<input type="checkbox"/> Pressured
	<input type="checkbox"/> Other (describe)		
Balance	<input type="checkbox"/> Falling	<input type="checkbox"/> Staggering or unsteady	<input type="checkbox"/> Unsure
	<input type="checkbox"/> Needs support	<input type="checkbox"/> Stumbling	<input type="checkbox"/> Normal
	<input type="checkbox"/> Other (describe)		
Witness / Other Individuals Involved			
Supervisor Name			
Supervisor Actions			
Consequence			
Planned Follow-up			
Signature		Date	

*Modified from ACCA – Atlantic Canada Council on Addiction – A toolkit to address problematic substance use that impacts the workplace.*