
TITLE: SUBSTANCE USE POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 04500-06

APPROVAL DATE: January 22, 2024

CAO Signature: _____



POLICY STATEMENT

Employees under the influence of drugs or alcohol on the job can pose serious health and safety risks to both themselves and their fellow employees. To help ensure a safe and healthy workplace, the Town of Amherst reserves the right to prohibit certain items and substances from being brought on to or present on Town of Amherst premises.

PURPOSE

The Town of Amherst is committed to the health and safety of its employees and has adopted this Policy to communicate its expectations and guidelines surrounding substance use, misuse, and abuse.

DEFINITIONS AND TERMS

Alcohol: means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Use: means the use of any beverage, mixture, or preparation, including any medication, containing alcohol.

Contractor: Independent entity that agrees to furnish certain number or quantity of goods, material, equipment, personnel, and/or services to the Employer and Employees.

Drug: pure substance, chemical or agent used to alter the way the body or mind functions.

Drug Identification Number (DIN): number assigned by Health Canada to a drug product prior to being marketed in Canada. Identifies all drug products sold in the dosage form and is located on the label of OTC and prescription drug products authorized for sale in Canada.

Drug Paraphernalia: equipment, product or material intended or designed to be used in manufacturing, compounding, converting, concealing, processing, preparing or introducing a substance into the human body.

Employee: a person employed by the Town of Amherst to do work. For the purpose of this policy this includes contractors, volunteers, vendors and any person authorized by the Town of Amherst to be on the workplace/worksite.

Employer: means the organization of the Town of Amherst. This term includes the agents, officers and representatives of the Town of Amherst.

Employee Assistance Program/Family Assistance Program: means a confidential corporate sponsored program offering support and counselling services to employees (and identified family members) that are experiencing personal and/or work/personal related matters.

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Fit for Duty: reporting to work and being able to perform assigned duties and tasks, whether on a Town of Amherst job site or another site assigned by a supervisor, and not being under the influence of any substance that causes Impairment or that adversely affects the employee's ability to perform their assigned duties and tasks in a safe and responsible manner throughout their entire work shift.

Group Health Plan: Health insurance program comprised of a group of members.

Impairment: state of being diminished, weakened or damaged, especially cognitively or physically.

Incident: any occurrence that caused or had the potential to cause damage to persons, property, reputation, security or the environment.

Off Duty Conduct: actions of the Employee, including verbal, non-verbal, and written acts, outside of the hours the employee is scheduled to work.

Reasonable Suspicion, also called Reasonable Grounds: The direct observations of the employee's conduct or other indicators such as physical appearance of the employee, odors associated with the use of substances and includes the presence of drug paraphernalia on the employee, their work area, or their vehicle, or observed changes in the employee's behavior such as erratic behavior, slurred speech, confusion, staggering and unsteadiness.

Safety Sensitive Position: Safety Sensitive Position is a job or position where the employee holding this position has the responsibility for their own safety or other people's safety. Workplace performance affected by substance use could result in a significant incident, near miss or failure to adequately respond to a significant incident and detrimentally affects the health, safety or security of the employee, others, property, the environmental or employer's reputation.

For the purposes of this policy the following positions are designated Safety Sensitive:

- Police Officers
- Firefighters and Fire Inspectors
- Dispatcher
- Building Officials
- Public Works Foreman
- Parks & Recreation Foreman
- Facilities Manager
- Engineering Technologist
- Engineering Technician
- Dangerous and Unightly Premises Administrator
- Operator with Refrigeration Class II
- Parks and Stadium Supervisor
- Parks, Maintenance and Stadium Operator
- Stadium Attendant
- Parks Attendant
- Recreation Maintenance
- Sub Foreman

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- Carpenter
- Mechanic
- Welder
- Lead Hand
- Operator
- Water and/or Sewer Maintenance
- Utility
- Laborer

Substance: includes any drug, alcohol, substance, chemical or agent regardless of whether the use or possession is lawful or unlawful or requires a personal prescription or medical certificate from a licensed treating physician, Nurse Practitioner (NP), or those permitted by law, and includes any non-prescription and over the counter substances.

Supervisor: A supervisor is a person who has charge of a workplace and/or authority over a worker.

Volunteer: includes anyone attending at any workplace or worksite of the employer and for the purposes of this policy a volunteer will be considered like an employee.

Workplace/Worksite: any place that physical and or mental labor occurs, whether paid or unpaid. This includes whether on a Town of Amherst job site or another site assigned by a supervisor and where an employee attends while working for the employer, during scheduled work hours, and/or is acting on behalf of the employer.

OBJECTIVES

The following expectations apply to employees and management alike while conducting work on behalf of the company, whether on or off Town property:

- Employees are expected to arrive to work fit for duty and able to perform their duties safely and to standard;
- Employees must remain fit for duty for the duration of their shift;
- Distribution or sale of drugs, alcohol or any substance that causes impairment during work hours, including during paid and unpaid breaks, is strictly prohibited;
- Possession of non-prescribed drugs or substances that cause impairment during working hours is strictly prohibited;
- Use and possession of medically prescribed drugs is permitted during working hours, subject to the terms and conditions of Town of Amherst policies and all applicable legislation;
- Employees are prohibited from reporting to work while under the influence of non-prescribed drugs or alcohol; and
- Employees on prescription medication or medically approved substances **must** communicate to management any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment.

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SUSPICION OF IMPAIRMENT

The following procedure may be enacted if there is reasonable belief that an employee is impaired at work:

- If possible, the employee's manager or supervisor will first seek another manager's or supervisor's opinion to confirm the employee's status.
- Next, the manager or supervisor will consult privately with the employee to determine the cause of the observation, including whether substance use has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations. If the employee exhibits unusual behavior including, but not limited to, slurred speech, difficulty with balance, watery or red eyes, or dilated pupils, or if there is an odor of alcohol or other impairing substances, the employee should not be permitted to return to their assigned duties in order to ensure their safety and the safety of other employees or visitors to the workplace.
- If an employee is considered impaired and deemed "unfit for work," this decision is made based on the best judgement of two members of management (when possible) and DOES NOT require a breathalyzer or blood test. The employee may be advised that the Town of Amherst has arranged a taxi or shuttle service to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. The employee may be accompanied by a manager or supervisor or another employee if deemed necessary.
- When it is suspected that an employee is impaired, the employee will not be allowed to drive. The employee should be advised if they choose to refuse Town of Amherst organized transportation and make the decision to drive their personal vehicle, the Town is obligated to, and will contact, the police to make them aware of the situation.
- A meeting may be scheduled for the following work day to review the incident and determine a course of action which may include discipline or a monitored referral program as part of a treatment plan.

SUBSTANCE DEPENDENCY

Town of Amherst understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability. Employees are not excused from their duties as a result of their dependencies. Town of Amherst promotes early diagnosis. Any employee who suspects that they might have an emerging drug/substance or alcohol problem is expected to seek appropriate treatment promptly. The Town of Amherst will support this process where appropriate and when operationally viable.

VOLUNTARY IDENTIFICATION

Employees are encouraged to communicate if they have a dependency or have had a dependency so that their rights are protected and they can be accommodated appropriately. Employees will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort.

All medical information shall be kept confidential by Town of Amherst, unless otherwise authorized by law.

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AGREEMENT FOR THE CONTINUATION OF EMPLOYMENT

Town of Amherst reserves the right to invoke an agreement for the continuation of employment in accordance with an employee's commitment to become and remain alcohol- and drug-free. The agreement will outline the conditions governing the employee's return to the job and the consequences for failing to meet the conditions.

An agreement for the continuation of employment may include a requirement for drug or alcohol testing.

DISCIPLINARY ACTION

Employees may be subject to disciplinary action up to and including termination of employment for failure to adhere to the provisions of this policy, including but not limited to:

- a) Failure to meet prescribed safety standards as a result of impairment from alcohol, drugs or substances that cause impairment; and
- b) Engaging in illegal activities (for example, selling drugs, alcohol or substances that cause impairment while on Town of Amherst premises).

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Directors	Directors will: <ol style="list-style-type: none"> a. Clearly communicate expectations surrounding alcohol and drug/substance use, misuse, and abuse; b. Maintain a program of employee health and awareness; c. Provide a safe work environment; and d. Review and update this policy regularly. e. Ensure, when appropriate, that accommodation as provided if warranted.
Human Resources	Human Resources will: <ol style="list-style-type: none"> a. Ensure a confidential and supportive environment for an affected employee to address the situation discreetly and compassionately to protect the employee's privacy; b. Provide relevant resources and referrals which may include, but are not limited to, support networks, treatment options, community resources, employee assistance programs, workplace referrals, counseling and/or rehabilitation services; c. Collaborate with Directors and Managers to implement reasonable accommodations when appropriate; d. Assist in the reintegration into the workplace following accommodation and/or rehabilitation measures and; e. Maintain accurate documentation regarding the events, interventions, and/or agreements made regarding the employee.
Managers and Supervisors	Managers and Supervisors will: <ol style="list-style-type: none"> a. Identify any situations that may cause concern regarding an employee's ability to safely perform their job functions;

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	<ul style="list-style-type: none"> b. Ensure that any employee who asks for help due to a drug/substance or alcohol dependency is provided with the appropriate support (including accommodation); and c. Maintain confidentiality and employee privacy.
Employees	<p>Employees will:</p> <ul style="list-style-type: none"> a. Abide by the provisions of this policy and be aware of their responsibilities under it; b. Arrive to work fit for duty, and remain as such for the duration of shift; c. Communicate dependency or emerging dependency to management or human resources; and d. Follow an after-care program, where established. e. Seek advice and appropriate treatment, where required; f. Perform work safely in accordance with established safe work practices; g. Avoid the consumption, possession, sale, or distribution of drugs, substances that cause impairment or alcohol on Town property and during working hours (even if off Town property); h. When off duty, refuse a request to come into work if unfit for duty; i. Report limitations and required modification as a result of prescription medication; j. Report co-workers to management who they have reason to believe are not fit for duty according to this policy; k. Any employee working in a Safety Sensitive position who has a limitation or restriction on their ability to perform their job, or if prescribed medical treatment which has or will adversely affect those abilities, must report such limitations or restrictions to their immediate supervisor, who in turn will notify Human Resources.

ACKNOWLEDGEMENT AND AGREEMENT

I, (Employee Name), acknowledge that I have read and understand the Substance Use Policy of Town of Amherst. I agree to adhere to this policy and will ensure that any employees working under my direction adhere to this policy. I understand that if I violate the rules set forth in this policy, I may face disciplinary action up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

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For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Replace all non-gender-neutral terminology (his/her) with gender-neutral terms (they/them/their); addition of new positions to be defined as "safety sensitive" positions; provide clarity that the Town will support an employee who may be undertaking treatment for substance dependency when appropriate and operationally viable; add roles and responsibilities for Human Resources staff; minor grammar revisions	Director, HR and Customer Services, Crossman	Council	January 22, 2024

Minutes reference date: April 29, 2019