



COUNTY OF ST. PAUL NO. 19

BALANCING RURAL HERITAGE WITH A DIVERSE ECONOMY

POLICY OBJECTIVE:

The County of St. Paul is committed to providing a safe, drug and alcohol-free workplace and to ensure that hazards associated with drug and alcohol use are removed from the workplace.

A) POLICY STATEMENT

The County and its employees must be committed to upholding this policy and working together to eliminate impairment-related risks in the workplace. This policy shall be provided to all employees as part of their orientation.

B) DEFINITIONS

- (a) **“Alcohol”** means any substance containing beverage alcohol, ethyl alcohol, or other molecular weight alcohols (including methyl and isopropyl alcohol) in excess of 0.04% by volume;
- (b) **“Cannabis”** means cannabis as defined in Canada’s *Controlled Drugs and Substances Act* and *Cannabis Act*, and any derivatives of cannabis, whether taken recreationally or pursuant to a personal prescription or as otherwise authorized by a licensed physician;
- (c) **“Drug”** means any drug, substance, chemical, or agent that through its use may compromise or adversely affect the user’s actions, coordination, thoughts, or concentration level whether obtained legally or illegally and includes prescriptions or over-the-counter drugs which have been lawfully manufactured and obtained, and that may render the Employee unable to perform his or her job safely.

- (d) **“Employee”** means any person employed by the County or by a contractor working for the County on Municipal Property, whether in a full-time, part-time, or temporary position;
- (e) **“Fitness for Duty”** means a state (emotional, mental, and physical) that allows an individual to perform their assigned tasks competently and in a manner that does not compromise or threaten the safety or health of that individual, others, the environment, or Municipal Property;
- (f) **“Municipal Business”** means all activities without limitations undertaken by Employees in the course of carrying out their duties whether on or off Municipal Property;
- (g) **“Municipal Property”** means any land, building, infrastructure, or part thereof owned, operated, leased, or occupied by the County, any motor vehicle piece of equipment, or other means of transportation owned, leased, rented, or used by the County, and any private vehicle used in the course of Municipal Business; and
- (h) **“Safety Sensitive Position”** means an Employee in a position whereby a state of reduced cognitive capacity could result in an immediate, direct, or significant risk of harm or injury to the Employee, others, the environment, and/or Municipal Property. Such positions depend on alertness, quickness of response, soundness of judgement, and coordination of multiple muscle functions.

C) GENERAL GUIDELINES

- 1) The use of Cannabis, alcohol, or non-prescribed drugs during work hours is strictly prohibited. The County prides itself on providing a safe working environment for all its employees. Employees under the influence of drugs or alcohol on the job can pose serious safety and health risks both to themselves, their co-workers and visitors to our premises. To help ensure a safe and healthy workplace, the County reserves the right to prohibit certain items and substances from being brought on to, or being present on County premises.

- 2) The County also prohibits any employee from reporting to work, or working with any measurable level of cannabis, alcohol, illegal or non-prescription drugs, or other controlled substance that might affect the employee's ability to work safely.
- 3) Employees shall be considered under the influence of drugs or alcohol if:
 - (a) The Employee's ability to perform their duties is impaired;
 - (b) The Employee has a blood alcohol concentration of 0.04% or higher;
 - (c) The Employee is in a mental or physical condition that creates a risk to the health and safety of the Employee or other individuals, or puts Municipal Property at risk;
 - (d) The Employee demonstrates signs of impairment including but not limited to, the smell of alcohol or cannabis on his or her breath, slurred speech, or difficulty performing motor skills. Impairment can be unique in every situation and for everyone.

D) PROHIBITED BEHAVIOUR

- 1) The following behaviours are strictly prohibited:
 - (a) Attending work while under the influence of Alcohol, Drugs, or Cannabis, whether on Municipal Property, operating a vehicle, or conducting Municipal Business regardless of location;
 - (b) The use, possession, sale, manufacturing, or dispensation any Alcohol, Drug, Cannabis, or paraphernalia associated with these items. All illegal Alcohol, Drugs, or Cannabis found will be surrendered to the appropriate law enforcement agency;
 - (c) Failure to adhere to the requirements of any Drug or Alcohol treatment or counselling program in which the Employee is enrolled;
 - (d) Failure to undergo an Alcohol and Drug test when required to do so pursuant to this Policy;

- (e) Failure to report to management the use of any prescribed Drug that may alter the Employee's ability to safely perform their duties. Proper use of such medication is not grounds for disciplinary action but may require modified duties or reassignment during treatment. An Employee is required to advise their supervisor as soon as possible when they have been prescribed a drug that may affect the Employee's ability to safely perform their duties;
- (f) Given the risks involved when operating motor vehicles in an impaired state, any Employee who operates a County-owned vehicle or other vehicle while on Municipal Business while under the influence of Alcohol, Cannabis, or Drugs shall be terminated immediately and without notice. Any damage done to Municipal Property or individuals while under the influence of Alcohol, Drugs, or Cannabis while undertaking Municipal Business shall be the Employee's personal responsibility and the Employee will be required to pay for such damages personally.
- (g) Failure to disclose to management any impairment that may affect an Employee's ability to safely perform their duties or otherwise compromise the safety of others; and
- (h) Failure to disclose to management the impairment or suspected impairment of another Employee that may affect the ability of that Employee to safely perform their duties or otherwise compromise the safety of others.

E) CONSEQUENCES OF BREACHING POLICY

- 1) Violations of this Policy may result in disciplinary action up to and including termination of employment for just cause depending on the nature of the violation.
- 2) The County reserves the right to search personal belongings brought to County worksites (including lockers, company vehicles, and personal bags) if there are reasonable grounds to believe that an Employee is impaired, has consumed Alcohol, Cannabis, or Drugs while attending work, or is in possession of an illegal substance.

- 3) The County shall report violations of Canadian or Albertan law to the appropriate law enforcement authority.

F) DRUG AND ALCOHOL TESTING

- 1) The Chief Administrative Officer or their designee may require an Employee to attend an Alcohol, Drug, or Cannabis test conducted by a third-party laboratory under the following circumstances:

- (a) When an Employee is impaired, appears to be impaired, or the County has reason to suspect that the Employee is impaired by Alcohol, Drugs, or Cannabis while undertaking Municipal Business;
- (b) Following a work-related accident or incident, which may have been caused in whole or in part by an Employee whose behavior appears to have been dangerous or reckless, or who otherwise appears to be impaired by Alcohol, Cannabis, or Drugs, or who the County otherwise has grounds to suspect that the accident or incident was related to Alcohol, Cannabis, or Drug use;
- (c) If an Employee occupies a Safety Sensitive Position and the County deems it necessary to ensure compliance with this Policy; and
- (d) If an Employee has entered into an accommodation agreement with the County following treatment for an Alcohol, Drug, or Cannabis dependency.

- 2) Managers with concerns regarding a possible violation of this Policy must report to the Chief Administrative Officer or their designee to receive direction. No Employee shall be required to undergo an Alcohol, Drug, or Cannabis test unless approved by the Chief Administrative Officer or their designee.

G) RESPONSIBILITIES

- 1) Courts and human rights tribunals have acknowledged that Alcohol, Cannabis, and Drug dependencies are medically recognized disabilities under human rights law and are protected under the grounds of mental and physical disability under the *Alberta Human Rights Act* (the Act). Casual Alcohol, Cannabis, or Drug use are not protected by the Act.

2) Employees who suffer from an Alcohol, Drug, or Cannabis dependency (including prescription or over-the-counter medication that could impair job performance) may require accommodation. The County shall take the appropriate steps to accommodate Employees with Alcohol, Drug, or Cannabis dependencies.

3) **The County's Responsibilities:**

Where an Employee suffers from an Alcohol, Drug, or Cannabis dependency, the County will take reasonable, appropriate steps to accommodate, which may include:

- (a) Offering the Employee a leave of absence from work to seek assessment and rehabilitation treatment;
- (b) Allowing the rehabilitated Employee to return to work after treatment;
- (c) Addressing issues such as lateness and absenteeism without strictly applying an absenteeism policy; and
- (d) Accommodating some relapses prior to, during and following treatment if such accommodation does not create an undue hardship.

3) **The Employee's Responsibilities**

Where an Employee suffers from an Alcohol, Drug, or Cannabis dependency, they will cooperate with the County by:

- (a) Disclosing their status to their supervisor or the Chief Administrative Officer or their designee, if the Employee is experiencing problems with an Alcohol, Drug, or Cannabis dependency;
- (b) Disclosing their status if the Employee has had past problems with an Alcohol, Drug, or Cannabis dependency and it affects their ability to safely complete current job duties;
- (c) Providing medical information to the County to establish the existence of an Alcohol, Drug, or Cannabis dependency;
- (d) Cooperating with the recommendations of any required professional assessments and abiding by the terms of treatment plans;
- (e) Providing the County with sufficient information regarding the Employee's need for accommodation to permit the County to create and maintain an accommodation plan; and
- (f) Meet reasonable expectations such as follow-up Drug and Alcohol tests once the Employee is fit to return to work.

4) Where an Employee fails to disclose an Alcohol, Cannabis, or Drug dependency or fails to cooperate with the County in its attempts to

accommodate the Employee due to an Alcohol, Cannabis, or Drug dependency, they may be disciplined up to and including termination of employment for just cause.

- 5) An Alcohol, Cannabis, or Drug dependency does not excuse an Employee from being impaired at work.
- 6) An Employee must disclose to their supervisor or the Chief Administrative Officer as soon as possible any use of Cannabis for the treatment or purported treatment of a medical condition. A medical authorization letter or other endorsement by a licensed attending physician must be provided to the County. The Employee's work duties may be modified as required by the County to accommodate the Employee's Cannabis use for medical purposes.

