

Passed By Council on:03/23/2015

Purpose

The City (also referred to as the “Employer”) is committed to ensuring a safe and productive workplace. The use of illicit drugs, and the inappropriate use of alcohol, medications or other mood altering substances can have serious adverse effects on job performance and can be a threat to the safety and well-being of employees, contractors and members of the public. This Policy outlines the requirements and expectations associated with alcohol and other drug use and it is an important element in our commitment to achieve a safe and healthy work environment.

Policy Statement

PREVENTION

This Policy promotes safety and optimal work performance through increased awareness, and early identification and prevention of potential problem situations related to alcohol and other drugs.

The City will provide ongoing education, awareness and information regarding the use and impact of alcohol and drugs. The City also provides confidential professional assistance through its Employee and Family Assistance Program (EFAP). Employees who suspect they have an alcohol or other drug dependency are encouraged to avail of confidential assistance through the Employee and Family Assistance Program (EFAP), their personal physician or community based services.

CONFIDENTIALITY

Confidentiality and respect for privacy will be maintained except where limited disclosure is needed to effectively manage health and safety concerns (e.g., there is a potential risk to self, others, or the City). The information shared will be limited to that which is relevant to the employee’s fitness for work; and any restrictions related to the employee’s fitness for work that could impact the employee’s ability to satisfactorily perform their duties.

SCOPE

This Policy applies to:

1.1. Employees

All employees while working on City business, when on City premises and worksites and when driving a City vehicle or operating City equipment whether on or off City premises.

1.1. i. Scheduled Call-in Situations

All employees scheduled on standby are required to remain fit to respond to work and be in compliance with this Policy.

1. ii. Unscheduled/Unexpected Call-in Situations

Employees who are not scheduled for standby and receive a call to report for work are responsible to decline the request if they may not be fit for work due to the consumption of alcohol or other drugs.

1.2 Contractors

Contractors performing work with the City will be advised of this Policy and the specific requirements for contractors as set out in the City of St. John’s Alcohol and Drug Policy Expectations for Contractors (Appendix 5). They are required to enforce these requirements for their employees, sub-contractors and agents. Any contravention of this Policy will be considered a breach of the contract. (Reference: Policy: 03-07-43 Contractor Health and Safety Policy).

2.1 Alcohol

Employees are prohibited from:

- reporting for work or remaining at work when they may not be fit for work due to the consumption of alcohol;
- consuming, distributing, offering or selling beverage alcohol while at work, including during meals and breaks;
- possessing open beverage alcohol;
- transporting or storing containers of beverage alcohol, including factory-sealed containers, in a City vehicle;
- returning to work, reporting for work, or operating a City vehicle after consuming alcohol at a social event (whether sponsored by the City or not);
- consuming alcohol after an incident until tested or advised by the City that a test is not required;

Exceptions Related to Alcohol Use

1) Alcohol Use After Work Hours (Travel Status, Training, ETC.)

- Employees may use alcohol after the workday (e.g., when on travel status, a training event or seminar, or in any similar business-related situation) provided the formal business has been completed, alcohol is used responsibly, and the employee is not expected to return to work.

2) Alcohol Use at City Sponsored Social Functions

- Employees may responsibly use alcohol at City sponsored social functions that have been approved by the City Manager or designate. Employees who consume alcohol during such events must not return to work.

3) Alcohol Storage on City Premises

- Employees may store factory-sealed containers on City premises provided that it is safely secured and removed no later than the end of the employee's shift.

2.2. Illicit Drugs, Mood Altering Substances & Drug Paraphernalia

Employees are prohibited from:

- reporting to work or being at work when they may not be fit for work due to the consumption of illicit drugs or other mood altering substances;
- using, possessing, cultivating, manufacturing, distributing, offering or selling illicit drugs or other mood altering substances while at work, including during meals and breaks;
- possessing illicit drug paraphernalia in the workplace.

2.3. Medications (Prescription and Over-the-Counter) Employees who require the use of a medication shall:

- act responsibly and use a safe alternative medication when available (e.g., non-drowsy);
- advise the Occupational Health Nurse if the medication they are using has any potential to affect their ability to safely perform their duties.
- use prescription and over-the-counter medications as prescribed to them;
- not distribute, offer or sell prescription medications;
- not possess or take prescribed medications without a legally obtained prescription

3.0 ASSISTANCE, REHABILITATION AND AFTERCARE

The City recognizes that alcohol and drug dependency are treatable illnesses and that early intervention and assistance improves the probability of a successful recovery.

- Employees who seek assistance through their supervisor, Human Resources Advisor, Occupational Health Nurse, or any other management representative will be referred for an independent Substance Abuse Professional (SAP) assessment. Based on the assessment, the SAP will make recommendations regarding treatment and follow-up care.
- Arrangements for a SAP assessment and aftercare will be made through the Occupational Health Nurse or the Program Administrator.
- Where a medical professional, SAP, or other counselling professional advises that there may be a risk that the employee is not able to perform their job safely, the employee will either be removed from the position or a medical work modification may be issued, if available.

- Employees will be provided with the conditions governing their return to work, and the consequences should they fail to meet those conditions.
- Employees who voluntarily access assistance, declare a problem, or participate in a treatment program are not exempt from the requirement to maintain satisfactory performance levels and meet the fitness for duty and other requirements of this Policy. Corrective action or testing cannot be avoided by disclosing a problem or requesting assistance with a problem.

4.0 INVESTIGATION

In all situations when there are grounds to believe an employee is unfit for work, an investigation will take place. The employee will be escorted by the Supervisor to a safe/private place and will be given an opportunity to explain why they appear to be in a condition unfit for work. The employee should be able to provide a reasonable explanation for their behavior or condition, and the Supervisor will take action appropriate to the situation.

If there are immediate medical concerns, the Supervisor will make arrangements to accompany and transport the employee for appropriate medical attention at a local hospital or clinic and shall notify the Occupational Health Nurse/Disability Case Manager. (If “off” hours by the next business day)

4.1. Representation

A unionized employee has the option to request union representation at the onset of any investigation provided it does not unduly delay the investigation. Alternative representation options should be sought if the delay is too great.

4.2. Alcohol and Drug Testing Process

Information on the testing process is provided in Appendix 2 of this Policy. A refusal to test is a violation of this Policy (refer to definition).

All employees may be subject to testing in the following circumstances:

- a significant work-related incident
- reasonable cause

4.3 Significant Work-related Incident

A significant work-related incident is an event, circumstance, incident, accident or near miss that caused or had the potential to cause serious injury, fatality, or significant loss or damage to property, equipment, vehicles or the environment.

A significant work-related incident will trigger alcohol and drug testing as outlined in the Policy where the Supervisor investigating the incident has reasonable basis to conclude that employee or human related factors either contributed to the incident or cannot be completely discounted as a contributing factor. This would include those situations in which an action or failure to take action has had an adverse impact or potential to have an impact on people, property or processes.

Employees referred for a test will only be those who are identified, with reasonable grounds, as having been directly involved in the chain of acts or omissions leading up to the incident. The Supervisor investigating the incident need not request an employee to submit to an alcohol and drug test if the Supervisor concludes that there is objective evidence to support that the use of alcohol or drugs did not contribute to the cause of the incident.

The Supervisor investigating the incident must consult with a second person (e.g., another Supervisor, manager or Program Administrator) in person or by phone. The investigating Supervisor will make the decision to test and will refer the employee(s) for testing.

Testing Process:

- the supervisor in consultation with a second person must decide if a test is required as soon as possible after the incident unless the need for immediate medical attention is required;
- remove the employee from duty until the testing decision is made and any test results have been communicated;
- the supervisor will remain with the employee until the testing decision is made;
- the supervisor completes the Alcohol and Drug Testing Checklist and determines if testing is required;
- the signed and completed checklist should be confidentially forwarded to the Program Administrator as soon as possible;
- if testing is required, the supervisor notify the Program Administrator and then arrange for testing;
- the supervisor will advise the employee that testing is required and that they cannot consume any alcohol or other drugs until test completed;
- the supervisor will escort the employee to the collection testing site and remain there until the test has been completed;
- test results will be communicated to the Program Administrator from the provider;
- the Program Administrator will contact the supervisor who arranged for testing and the employee to advise of fitness for work;
- the employee may not return to the workplace until the Program Administrator advises the supervisor whether or not they are fit for work;
- if the test results indicate that the employee cannot return to duty or if it is otherwise advisable that the employee not return to work, the supervisor will arrange for appropriate transportation of the employee to their residence or care of another adult;
- if there is an unavoidable delay; the Supervisor will stop attempting collection at 8 hours for alcohol and 32 hours for drug testing;
- If for whatever reason an employee requires immediate medical attention, prior to a drug and alcohol test being complete, the supervisor must remain with the employee.

4.4. Reasonable Cause/ Unfit for Work Situations

Reasonable Cause exists where there are reasonable grounds or “indicators” that lead a Supervisor to reasonably conclude that the employee’s actions, appearance, or conduct is indicative of alcohol, drug, or substance use and may impair their ability to work safely.

The decision to test shall be made by a Supervisor, in conjunction with a second person (e.g. another Supervisor or manager) in person or by phone wherever possible. The decision will be based on specific, objective and documented observations resulting from, but not limited to:

- **Material Evidence** – such as alcohol, drugs, pills/powder, suspicious bottles/containers, or drug paraphernalia
- **Physical Observations** – such as being unresponsive, detection of odors from alcohol or drugs, bloodshot eyes, shaking/tremors, slurred speech
- **Behavioural Observations** – such as drowsy, talkative, emotional, combative, incoherent, hyperactive, unfocused/distracted, avoidant, poor judgment
- **Reported Behaviour** – witnessed consuming or possessing drugs/alcohol, complaints from co-workers, excessive absenteeism, prolonged breaks, productivity change, frequent lateness

If there is no medical reason for the employee’s condition, and the Supervisor conducting the investigation believes the employee is in a condition unfit for work, they must consult with a second supervisor and the Program Administrator to discuss taking actions.

The process for testing for a significant work related incident is the same process for reasonable cause.

4.5. Return to Work – Post Violation

In those situations where employment is continued after a Policy violation, employees shall be required to pass a return to work alcohol/drug test and may be subject to unannounced testing as a condition of continued

employment as set out in a return to work agreement with the City. Post Violation testing shall be scheduled by the Program Administrator.

4.6. Return to Work - Post Treatment

Unannounced testing may be included as part of the aftercare program to support the recovery of an employee assuming duties after primary treatment for an alcohol or drug dependency.

In all cases, prior to return to work, the Occupational Health Nurse will review the recommended aftercare program to ensure it meets the health and safety concerns of the City in light of the particular requirements of the Employee's job. The Employee will be required to confirm in writing that they have been advised of the conditions governing the return to work plan and the consequences of failing to meet those conditions.

4.7. Loss of License/Impaired Driving Charge or Suspension

All employees who require a valid driver's license in order to perform their job duties are required to adhere to the following conditions:

- If an Employee receives a suspension of license or is charged with an offence related to the operation of a motor vehicle under the legislation of any province, state or territory or under the Criminal Code of Canada, they must report the charge or suspension of license to their Supervisor immediately.
- The Supervisor will fully investigate, and take appropriate action to the situation which may include a SAP assessment.
- Failure to report the charge or suspension of license is a violation of the Policy.
- Consistent with Policy: 03-10-10 – Loss of Driver's License, the individual will no longer be qualified to drive on behalf of the City; and
- If an employee is charged with an offence related to the operation of a motor vehicle under the legislation of any province, state or territory or under the Criminal Code of Canada, or has received an administrative license suspension under provincial legislation, arising from their operation of a City vehicle or their driving on behalf of the City they must advise their Supervisor immediately. This circumstance is considered to be a serious work-related incident under section 8.3 of this Policy.
- The offences referred to in this section include but are not limited to those arising from having a Breath Alcohol Content (BAC) over the legal limit in that jurisdiction; driving while under the influence of alcohol or drugs; or refusing to blow into a breath analyzer or otherwise provide a sample for testing.

4.8. Possession of Alcohol or Other Drugs

The City reserves the right to investigate any situation where there are reasonable grounds to believe that alcohol, other drugs or drug paraphernalia are present on City Premises including vehicles. Supervisors will identify situations when an investigation may be warranted and are expected to advise their manager of the situation. Upon further consultation with senior management it will be determined whether and how to initiate an investigation. Such investigations may be undertaken in cooperation with law enforcement agencies.

4.9. Off Duty Activities

In addition to the above, the City will investigate situations where off-the-job actions involving alcohol or drugs may have implications for the workplace, and will take appropriate action under the circumstances.

4.0 Social Situations

4.1 City Sponsored Social Events

In the case of a City sponsored social function, regard must be taken for the safety and well-being of the individuals present and the community. Responsible alcohol use is permitted at social functions that have the prior approval of the City Manager or designate, and will be conducted in accordance with the City's Hosting Guidelines. Employees who consume alcohol at a social function shall not report for or return to work after the event and shall not operate a City Vehicle within 8 hours from the end of the event.

4.2 Business Hosting

If alcohol is made available during the course of conducting business (e.g. restaurant meeting, client lunch or dinner, conference/seminar situation), employees are expected to use good judgment and be responsible in hosting others. Employees who consume alcohol in such circumstances shall not report for or return to work and shall not operate a City Vehicle within 8 hours from the end of the event.

5.0 POLICY VIOLATIONS

5.1. General Provisions

Employees, who violate the provisions of this Policy, refuse the testing requirements and/or do not meet the City's standards of satisfactory work performance as a result of the use or misuse of alcohol, medications or other mood-altering substances are subject to corrective action up to and including termination of employment.

In all situations, an investigation must be conducted and documented to verify that a Policy violation has occurred. Pending the results of an investigation, the City has the authority and discretion to suspend an employee who it believes to be involved in an incident that could lead to corrective action.

The imposition and degree of corrective action will be determined on an individual, case by case basis, taking into account all relevant factors and circumstances, and principles of just cause. A positive drug or alcohol test, a refusal to test and failure to disclose medications which may negatively impact work performance are all considered policy violations.

After any confirmed violation, the employee may be referred for a SAP assessment to determine whether there is a need for a structured treatment program.

5.2. Conditions of Return to Duty after a Policy Violation

When the City determines that employment may be continued, the Employee will be required to comply with the conditions set out by the City for a return to work and continued employment. This may include any or all of the following conditions, or any other condition appropriate to the situation:

- temporary removal from their position;
- ongoing compliance with any recommended treatment and aftercare program;
- maintenance of sobriety and satisfactory performance following a return to work;
- negative result in a return to work alcohol/drug test;
- ongoing unannounced testing for a period determined on a case by case basis; and
- no further violations of the Policy.

These conditions will form part of an agreed return to work agreement with the City, the Employee and, where applicable, the Employee's union. Failure to comply with the conditions as set out may lead to further corrective action up to and including dismissal as set out in the agreement.

6.0 POLICY EVALUATION

This Policy is subject to ongoing review and evaluation and may be amended from time to time as deemed necessary to respond to current circumstances and evolving needs of the organization.

Appendix - ALCOHOL AND DRUG TESTING PROCESS

The alcohol and drug testing process is based on rigorous collection, analysis and reporting procedures designed to ensure the accuracy and integrity of the results. Conditions pertaining to the testing process are:

- Testing will be conducted in those circumstances outlined under the City Policy to determine the presence of the following drugs or drug metabolites: cannabinoids, amphetamines, cocaine, opiates, phencyclidine, 3,4-Methylenedioxymethamphetamine, 6-acetylmorphine and alcohol. If the City concludes there is justification to include additional drugs in this list, employees shall be advised of the change. Testing for additional drugs may also be required on an individualized basis on the advice of a treatment center or substance abuse professional

in a post- treatment situation.

- Collection of specimens for drug testing and administration of alcohol tests shall be performed by trained collection agents.
- All laboratory testing shall be conducted by a qualified and accredited laboratory.
- Test results shall be reported directly to the City's Program Administrator or designate. Except for the release of information in accordance with this Policy and in situations affecting the health and safety of workers and the public, results of all testing shall be maintained by the Program Administrator and shall be kept confidential unless otherwise required by law or authorized by order of a tribunal or court.

Appendix - GUIDELINES ON MEDICATIONS

Employees are expected to manage potential adverse effects on safety and performance during working hours due to the legitimate use of medications before or during working hours. Employees are expected to disclose to the Occupational Health Nurse to determine if use of the medication shall have any potential negative impact on job performance. In this situation, a medical work modification may be issued, and the employee may be assigned to alternate duties if available and at the discretion of the City.

The City reserves the right to confirm the nature and duration of any required work modification with the treating physician without any breach of medical confidentiality or privacy laws.

The following drug categories have been associated with performance impairment and are provided as a guideline to employees in assessing their own situation. The list is not exhaustive; there are numerous other over-the-counter and prescription drugs which when taken may impact negatively on overall safe performance.

- a. **Antihistamines** - are widely prescribed for hay fever and other allergies (e.g. Allegra, Dimetane). They are also found in many cold medications. These medications may cause drowsiness.
- b. **Motion Sickness Drugs** - are used to prevent motion sickness and nausea (e.g. Gravol, Antivert). Side effects may include drowsiness.
- c. **Barbiturates, Sedatives, Hypnotics, Tranquilizers, Antidepressants** - (e.g. Ativan, Imovane, Paxil), Potential side effects may include mild sedation, hypnotic state, dizziness or drowsiness.
- d. **Narcotics** - (e.g. Demerol, Codeine, OxyCotin and Percoset). Codeine is often found in combination drugs such as 222s or 292s or Tylenol 1,2,3s. Drowsiness, dizziness, and light-headedness may be side effects.
- e. **Stimulants** - Medication used for central nervous system stimulation and for appetite suppression can produce sensations of well-being which may have an adverse effect on judgment, mood and behaviour (e.g. amphetamines or medications sold as "diet pills").
- f. **Anticonvulsants** - used to control epileptic seizures and can cause drowsiness in some patients (e.g. Dilantin).
- g. **Muscle Relaxants** - used to treat musculoskeletal pain. Most common side effects are sedation and drowsiness (e.g. Flexeril, Robaxisal).
- h. **Cold Tablets/Cough mixtures** – in particular, nighttime remedies can cause drowsiness (e.g. Sinutab, Contac, Triaminic, Tussionex and preparations containing dextromethorphan (DM) or codeine).
- i. **Cannabis** – Also known as "marijuana" has been used to alleviate certain medical conditions, both with and without physician authorization. However, its use can present serious negative impacts on safety and performance at work.

Appendix - CITY OF ST. JOHN'S ALCOHOL AND DRUG POLICY EXPECTATIONS FOR CONTRACTORS

1.0 PURPOSE

The City (herein known as the Employer) is committed to ensuring a safe and productive workplace. The use of illicit drugs, in appropriate use of medications or other mood altering substances can have serious adverse effects on job performance and can be a threat to the safety and well-being of employees, contractors and members of the public.

The City's Alcohol and Drug Policy outlines the requirements and expectations associated with alcohol and other drug use and it is an important element in our commitment of achieving a safe and healthy work environment.

2.0 POLICY STANDARDS

Contractors (including their employees, sub-contractors and agents) performing work with the City will be advised of this Policy as part of the Contractor Occupational Health and Safety Orientation and are expected to comply with the policy standards in order to minimize the risk of unsafe and unsatisfactory performance due to the use or misuse of alcohol or other drugs.

While Contractors are encouraged to implement an Alcohol and Drug Policy of their own which meets or exceeds these requirements, having their own policy is not obligatory.

3.0 RESPONSIBILITIES

i) **Contractors** while working for or on behalf of the City of St. John's are expected to:

- advise their representatives of the requirements of this policy
- ensure that their representatives remain free from any adverse performance effects of alcohol or other drugs in compliance with the policy when working on City business, premises and worksites, including when operating vehicles and equipment in conjunction with City of St. John's work.

ii) **Contract Workers** are expected to:

- report fit for duty, and to remain fit throughout their work day or shift,
- adhere to the fitness for duty standards that have been set out below,
- maintain a valid driver's license if it is a condition of work and report any loss of license immediately to their supervisor or to the City supervisor guiding their work (no later than 24 hours after losing the license),
- conduct themselves in an appropriate manner while on City business, premises, and worksites; and
- co-operate with an investigation into a Policy violation including any testing requirements.

If unexpected circumstances arise where a contract worker is requested to perform services when they may not be fit for work due to the consumption of alcohol or other drugs, is the responsibility of that individual to inform the Contractor or a City representative that he or she cannot accept that assignment.

4.0 INVESTIGATION

The City reserves the right to investigate or require a Contractor to investigate any situation where there are reasonable grounds to believe that contract workers are at work in an unfit condition or if alcohol, other drugs or drug paraphernalia or are present on City Premises/ work sites. Such investigations may be undertaken in cooperation with law enforcement agencies.

5.0 CONSEQUENCES OF A VIOLATION

Any contravention of this Policy will be considered a breach of the contract and may result in triggering penalty clauses under the contract, or suspension or termination of the contract. (Reference: Policy: 03-07-43 Contractor Health and Safety Policy)

Application

Responsibilities

Workplace safety is everyone's responsibility. Employees are responsible to comply with the implementation of this Policy. An Employee who may have a problem is expected to assume ownership of their problem and use the counseling and treatment services that are available through the City or in the community.

1. All employees are required to:

- report fit for work for any and all scheduled (including standby) work and remain fit for work while on City business, premises and worksites;
- perform their jobs in a safe manner;
- advise their Supervisor if they are unable to safely perform their duties for any reason;
- read and understand the Policy and their responsibilities under it, and seek clarification from their Supervisor if unclear on any point;
- immediately report any safety concerns (unsafe acts or conditions) to their Supervisor or next level management if they believe individuals are unfit to be on the job (i.e., City employees or Contractors);
- report an accident/ incident to their Supervisor as soon as possible after the event occurred and participate fully in any subsequent investigation;
- seek assistance if they have a current or an emerging substance use problem;
- comply with any plans of treatment established for them and follow recommended monitoring programs;
- co-operate with any work modification related to safety concerns;
- co-operate with an investigation into a violation of this Policy, including any requirement for testing and
- disclose the use of mood alternating medications to the Occupational Health Nurse.

In addition to the requirements of all employees, certain positions have specific responsibilities as outlined:

2. Supervisors are required to:

- assist in supporting, communicating, implementing and monitoring the Policy;
- ensure the employees for which they are responsible are informed of and comply with the Policy;
- monitor employee work performance to ensure safe and productive operations;
- consult with Occupational Health Nurse regarding work modification requirements;
- guide or refer employees to the Employee and Family Assistance Program (EFAP) when:
 - an employee seeks assistance for a personal problem;
 - there are grounds to believe that performance problems may be health related;
 - an employee discloses that they have a problem with alcohol or other drugs.
- follow the investigation process for all accidents/ incidents, and based on findings, take actions as outlined in the Policy;
- refer the employee for an alcohol and drug test in a post incident or reasonable cause situation;
- ensure contracted service providers are informed of the requirements under the Policy;
- monitor and ensure the compliance of contract workers when designated to manage those particular workers.

3. Non-Management Supervisors are expected to

a) fulfill their responsibilities in accordance with Occupational Health and Safety legislation to ensure a safe workplace for all staff under their direction. They are responsible to advise next level management:

- of any situation where they consider an employee or a contract worker to be in violation of the Policy; and

- when an employee discloses an alcohol or drug

4. The Human Resources Division will administer the Policy as follows:

4. i. Occupational Health Nurse/Disability Case Managers are required to:

- provide access to confidential assessment, counseling, and aftercare services as required;
- arrange fitness for work assessments and follow up with the employee and Supervisor;
- coordinate medical work modifications when required;
- provide guidance and assistance to Supervisors in dealing with employees who have alcohol and drug use issues;
- make arrangements for a Substance Abuse Professional (SAP) assessment when employees disclose a problem with alcohol or drugs; and
- review all return to duty monitoring programs to ensure they meet all health and safety requirements of the workplace.

4. ii. Human Resources Advisors are required to:

- provide support and advice to Supervisors in dealing with employee work performance issues;
- facilitate the implementation of an employee return to work agreements post incident or mandatory referral (involves supervisor, OHN, DCM, employee and union representative if applicable);
- provide support and advice to Supervisors regarding corrective action if an Employee may not be fit for work due to the consumption of alcohol, illicit drugs, medications or other mood altering substances while working on City Business, when on City premises and worksites, or when driving a City vehicle or operating City equipment.

4. iii. The Program Administrator is required to:

- arrange for the necessary services such as selection system, sample collection, laboratory analysis and medical review of results;
- serve as the primary contact point for external service providers for the testing program and will receive and maintain all testing records;
- provide support for implementation and management of the alcohol and drug policy;
- manage the development and delivery of ongoing education and health promotion programs emphasizing health awareness, substance use, and the availability of counseling and treatment resources;
- review and evaluate the Policy on a regular basis;
- address questions of interpretation of the Policy to support consistent and fair application throughout the organization.

Definition

City Business refers to all business activities undertaken by Employees during the course of City of St. John's operations, whether conducted on or off City Premises.

City Premises includes but is not restricted to, all land, property, structures, worksites, installations, vehicles, and equipment owned, leased, operated or otherwise directly or indirectly controlled by the City of St. John's.

Contractor refers to any individual or a Company including its employees, agents and representatives, providing goods and/or services to or on behalf of the Employer.

Drugs refer to any substance, including alcohol, illicit drugs, medications or other mood altering substances, the

use of which has the potential to change or adversely affect the way a person thinks, feels, or acts. For purposes of this Policy, drugs of concern are those that may inhibit an Employee's ability to perform their job safely and productively.

a. Alcohol means an intoxicating agent in a beverage such as but not limited to alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl.

“Beverage alcohol” includes beer, wine and distilled spirits, and the intoxicating agent found in medicines or other products, whether or not mixed with other liquids

b. Illicit Drug means any drug or substance which is not legally obtained and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g., street drugs such as cocaine, amphetamine, methamphetamine, 3,4- Methylenedioxymethamphetamine (commonly known as ecstasy, E, molly or MDMA), phencyclidine (PCP) and heroin)).

c. Medication refers to a drug obtained legally, either over-the-counter or through the prescription or other authorization of a physician or other qualified healthcare professional, and includes codeine/morphine and oxycodone.

d. Mood Altering Substance refers to any other drug, substance or material not defined in this Policy, including natural and synthetic forms and whether legally or illegally obtained and used, resulting in cognitive or physical limitations that negatively impact performance on the job. (e.g., cannabis/marijuana and synthetic marijuana, cathinone “bath salts”, doda, glues, aerosols, and other similar products).

Drug Paraphernalia refers to any personal property which is associated with the use of any drug, substance, chemical or agent, the possession of which is unlawful in Canada. This would also include any product or device that may be used to attempt to tamper with a testing sample.

Employee refers to staff employed with the City of St. John's on a full time, part-time, seasonal, casual/call-in and temporary basis.

Fitness for Work means being able to safely and productively perform assigned duties without any limitation or incapacity due to the use or after-effects of alcohol, illicit drugs, medications or other mood altering substances.

Medical Review Officer (MRO) is a licensed physician who is affiliated with the Third Party Administrator, and who is responsible for receiving the laboratory results of alcohol and drug tests. The MRO must have knowledge of substance abuse disorder and appropriate medical training to interpret and evaluate a confirmed positive drug test or refusal. The MRO makes the final decision on whether a non-negative drug test result reported by the laboratory will be reported to the Program Administrator as being positive, negative, cancelled, invalid, or a “refusal to test”.

Positive Drug Test means a test result indicating the presence of one or more drugs or drug metabolites at or above the laboratory cutoff level used to confirm the presence of that drug or drug metabolite.

Refusal to Test would include:

- failure of an employee to report directly for a test;
- refusal to submit to a test;
- failure to provide a valid specimen absent a documented medical condition;
- a confirmed attempt to tamper with a test sample;
- refusal to agree to disclosure of a test result to the City's Program Administrator;
- attempting to avoid a test by failing to report involvement in an incident which may require testing or by avoiding management following involvement in an incident;
- failure to advise of release from hospital if testing is delayed for medical reasons;
- failing or refusing to attend a medical evaluation where required under the Policy;
- any attempt to disrupt the testing process as described in the Policy.

Serious injury as defined under the Occupational Health & Safety Act means:

- a fracture of the skull, spine, pelvis, femur, humerus, fibula or tibia, or radius or ulna;
- an amputation of a major part of a hand or foot;
- the loss of sight of an eye;
- a serious internal hemorrhage;
- a burn that requires medical attention; an injury caused directly or indirectly by explosives;
- an asphyxiation or poisoning by gas resulting in a partial or total loss of physical control; or
- another injury likely to endanger life or cause permanent injury, but does not include injuries to a worker of a nature that may be treated through first aid or medical treatment and the worker is able to return to his or her work either immediately after the treatment or at his or her next scheduled shift.

Substance Abuse Professional (SAP) refers to an individual with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and drug related disorders. The SAP will assess if the individual has an alcohol or drug dependency, make recommendations regarding education and treatment, and recommend a return to work monitoring program including unannounced testing.

Supervisor means the individual within the management group who is in authority over a particular area or shift or worker, including such positions as forepersons, operation assistants, supervisors, superintendents, managers, directors, and others in positions of authority.

Non- management supervisors means the individual in authority over a particular area or shift or worker in accordance with Occupational Health and Safety legislation including such positions as lieutenants, captains, lead hands and program assistants, etc.

Third Party Administrator is an organization contracted to manage all external components of the testing procedures, including sample collection, laboratory analysis and Medical Review Officer review of laboratory results.

References/Appendix



[03-07-04 Alcohol and Durg Policy.pdf](#)

Monitoring and Contravention

Approvals

Finance and Administration Committee - March 10, 2015. Item #9 - Memorandum dated February 17, 2015 from the Deputy City Manager, Corporate Services re: Policy on Alcohol in the Workplace. Regular Meeting of Council - March 23, 2015. Regular Meeting of Council May 15, 2023

Review Period

Every 5 years

Back