

## DRUGS, ALCOHOL AND MEDICATION POLICY

### I. Policy Statement

\_\_\_\_\_ (hereinafter the “**Band**”) is committed to promoting the health, safety and wellness of its employees, contractors, community and the public at large. The Band recognizes and accepts the responsibility to provide its Workers with a safe and healthy workplace. Workers have the responsibility to report to work capable of performing their tasks productively and safely, meaning mentally and physically fit to perform assigned tasks. Impairment from Drugs, whether legal or illegal, Alcohol and Medications can have serious adverse impact on the workplace.

The use of Alcohol, Drugs (legal or illegal) and Medications can negatively impact the workplace, it's safety, operations and productivity. For instance, according to Health Canada and the Canadian Centre for Occupational Health and Safety, the physical and cognitive effects of cannabis can include:

- dizziness
- reduced reaction time
- degraded coordination
- impaired motor functioning
- disorientation
- deficits in attention span
- body tremors
- compromised concentration, memory and decision-making
- changes in perception
- time distortion

In addition to the negative impact on operations, symptoms like these can pose a serious safety concern in certain workplace positions. The Band has established this Policy in order to balance our respect for individuals, with the need to maintain an impairment-free work environment.

### II. Application

This policy applies to all employees, independent contractors and their subcontractors (hereinafter collectively referred to as the “**Workers**”).

This policy applies to all forms of alcohol, cannabis, prescriptions and non-prescription drugs.

### III. Definitions

**Alcohol** - means alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl. It includes but is not limited to beer, wine and distilled spirits.

**Alcohol and Drug Test** - a test administered using technologies such as oral fluids, urine testing and hair samples analyzed by qualified personnel; in the case of urine laboratory test, samples are analyzed by an approved laboratory. **REMOVE IF BAND IS NOT OR WILL NOT CONDUCT ALCOHOL AND DRUG TESTING**

**Band Business** – refers to all business activities undertaken by Workers in the course of performing duties, whether conducted on or off Band or workplace premises.

**Band Premises** – includes but is not necessarily restricted to all land, facilities, mobile equipment and vehicles owned, leased, or otherwise directly controlled by the Band.

**Drug** – means any substance which may, depending on the context, include alcohol, legal drugs, Illegal Drugs or medications, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For the purposes of this Policy, drugs of concern are those that inhibit a worker's ability to perform his or her job properly or safely

**Worker** - any person engaged in work at the workplace and includes contractors and subcontractors.

**Employee Assistance Programs or EAP** - external services designated by the company to help workers who are experiencing personal problems such as Alcohol and Drug abuse. These programs may be available to contractors or subcontractors through their own employment relationships but at not offered by the Company. **REMOVE IF BAND DOES NOT HAVE AN EAP PROGRAM**

**Fit for Duty** - means that a worker is able to properly and safely perform assigned duties without any limitations resulting from, but not limited to: the use or after-effects of Illegal Drugs, Alcohol, and/or medications.

**Medication** – refers to a Drug obtained legally, either over-the-counter or through a doctor's prescription.

**Reasonable Grounds** - includes objective information established by observations of a Worker's conduct or other indicators such as physical appearance, attendance record, circumstances surrounding accidents or near misses in the workplace, presence of Alcohol, Drugs and Drug paraphernalia in the vicinity of the Worker or an area where the Worker works.

#### IV. Responsibilities

All Workers share responsibility for maintaining a safe and productive Alcohol and Drug free workplace.

All Workers are required to perform their job safely and in strict compliance with all applicable rules, policies and procedures. In addition, every Worker is required to:

- Read, understand and fully comply with this Policy. Any questions on policy details, interpretation or implementation are to be referred to the Band Administrator/ Band Manager;
- Report for work Fit for Duty and remain Fit for Duty while on Band business;
- Immediately advise their supervisor of any Worker suspected to be not Fit for Duty or unsafe;
- Take appropriate action to minimize any safety risk and advise his/her supervisor accordingly.

It is the Manager and/or Supervisor's responsibility to:

- Observe Worker performance and document any negative changes or problems;
- Not to assign or transfer any Worker responsibility including control of any machinery, equipment or vehicle to a Worker suspected to be not Fit for Duty;

- Guide Workers who seek assistance for a personal problem to the appropriate resource/department (i.e. Human Resources, Employee Assistance Program) while maintaining confidentiality.

## **V. Workplace Standards**

To minimize the risk of unsafe performance due to impairment from alcohol, cannabis, prescription or over-the counter medication, or other drugs, whether legal or illegal and substances, all Workers are required to adhere to the following standards.

### **A. Alcohol**

The following are strictly prohibited while on Band or workplace property, operating a Band vehicle or equipment, during working hours, at Band sponsored events, and whenever a Worker is representing the Band or conducting Band business:

- Reporting for duty or remaining on duty while being under the influence of Alcohol
- Consuming Alcohol during the work day including meals or other breaks
- Possessing, distributing, offering or selling Alcoholic beverages

### **B. Medications**

All Workers are expected to use prescribed and over-the-counter medications responsibly. The intentional misuse of medications (for example, using the medication other than as prescribed, using someone else's prescribed medication, or combining medication and Alcohol use against direction) while on Band or workplace property, operating a Band vehicle or equipment, during working hours, at Band sponsored events, and whenever a Worker is representing the Band or conducting Band business, is prohibited.

Furthermore, Workers are required to investigate through their doctor or pharmacist whether a medication can affect safe operation and take appropriate steps to minimize associated risk and must advise their Manager or Supervisor consequently.

### **C. Drugs and other Substances**

The following are strictly prohibited while on Band or workplace property, operating a Band vehicle or equipment, during working hours, at Band sponsored events, and whenever a Worker is representing the Band or conducting Band business:

- Reporting for duty or remaining on duty while being under the influence of any Drugs, whether legal (eg. Cannabis) or illegal;
- Consuming legal or illegal Drugs, including Cannabis, during the work day including meals or other breaks;
- Possessing, distributing, offering or selling Drugs, including Cannabis, whether legal or illegal;

Workers who are on-call are expected to be fit for work in compliance with these standards. If an unexpected situation arises where a Worker is requested to perform unscheduled services and is unable to report to work due to impairment from Alcohol, medication or Illegal Drugs, the Worker must decline the call or request.

#### **D. Professional Assistance**

Any Worker who is unable to comply with the Alcohol and Drug policy or thinks he presents signs of an addiction to Alcohol, Drugs, whether legal or illegal, or medication should be proactive and seek assistance from a representative in the human resource department, their Supervisor or Manager. Workers should also refer to the Employee Assistance Program, is applicable. REMOVE IF BAND DOES NOT HAVE AN EAP PROGRAM

### **VI. Prevention and Investigation Procedures**

#### **A. Investigation**

The Band will conduct an investigation into any suspected or confirmed violation of this Policy. A Worker may be placed on administrative leave, while the investigation is being conducted.

The Band reserves the right to investigate any situation where there are reasonable grounds to believe that Alcohol or Illegal Drugs are present on Band or workplace Premises or that other misconduct has occurred.

#### **B. Alcohol and Drug Testing**

**\*IF BAND IS NOT INTEND TO DO ALCOHOL AND DRUG TESTING, THEN THIS SECTION OF THE POLICY SHOULD BE REMOVED\***

Drug and Alcohol testing will only be required if there are reasonable grounds for testing, or if there has been an accident or Near Miss or Significant Incident affecting persons and/or property damage.

If a prescription drug is required by a physician or medical professional that may have the potential for impairment, drowsiness or reduced alertness, the Worker must immediately report this to their supervisor or manager. The supervisor or manager must take appropriate steps to ensure that the Worker and the workplace are safe.

##### **i. Reasonable Grounds for Testing**

Testing for the presence of Drugs and Alcohols when a Supervisor or Manager suspects a worker is unfit for duty due to impairment can be required of the Worker in the circumstance of reasonable grounds. Reasonable grounds include, but are not limited to, information established by the observation of the Worker's conduct or other indicators, such as the physical appearance of the Worker, his or her attendance record, speech, behaviour, and/or body odours which suggest the Worker, is under the influence of a substance prohibit by this policy (including withdrawal symptoms).

The Worker will not be permitted to return to work until verified negative test results have been received. If the Worker refuses to comply it will be considered misconduct and a violation of this policy. Any individual failing to cooperate with reasonable suspicion testing may be subject to discipline, up to and including termination of employment.

## ii. Post-Accident/Post-Incident Testing

Testing may be conducted following an accident, or following an incident at the workplace where safety precautions were violated and/or careless acts were performed which resulted in, or substantially increased the risk of, injury or harm to any person or damage to property or the physical environment. As soon as possible, following an accident or incident, the Worker shall submit to tests for substances prohibited by this policy, unless there is clear evidence that the accident and/or incident could not have been contributed by the Worker, but by an unsafe condition (i.e., structural or mechanical failure which the Worker could not have foreseen or prevented.)

## VI. Policy Violations

The Band may discipline or terminate the employment of a Worker who fails to comply with the drug and alcohol policy, including failure to report for a test, delaying testing, or refusing to submit to a test. The appropriate consequences depends on the facts of the case, including the nature of the violation, the existence of prior violations, the response to prior corrective assistance programs, and the seriousness of the violation and applicable laws. Please also refer to the **Progressive Discipline Policy**.

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