



**City of
Lloydminster**

Policy

Policy Title:	Substance Use Policy		Policy Number:	135-02	
Date of Council Approval:	May 14, 2018	Motion No.:	140-2018	Year of Review:	2021
Department Sponsored by:	Employee Relations				

1. Purpose:

- 1.1.** The purpose of this policy is to ensure that the City of Lloydminster continues to demonstrate its commitment to maintaining and promoting a safe and healthy work environment.

2. Objective:

- 2.1.** To ensure the City of Lloydminster adheres to its legislated Duty to Accommodate Members of Council and/or Administration with Substance Dependencies.
- 2.2.** To have processes and procedures in place to effectively manage individuals with Dependency issues that can impact the workplaces and/or an individual's ability to safely and efficiently perform their assigned duties.
- 2.3.** To provide individuals with the opportunity to succeed.

3. Definitions:

Administration	An employee, contract employee or volunteer of the City of Lloydminster.
Alcohol	The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.
Alcohol and Drug Testing	A process completed by an external third party provider testing for the metabolites of alcohol and/or drugs.
Cannabis	Cannabis as defined in the <i>Controlled Drugs and Substances Act</i> and the <i>Cannabis Act</i> , as those may be amended from time to time, and any derivatives of cannabis
City Business	All activities undertaken directly, or on behalf of the City by Administration, or other persons affiliated with the City of Lloydminster,

	whether conducted on or off City premises. It includes but is not limited to situations where an individual is representing or could reasonably be perceived as to be representing the City of Lloydminster.
City Premises	Includes, but is not restricted to, all land, property, structures, installations, powered mobile equipment and equipment owned, leased, operated or otherwise directly controlled by the City.
Dependency	A cluster of behavioural, cognitive, and physiological phenomena that develop after repeated substance use and that typically include but are not limited to a strong desire to take the drug, difficulties in controlling its use, persisting in its use despite harmful consequences, a higher priority is given to substance use to other activities and obligations, increased tolerance and sometimes a physical withdrawal state.
Drugs	Illicit or illegal drugs, Alcohol, medications, solvents, inhalants, Cannabis, or any other substance that may change or adversely affect the way a person thinks, feels, acts or otherwise has the potential to impair an individual's ability to perform their job safely and effectively.
Duty to Accommodate	The legal duty to accommodate a person's needs based on the protected grounds that are established in federal and provincial human rights law
Impaired/Impairment	A deterioration of an individual's judgment and decrease an individual's physical ability which can be reasonably determined by a combination of several tests and/or observations.
Impaired Driving	Operation while impaired as defined in the <i>Criminal Code of Canada</i> and amended from time to time. "253 (1) Every one commits an offence who operates a motor vehicle or vessel or operates or assists in the operation of an aircraft or of railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not,

	<p>(a) while the person’s ability to operate the vehicle, vessel, aircraft or railway equipment is impaired by alcohol or a drug; or</p> <p>(b) having consumed alcohol in such a quantity that the concentration in the person’s blood exceeds eighty milligrams of alcohol in one hundred millilitres of blood.</p> <p>(2) For greater certainty, the reference to impairment by alcohol or a drug in paragraph (1)(a) includes impairment by a combination of alcohol and a drug.”</p>
Manager	The individual a member of administration reports to or, in the case of a Member of Council, Council as a whole. This may include but is not limited to a coordinator, supervisor, manager, senior manager, director or executive manager or any other individuals who are in a position of directing work relating to any City workplace, project, contract or volunteer operation.
Member of Council	An individual elected pursuant to the Local Government Election Act (Saskatchewan) as a Member of Council.
Non-Prescription Drugs	Legal, recreation drugs and illegal or illicit drugs (i.e. cocaine, heroin, etc.).
Over-The-Counter Medication	Medications sold directly to a consumer without a prescription from a healthcare professional, not including Cannabis.
Powered Mobile Equipment	A self-propelled machine or combination of machines that is designed to manipulate or move materials or to provide a work platform for workers, including but not limited to motor vehicles.
Prescription Drugs	A Drug obtained legally either as Over-The-Counter Medication or through a doctor’s prescription.
Reasonable Suspicion	Reasonable suspicion includes but is not limited to a belief that an individual is Impaired based on observance of behavior, conduct, actions, or comments of a person.
Reasonable Suspicion Assessment	An assessment conducted by a City official who is trained in the detection of signs and symptoms of Substance use. The assessment is to be based on reasonable and probable grounds.

Substance	Alcohol, Drugs, Non-Prescription Drugs, Over-The-Counter Medication and Prescription Drugs
Treatment	A process in which an individual is participating in recovery related activities, which may include periods of absence away from work.
Undue Hardship	An unbearable financial cost or a considerable disruption to business, or an interference with the rights of others, or anything else found at law to be undue hardship.
Unfit For Duty	The inability to safely perform assigned duties resulting from being impaired by substances.

4 Scope:

4.1 This policy applies to all Members of Council and Administration.

5 Substance Use:

5.1 Members of Council and Administration shall not report for work while Impaired by Substances.

5.2 Members of Council and/or Administration are not permitted to use, distribute, offer, or sell Substances or related paraphernalia while at work, on City Business, or on City Premises.

5.3 Notwithstanding Section 5.2, Members of Council and/or Administration may use Prescription Drugs and Over-The-Counter Medication while at work, on City Business, or on City Premises.

5.3.1 If done so, Members of Council and /or Administration shall disclose any side effects to their Manager that may inhibit their ability to perform work safely.

5.3.2 If done so and the Member of Council and/or Administration becomes Impaired, Members of Council and/or Administration shall immediately cease performing services or otherwise engaging in City Business.

5.4 Administration who are receiving standby premium for on-call situations shall not be Unfit For Duty.

5.5 If unexpected circumstances arise where Members of Council and/or Administration are requested to perform unscheduled services while Impaired by Substances or is otherwise Unfit For Duty, it is the responsibility of that individual to notify their Manager immediately and shall under no circumstances report for duty.

5.6 The serving of Alcohol or Cannabis on City Premises shall not be permitted unless specifically licensed to do so.

- 5.7 Members of Council and/or Administration shall promptly advise their Manager of any potential safety problems or behavioural concerns. The response shall focus on controlling any safety risks, addressing the Policy violation and reducing the likelihood of reoccurrence through effective and timely referral, assessment, and treatment, as required.
- 5.8 Members of Council and/or Administration are only permitted to distribute, offer or sell Alcohol if they are required to do so as part of their job duties, provided that proof of ProServe Liquor Training and/or Serve it Right Saskatchewan certification has been obtained.
- 5.9 While on City Business, Members of Council and/or Administration may use Alcohol in a responsible fashion, at the conclusion of an event seminar, when attending or hosting an event which involves Alcohol, or in other similar situations when appropriate, provided the individual is not also on duty, or on call; the formal business of the day has been fully completed; and Alcohol is not consumed to the point of Impairment.
- 5.10 While on City Business, Members of Council and/or Administration, may use cannabis, if it is legal to do so, in a responsible fashion, after work, when on travel status, at the conclusion of the event seminar, when attending or hosting an event which involves Cannabis, or in other similar situations when appropriate, provided the individual is not also on duty, or on call; the formal business of the day has been fully completed; and Cannabis is not consumed to the point of Impairment.

6 Disclosure:

- 6.1 Members of Council and/or Administration shall disclose Substance Dependency issues to a Manager and, where applicable, Union Representative.
- 6.2 If a Member of Council and/or Administration discloses Substance Dependency in accordance with section 6.1; the Manager and, where applicable, Union Representative shall notify the City's Safety Officer or Manager, Health, Safety and Wellness immediately.
- 6.3 Failure to disclose a Substance Dependency shall not be accommodated as per Alberta and Saskatchewan's Human Rights Legislation.
- 6.4 Members of Council and/or Administration that disclose a Substance Dependency shall be assessed by a registered psychologist at the cost of the individual.

- 6.4.1 If Dependency is established through assessment by a registered psychologist, the City will review and accommodate accordingly. Unless otherwise required through accommodation, the appropriate City personnel shall:
- a) review the assessment to determine a suitable return to work or modified work plan; and
 - b) accommodate individuals with a Substance Dependency up to the point of Undue Hardship.
- 6.5 Seeking voluntary assistance for Substance Dependency shall not jeopardize any Member of Council and/or Administration's position with the City, so long as the individual continues to comply with and follow the prescribed treatment and return to work plan.
- 6.6 A Member of Council and/or Administration's request for assistance shall not be a defense from disciplinary action where a violation of this or other City policy has occurred.
- 6.7 A Member of Council and/or Administration suffering from a Substance Dependency who fails to comply with and follow assistance or treatment plans or violates this Policy, shall be subject to disciplinary actions, including but not limited to suspension without pay and termination with just cause.

7 Accommodation:

- 7.1 The City of Lloydminster shall not discriminate against Members of Council and/or Administration, and is committed to accommodating Members of Council and Administration with Substance Dependency up to the point of Undue Hardship.
- 7.2 The City shall accommodate Members of Council and/or Administrations' necessary use of Prescription Drugs, when disclosure is made to an extent that is reasonably possible without suffering Undue Hardship.
- 7.3 The City of Lloydminster reserves the right to request medical documentation to confirm Members of Council and/or Administrations ability to work unimpaired, and to assess accommodation to the point of Undue Hardship, where the use of Impairment causing medication has been disclosed.
- 7.4 In circumstances where the City is reasonably concerned about the Member of Council and/or Administration's safety or the safety of others in the workplace, the City may require a member to undergo a medical examination and/or a functional capacity evaluation to assess and confirm fitness for work.

- 7.5 Upon being required under 7.4 above, the Member of Council and/or Administration shall undergo medical examinations by a physician of their choice as expeditiously as possible. The physician shall not be a relative of the individual receiving the medical examination. Any charges by the physician in respect to this clause will be paid by the City.
- 7.6 Prior to undergoing the medical examination, the Member of Council and/or Administration will be provided with a medical evaluation form which shall indicate the basis for the concern regarding the Member of Council and/or Administration's fitness for duty, and the required duties of their position.
- 7.7 The physician shall complete the form by indicating the Member of Council and/or Administration's ability or inability to perform such required duties and shall forward the completed form to their Manager or other City representative as the City may advise.
- 7.8 An independent medical examination and/or a functional capacity evaluation may be deemed necessary where the City can reasonably demonstrate that the Member of Council and/or Administration's safety or the safety of others in the workplace continues to be of concern despite the Member of Council and/or Administration obtaining the medical examination in 7.5 above. The costs of an independent medical examination and/or a functional capacity evaluation shall be paid by the City.

8 Reasonable Suspicion Testing:

- 8.1 The City of Lloydminster reserves the right to conduct testing for the presence of Substances when it has Reasonable Suspicion that:
 - 8.1.1 Members of Council, Administration, or members of the public may be at risk;
 - 8.1.2 A serious incident or near miss involved a Member of Council and/or Administration, unless the City has a reasonable basis to believe that the Member of Council and/or Administration was not Impaired when they were involved in the serious incident or near miss; or
 - 8.1.3 Alcohol and Drug testing is part of a return-to-work program which recognizes that relapse is common and part of the Dependency.
- 8.2 The basis for the decision to test shall be documented as soon as possible after the action has taken place.
- 8.3 In all situations in which the City of Lloydminster determines a Member of Council and/or Administration is Unfit For Duty, a Manager will be used to source a safe means to transport the individual to their residence, testing facility, or medical treatment facility.

- 8.4 Pre-access Alcohol and Drug Testing may be required by an external party for the purpose of conducting City Business. This pertains to working on a site not under the direct authority of the City of Lloydminster.

9 Impaired Driving Charge:

- 9.1 Members of Council and/or Administration who operate Powered Mobile Equipment in their employment position with the City are required to maintain a valid driver's license for the class operation required. Any loss of a driver's license must be reported immediately to the individual's direct Manager and the individual will no longer be permitted to operate Powered Mobile Equipment on behalf of the City.
- 9.2 Members of Council and/or Administration shall inform their direct Manager immediately if they have been charged with an Impaired Driving offence.
- 9.3 If Members of Council and/or Administration receive a charge while conducting City Business, the charge shall result in a full investigation and disciplinary measures based on the situation. Such disciplinary measures are up to and including suspension without pay or termination, where appropriate. All costs associated with any related fines will be the responsibility of the ticketed individual.

10 Confidentiality:

- 10.1 Employee Relations and individuals Manager shall be responsible for protecting the privacy and confidentiality of personal information.
- 10.2 Confidentiality shall be maintained except where limited disclosure is necessary for related health and safety concerns and for proper administration of this Policy.
- 10.3 Disclosure of personal information and measures to ensure confidentiality shall be in accordance with the Privacy Policy.

11 Penalty:

- 11.1 The City of Lloydminster reserves the right to temporarily remove, reassign, or suspend Administration pending an evaluation.
- 11.2 If an individual is Unfit For Duty a Reasonable Suspicion Assessment or completion of an investigation into a possible violation of this Policy shall be performed.
- 11.3 The failure to disclose Impairment caused by Substance use may result in disciplinary action, up to and including termination.

- 11.4 If an individual refuses to take an Alcohol or Drug test based on reasonable grounds then they would be in violation of the Substance Use policy and shall be subject to disciplinary action.
- 11.5 Administration found to be in violation of this Policy may be subjected to disciplinary action. Such action will be dependent upon the nature of the breach of this Policy; discipline may range from a written warning to termination of employment with just cause.
- 11.6 Members of Council suspected to be or found to be in violation of this policy may be dealt with utilizing the "*Code of Conduct Bylaw*" or provisions of "*The Lloydminster Charter*".

12 Responsibility:

- 12.1 City Council shall review and approve all Policies.
- 12.2 City Administration shall administer the Policy through the use of a supporting procedure.
- 12.3 Sponsoring Department is responsible for creating and amending a supporting procedure.