

**COMMUNITY LIVING BRANT  
POLICY AND PROCEDURE MANUAL**

<b>SUBJECT:</b> Fitness for Duty	<b>POLICY NO.:</b> 9.20 <b>PAGE</b> 1 of 5
<b>FILE UNDER SECTION:</b> 9 – Personnel	<b>EFFECTIVE DATE:</b> October 2018

**POLICY:**

Community Living Brant is committed to the health and safety of its employees and people receiving services. Community Living Brant recognizes that impairment caused by fatigue, stress, alcohol, drugs or medication use, misuse or abuse can adversely affect safety and job performance.

Community Living Brant is also committed to maintaining a healthy and respectful workplace. In accordance with applicable human rights laws, Community Living Brant recognizes its duty to accommodate disabilities to the point of undue hardship, and will balance this duty against its obligation to provide a safe workplace.

Community Living Brant further recognizes the need to balance safety and security objectives with employees' reasonable expectations of privacy. Community Living Brant will take reasonable measures to ensure that personal information obtained through the application of this Policy (e.g. employee referrals to substance abuse treatment programs, etc.) will be treated sensitively and disclosed on an "as-needed" basis only.

**PURPOSE:**

To provide a safe workplace for all employees and those whose safety may be affected by the conduct of employees and to ensure that all employees are treated fairly and with respect.

**SCOPE:**

This Policy applies to all Community Living Brant employees as well as any other workers engaged on Community Living Brant premises, including, but not limited to, subcontractors, independent contractors, students, and volunteers.

**DEFINITIONS:**

**Drug(s)**" includes any substance, other than alcohol or medication, the possession, use or sale of which is prohibited, restricted, or controlled by law, and which, if present in the body, has a psychoactive and/or physiological effect and may adversely affect work performance and/or fitness for duty to continue working safely and effectively.

Drugs include, but are not limited to, marijuana (cannabinoids), opiates, PCP (phencyclidine), cocaine, heroin, methadone, methaqualone, amphetamines, barbiturates, benzodiazepines, narcotics, hallucinogens, inhalants, "designer" drugs, and/or any substances and/or materials that are prohibited, restricted or controlled by law.

At such time marijuana is legalized for recreational purposes, for use without a medical prescription, marijuana will continue to be treated as a "drug" for the purposes of this Policy.

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**“Medication”** means a substance used for medicinal purposes and obtained legally, whether with a personal prescription from a licensed treating physician, or by purchasing a non-prescription medicinal product lawfully sold in Canada (for example “over-the-counter” medication). Please note that “medication” includes medical marijuana, for which an employee holds a valid prescription.

**“Fit for Duty”** means being able to safely and productively perform assigned duties without any limitations, including those that are caused by the effects or after-effects of alcohol, drugs, medication, or other substances, or by stress or fatigue.

**“Safety Sensitive”** positions constitute any position in which impairment could result in direct and significant risk of injury to the employee, and/or others, and/or constitutes a threat to public safety.

**“Substance Abuse Professional”** (or “SAP”) is a third party professional counsellor who is trained to assist with issues relating to substance abuse. The SAP evaluates employees who have tested positive for drugs or alcohol, have self-disclosed addiction or substance abuse issues, or have otherwise contravened this Policy, and makes recommendations regarding treatment, follow-up testing, and/or aftercare.

**“Workplace”** includes physical job sites, offices, buildings, or anywhere in or around Community Living Brant owned vehicles or equipment, or anywhere else where Community Living Brant business is being carried out. This includes training and any other breaks from work while on Community Living Brant property or while on duty.

**RESPONSIBILITIES:**

- 1.01 All employees are required to report for work Fit for Duty and remain Fit for Duty while at work, free from any impairing effects (or after-effects) of drugs, alcohol or medication.
- 1.02 Community Living Brant will not permit a person to work if there are reasonable grounds to believe that the person is impaired by fatigue, alcohol, drugs, medication or any other impairing substance.
- 1.03 The possession or consumption of alcohol or drugs (including recreational marijuana), or the misuse of prescription or over-the-counter medication, is strictly prohibited on Community Living Brant’s property and/or in its workplaces.
- 1.04 While working in Safety Sensitive positions, employees are expected to meet higher standards of safety as compared to other locations and positions, due to the greater risk involved in this work. Community Living Brant recognizes that hazards and risks associated with fatigue, stress and impairment differ across various positions and the guidelines established in accordance with this Policy reflect such understanding.
- 1.05 In all cases where an employee is suspected to be in violation of this Policy, Community Living Brant will immediately suspend the employee (with pay) pending the outcome of an investigation into the circumstances. Community Living Brant will assist the employee in arranging to leave work safely if the employee is suspected of being impaired.

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- 1.06 Employees are further required to immediately report if they suspect another employee is not Fit for Duty, or has otherwise violated this Policy.
- 1.07 As a condition of employment with Community Living Brant, employees must accept and abide by the terms of this Policy. Violations of this Policy may result in disciplinary action up to and including termination of employment for just cause, depending on the circumstances of the violation.

**PROCEDURES:**

**1.01 Obligation to arrive and remain Fit for Duty**

- (a) Employees are expected to report to work Fit for Duty, remain Fit for Duty. In particular, employees must be able to perform their duties with the required competence and diligence for that particular job, free from any impairing effects (or after-effects) of drugs, medication, or alcohol.
- (b) The following is a direct violation of this Policy where it occurs in a Community Living Brant Workplace and/or while on duty:
- (i) The use of alcohol;
  - (ii) The use of drugs (including recreational marijuana);
  - (iii) The misuse of medication;
  - (iv) The undisclosed use of medication that could cause impairment, or the use of such medication where management approval has not been received in accordance with this Policy;

**1.02 Obligation to disclose the use of potentially impairing medication**

- (a) Employees who are taking (or will soon take) medication, regardless of whether it has been prescribed or not, must immediately notify his or her Supervisor if this medication could impact the employee's Fitness for Duty.
- (b) For clarity, the employee is not required to inform the Supervisor of the specific substance being taken; however, the employee must alert the Supervisor to (a) the fact that the employee is taking a medication that could adversely affect the employee's safe and productive work performance; and (b) the effects of such medication. Community Living Brant will then assess whether and how the employee can be appropriately accommodated.
- (c) A prescribing physician, with the authorization of the employee, will be responsible for providing sufficient information for Community Living Brant to determine whether the employee can safely perform his or her usual work, and/or whether job modifications are required. In particular, Community Living Brant may, if necessary, ask for the employee's authorization to seek information from the

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physician regarding the medication's impact on the employee's ability to work safely and effectively, so that Community Living Brant can devise an accommodation plan appropriate in the circumstances.

**1.03 Obligation to disclose regarding Call-In Procedure or unscheduled shift**

- (a) Employees who are contacted to report to work through the Call-In Procedure or other unscheduled reason must not accept a work assignment if they have reason to believe they are not Fit for Duty.
- (b) An employee who is on a scheduled on-call shift must abstain from the use of any substances that could impair his or her Fitness for Duty in the event that the employee is called in for work.

**1.04 Self-referral for drug and alcohol problems**

- (a) Employees who believe they may have a substance abuse problem are encouraged to seek assistance from Community Living Brant before job safety or performance is compromised. If an employee is told by someone else - such as a family member, friend, or a medical professional - that the employee has or may have an addiction, dependency or substance abuse problem, the employee is responsible for following up on the issue so that proper treatment is obtained before it leads to a violation of this Policy.
- (b) Where an Employee comes forward prior to a violation of this Policy, he or she will be referred for professional assessment and guidance on how best to treat the problem. Supervisors who receive direct requests from employees for assistance should contact Community Living Brant Human Resources Department.
- (c) An employee with a dependency or addiction will not be disciplined because of the employee's self-referral or involvement in a treatment program. However, an employee requesting assistance does not eliminate the requirement of meeting satisfactory performance levels or of complying with this Policy.
- (d) An employee who self-discloses during the course of an investigation into a suspected violation of this Policy may not be considered as a legitimate self-referral under this Policy. Depending on the circumstances, self-referral at such a time may not prevent the Employee from being subject to discipline up to and including termination of employment for cause for violations of this Policy.
- (e) As a condition of continued employment, an Employee who voluntarily self-discloses and seeks assistance from Community Living Brant with an addiction, dependency or substance abuse problem will be required to follow all the terms and conditions of professional treatment as assessed and recommended by a Substance Abuse Professional. This may include any reasonable treatment or monitoring components of a rehabilitation program, up to and including follow-up testing to monitor compliance.
- (f) Failure to disclose and seek assistance for an addiction, dependency or substance abuse problem prior to a violation of this Policy occurring may result in discipline

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up to and including termination of employment for just cause upon any subsequent violation of this Policy.

**1.05 Prohibition against possession of drugs or alcohol**

- (a) To be in possession of any of the following:
- (i) Drugs;
  - (ii) Drug Paraphernalia;
  - (iii) Vaporizers (with the exception of E-cigarettes used in designated smoking areas);
  - (iv) Masking Agents;
  - (v) Detox Agents;
  - (vi) Unlawfully obtained (prescription or non-prescription) medication;
  - (vii) Lawful medication (impairing), including medical marijuana, whose possession and use has not been properly disclosed to the appropriate Supervisor and approved as required; or
  - (viii) Alcohol,

while on Community Living Brant property or in Community Living Brant Workplaces is a direct contravention of this Fitness for Duty Policy, unless it is in accordance with the employee's job duties in the course of supporting the treatment of a person receiving services.

- 1.06 Any sale of drugs, medication or alcohol on Community Living Brant property is strictly prohibited.**