

Mayne Island Improvement District

Drug and Alcohol Policy & Agreement

POLICY STATEMENT

The Mayne Island Improvement District (the “MIID”) is committed to the health, safety and wellness of its workforce and the community. Employees of the MIID have the responsibility to report to work capable of performing their tasks safely. Illegal drugs and the inappropriate use of alcohol and medications can have dangerous impacts if used in the work place.

REASON FOR POLICY

The purpose of this policy is to establish the MIID’s expectations for appropriate behaviour, to establish the consequences for non-compliance and to provide consistent guidelines for all employees.

APPLICATION AND RESPONSIBILITY

The following provisions apply to all employees while they are engaged in the MIID’s business, working on MIID premises or worksites, and operating MIID vehicles and equipment. Violations of these provisions will result in disciplinary action up to and including termination of employment.

CONTRACTORS

The MIID expects all contractors to comply with the terms of the MIID’s policy on the use of drugs and alcohol in the workplace. Contractors are expected to provide a copy of this policy to their employees, subcontractors and agents and enforce these requirements among their employees, subcontractors and agents who conduct MIID business or work on MIID premises. Failure to comply with this policy may result in the termination of the contractor’s agreement for services with the MIID.

EXCEPTIONS

This policy shall not apply to the employees and contractors of the Vancouver Island Health Authority or the British Columbia Ambulance Service.

POLICY STANDARDS

To minimize the risk of unsafe performance due to the use of alcohol or other drugs, the following standards are set out and apply to everyone when on MIID business, premises and worksites including when operating a motor vehicle. Everyone is expected to report fit for work, and remain fit throughout their work day or shift, including when scheduled to be on call.

The policy standards contained herein do not exceed the standards as set out in the following legislation:

1. *Motor Vehicle Act* (British Columbia) [RSBC 1996] c. 318;
2. *Motor Vehicle Act Regulations* (British Columbia) B.C. Reg. 26/58; and
3. *Criminal Code of Canada* R.S. 1985 c.C-46.

Illicit Drugs

The following are prohibited:

- use, possession, distribution, offering or sale of illicit drugs or illicit drug paraphernalia;
- possession of prescribed medications without a legally obtained prescription, and distribution, offering or sale of prescription medications (trafficking);
- reporting for work under the influence of illicit drugs; and
- presence in the body of illicit drugs as determined through testing pursuant to this policy.

Alcohol

The following are prohibited:

- reporting for duty under the influence of alcohol;
- use of alcohol during the work day including during meals and breaks;
- possession, distribution, offering or sale of alcohol;
- having an alcohol test result of a Blood Alcohol Content (BAC) which equals or exceeds the blood alcohol levels as set out in the *Motor Vehicle Act* (British Columbia) [RSBC 1996] c. 318; and
- use of alcohol within eight hours of an accident or until tested or advised by the MIID that a test is not required.

Employees covered by this policy may use alcohol after the work day, provided they use alcohol responsibly and they are not returning to work.

Medications

Everyone is expected to use prescribed and over-the-counter medications responsibly. The intentional misuse of medications (for example, using the medication not as it has been prescribed, using someone else's prescription medication, combining medication and alcohol use against direction) while on MIID business, premises or worksites is prohibited. Medications of concern are those that inhibit or may inhibit an employee's ability to perform their job safely.

Employees are expected to investigate (through their doctor or pharmacist) whether a medication can affect safe operation and take appropriate steps to minimize associated risk. They are to report any requirement for modified work to their supervisor and follow any recommended course of action to minimize safety risk.

On-Call Situations

Employees receiving standby pay for on-call situations are expected to be fit for work and in compliance with these standards. If unexpected circumstances arise where an individual is requested to perform unscheduled services while under the influence of alcohol or medications, it is the responsibility of that individual to decline the call.

INVESTIGATION PROCEDURES

Performance Management

The normal process of performance management will continue to be emphasized. Employees with apparent performance problems will be reminded that they should access assistance should a personal problem be affecting their job performance.

Unfit for Duty Situations

In all situations when there are reasonable grounds to believe an employee is unfit to be at work, responsible escort procedures will be followed. The employee will be escorted to a safe place and given an opportunity to explain why they appear to be in a condition unfit for duty. If the supervisor conducting the interview still believes the employee is in a condition unfit for normal duty, and after consultation and agreement of a second person where possible, they may take any of the following actions:

- referral for medical attention if there are immediate medical concerns (doctor, local hospital or clinic); and/or
- referral for an alcohol and drug test if there are reasonable grounds to believe alcohol or drug use may be a factor in the situation.

The employee will be provided with transportation to the collection site or hospital/clinic depending on the circumstances, and then to their place of residence or to the care of another person. The employee may be temporarily held out of service with pay or reassigned pending completion of any investigation and, depending on the test result, a fitness for duty assessment may also be required.

Alcohol and Drug Testing

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

1. **Reasonable Cause:** Testing will take place whenever an MIID representative has reasonable grounds to believe that the actions, appearance or conduct of an employee while on duty are indicative of the use of drugs or alcohol. The decision to test shall be made by a supervisor, with concurrence of a second trained person whenever possible (for example, another supervisor, manager, or human resources). The basis for the decision will be documented as soon as possible after action has taken place. The referral for a test will be based on specific, personal observations resulting from, but not limited to such indicators as:
 - observed use or evidence of use of a substance (for example, smell of alcohol);
 - observed signs of drug or alcohol impairment;
 - erratic or atypical behaviour of the employee;
 - changes in the physical appearance of the employee;
 - changes in the behaviour of the employee; or
 - changes in the speech patterns of the employee.

2. **Post Incident:** Alcohol and drug testing is required after a significant work-related accident or incident as part of a full investigation into the circumstances. The decision to refer employee(s) for a test will be made by the supervisor investigating the incident and with the agreement of a second person whenever possible (for example, another supervisor, manager, or human resources). The following procedures apply:
 - the need for a test must be documented as part of the preliminary investigation as soon as practical after the triggering event;
 - a test will not be necessary if there is clear evidence that acts or omissions of employee(s) could not have been a contributing factor (for example, structural or mechanical failure);
 - employee(s) 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 event; and
 - employee(s) to be tested must not use alcohol until after the test has been completed or until they have been advised that a test is not required.

Since all employees may be subject to testing after a significant incident, they are to report the situation to their immediate supervisor as soon as possible after the incident and participate fully in any subsequent investigation.

A significant incident would be one causing:

- a fatality or serious personal injury to an employee or a member of the public;
- an environmental spill with significant implications; or
- significant loss or damage to property, equipment or vehicles.

On-road accidents: Anyone who operates a vehicle for the MIID is subject to testing after a significant accident or one requiring hospitalization. Any employee involved in an on-road accident as noted above is required to report the situation to their immediate supervisor as soon as possible after the incident and participate fully in any subsequent investigation.

Other Situations: At their discretion, the MIID may require a post-incident test after any other significant work accident, incident or near miss as part of a complete investigation. Failure to report a serious accident, incident or near miss is a violation of this policy.

3. Return to Duty - Post Violation: In those situations where employment is continued after a policy violation, individuals will be required to pass a return to duty test and may be subject to unannounced testing for a minimum of two (2) years as a condition of continued employment.
4. Return to Duty - Post Treatment: Any employee assuming duties after primary treatment for an alcohol or drug problem which resulted from a performance-related incident will be required to pass a return to duty test. In addition, they may be subject to unannounced testing with a case-specific program designed to support their ongoing recovery.
5. Failure to Test: Failure to report directly for a test, refusal to submit to a test, refusal to agree to disclosure of a test result to the MIID, a confirmed attempt to tamper with a test sample, or failure to report an accident which may require testing, are violations of this policy.

Possession of Alcohol or Drugs

The MIID reserves the right to investigate any situation when there are reasonable grounds to believe that alcohol or illicit drugs are present on MIID premises in violation of this policy.

Supervisors are responsible for identifying situations where a search is justified based on a combination of indicators that could include behaviour, odour, or presence of paraphernalia. They will be responsible for advising the MIID Board of Trustees of the situation, who, in conjunction with the RCMP may take the appropriate steps to investigate the situation.

Impaired Driving Charge

Employees must inform their supervisor immediately if they have been charged with an impaired driving offense when operating a vehicle on behalf the MIID. Impaired driving would include but not be restricted to exceeding the legal BAC in that jurisdiction, driving while impaired, or refusal to blow into a breath analyzer. Receipt of a charge will result in a full investigation, and discipline appropriate to the situation.

POLICY VIOLATION

All employees will have access to this policy. The MIID views the rules contained in this policy to be of the utmost importance. Any deviation from the above terms will result in disciplinary action that may include immediate dismissal. Any resulting dismissal will be considered as "dismissal with cause" and not subject to notice or remuneration in lieu.

In all situations, an investigation will be conducted to verify that a policy violation has occurred before disciplinary action is taken. Therefore, the MIID will hold out of service, with pay, any employee who is believed to be involved in an incident that could lead to disciplinary action pending the results of the investigation. The appropriate discipline in a particular case depends on the nature of the policy violation and the circumstances surrounding the situation.

Should the MIID determine that employment will be continued in a specific circumstance, the employee would be required to enter into an agreement governing their continued employment which may require any or all of the following actions, or any other condition appropriate to the situation:

- temporary removal from their position;
- assessment by a substance abuse professional to determine the need for a structured treatment program;
- adherence to any recommended treatment, monitoring, and aftercare program;

- maintenance of sobriety and satisfactory performance on return to duty;
- successful completion of a return to duty test;
- ongoing unannounced testing for a period determined on a case by case basis; and
- no further violations of the policy.

Failure to meet these conditions including a second violation of the policy, may result in termination of employment in accordance with the return to duty agreement.

DEFINITIONS

Alcohol refers to beer, wine and distilled spirits.

Drug means any substance, including alcohol, illicit 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 safely and productively.

Employee includes all regular full time, part time, temporary, casual and fixed-term employees and students on the MIID payroll as well as employees, subcontractors and agents (staff) of contractors engaged by the MIID.

Fitness for Work/Duty in the context of this policy means being able to safely and acceptably perform assigned duties without any limitations due to the use or after-effects of alcohol, illicit drugs or medications.

Illicit Drug means any drug or substance that is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (for example, street drugs such as marijuana and cocaine).

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

MIID Business refers to all business activities undertaken by employees in the course of performing duties, whether conducted on or off MIID premises.

MIID Premises includes but is not necessarily restricted to all land, facilities, mobile equipment and vehicles owned, leased or otherwise directly controlled by the MIID, with the exception of the Fire Fighters' Recreational Hall.

MIID Worksite includes any worksite to which employees have been assigned for the purpose of conducting business.

Supervisor means the individual accountable for a particular facility, department, or area, including managers and others in supervisory positions directly responsible for the performance of individuals.

Under the Influence of drugs (including prescription drugs) alcohol or any controlled substance for the purpose of this policy is defined as the use of one or more of these substances to an extent that an employee is:

- unable to perform in a productive manner;
- in a physical or mental condition that creates a risk to the safety and well-being of the individual, other employees, the public or MIID property; or
- displaying signs or symptoms of substance abuse such as smell of alcohol on breath, slurred speech, and atypical behaviour.

AGREEMENT

By signing below, the undersigned certifies that he/she has:

- read and understood the “Drug and Alcohol Policy Statement” and agrees to abide by its full terms;
- agreed in good faith to continue to maintain a drug and alcohol free workplace; and
- has been provided with a written copy of this policy.

Signature

Date

Print Name