

## Drug and Alcohol

Policy Number: HR.5-02

Sub-Topic: Employee Performance

Topic: Health, Safety and Wellness

Applies to: All Employees

## Policy Statement and Strategic Plan Linkages

The Town of Newmarket as the employer is committed to maintaining the health, safety and wellness of its employees. In support of the employer's "well-balanced" culture, employees are required to report to work in an appropriate, fit to work condition, and to perform their jobs safely and efficiently.

## Purpose

This policy outlines employer expectations of employee abilities to report for work free from impairment to maintain a healthy and safe work environment.

## Definitions

**Alcohol:** any product which contains ethyl alcohol, including beer, wine, liqueurs and spirits, and medicinal products. Very low alcohol products (e.g. beer with 0.5% alcohol by volume) are included in this definition.

**Illegal Drugs:** drugs which cannot be legally possessed under Canadian law, including a wide range of "street" drugs (such as cocaine, heroin) and pharmaceutical drugs obtained without a physician's prescription.

**Impairment or Impaired:** consumption that interferes with an employee's ability to carry out their job functions (whether physical or mental) in a safe, efficient and productive manner.

**Legal Recreational Drugs:** the recreational use of cannabis including smoking, vaping or edible forms and other recreational drugs legally approved by Canadian legislation.

**Over-the-Counter Drugs:** medications which do not require a prescription from a physician, dentist, or other healthcare professional.

**Prescription Drugs:** medications which are prescribed by a physician or dentist, legally require a prescription, and are dispensed by a registered pharmacist or physician.

## Provisions

- 1) This policy prohibits employees from working while impaired due to alcohol, illegal drugs, legal recreational drugs (such as cannabis), over-the-counter drugs, prescription drugs, or any other substance.
- 2) The consumption of alcohol, legal recreational drugs, or illegal drugs is prohibited at a workplace, during scheduled work hours, or anytime while wearing Newmarket branded clothing.
- 3) Employees, while in the course of their duties, shall not be in possession of alcohol, legal recreation drugs and/or illegal drugs while on municipal property or at any work location.
- 4) Employees shall not, while dressed in a work uniform, displaying any form of Newmarket employee identification and/or wearing Newmarket branded clothing, purchase illegal drugs, legal recreational drugs, and/or alcohol.
- 5) Employees are responsible for working with their physician to ensure prescription drug use will not impair their judgement and safety, and that they can remain alert while at work. Employees are also responsible for determining any potential adverse effects of using over-the-counter drugs. Employees will make their Supervisor aware of any adverse effects which could cause impairment, and will work together to determine if a reasonable accommodation is available and required.
- 6) The employer has a Scents and Sensitivity workplace protocol and as such, employees shall not come to work smelling of legal recreational drugs, illegal drugs, or alcohol.
- 7) Employee smoking or vaping within municipal facilities and workplaces shall be limited to designated smoking areas. Smoking or vaping in municipally owned vehicles is strictly prohibited. Employees shall abide by applicable legislation, York Region's Smoking in Public Places and Workplaces Bylaw, and any employer smoking bylaw.
- 8) Employees on "standby" or "on-call" duty will exercise utmost personal judgement on every occasion before responding to a call to work to exclude any possibility of being impaired when reporting to or performing work.
- 9) Employees in violation of this policy are subject to progressive discipline up to and including termination.

## Exceptions

- 1) Employees attending employer sanctioned social functions or events shall behave responsibly and in accordance with this policy and the law in regard to alcohol consumption or legal recreational drug use and shall not endanger their own safety or the safety of others, nor interfere with the enjoyment of others. The employer expects employees to abide by the principle of "Don't Drive while Impaired". Please note that recreational cannabis is not permitted on Town property.
- 2) The organizers of work related social events involving alcohol consumption have a responsibility to arrange transportation for any guest who appears to be impaired, and to make every reasonable effort to ensure that anyone in attendance who may become impaired does not put themselves or others at risk

or otherwise expose the employer to the possibility of liability action. Organizers of work related social events held on third party premises have the added responsibility of ensuring that said third party has an appropriate alcohol service policy in place and will provide alternate transportation for those unable to drive due to impairment.

- 3) Employees and/or their guests attending work related social events who become impaired, refuse safe transportation, and proceed to operate a vehicle are subject to having their actions reported to police authorities. The organizers of such events shall, in all cases, immediately report said incidents to police authorities.
- 4) Employees attending business-related conferences, seminars, lunches and/or receptions by virtue of their position with the employer, shall behave responsibly and in accordance with the law in regard to alcohol consumption, the use of legal recreational drugs, over-the-counter drugs and/or prescription drugs so as to protect their own and others' safety, as well as the employer's corporate image and reputation.
- 5) The employer recognizes that certain employees may be required, as part of the normal course of their duties, to purchase and serve alcohol, and assist in loading, unloading and delivering alcohol between vehicles and municipally owned facilities in relation to public events for which municipal facilities have been leased or rented or in relation to other employer sanctioned social events.
- 6) Employees in violation of exceptions numbered 1 through 4 of this section are subject to progressive discipline up to and including termination.

#### **Use of Prescription and Over-the-Counter Drugs**

- 1) Employees using prescription drugs in accordance with a medical practitioner's care, or over-the-counter drugs for the purpose of symptomatic relief, have an obligation to understand the potential risk of impairment as a result of consuming drugs and disclosing such risk to their supervisor. When required, the supervisor will provide a reasonable accommodation if available. In addition, all such use shall be in compliance with the applicable provision of the Policy.

#### **Alcohol & Drug Addiction**

- 1) Employees who think they may have an illegal drug, legal recreational drug, alcohol, prescription drug and/or over-the-counter drug addiction or substance use issue may be referred to formal rehabilitation type programs through the Employee and Family Assistance Program (EFAP) provider. In addition, such employees may avail themselves of other employee benefits to ensure sufficient support to assist them in overcoming their addiction or substance use.
- 2) The employer retains the discretionary right to request an employee to participate in an appropriate rehabilitation program. When an employee refuses to participate in a rehabilitation program and the employee's work performance continues to be unsatisfactory, the employee will be subject, to progressive discipline, up to and including termination.
- 3) The employer is committed to providing reasonable accommodation to those employees whose drug or alcohol consumption issue is considered to be an addiction to the extent provided for under Provincial law. Each case will be assessed on its own circumstances.

## **Cross-References**

### Corporate Procedure:

Drug and Alcohol Procedure HR.5-02-001

### Corporate Policy:

Employee Code of Conduct CAO.3-01

Progressive Discipline Policy HR.4-01

Return to Work Policy HR.8-06

Return to Work Program Managers Guideline

Sick Leave Policy HR.11-04

Stand By/On Call Duty HR.2-03

Violence Free Workplace Policy HR.13-03

Wearing Apparel HR.7-01

### Other Government Legislation as amended from time to time:

Cannabis Act (Canada)

Cannabis Act, 2017 (Ontario)

Smoke-Free Ontario Act, 2017

Ontario Cannabis Retail Corporation Act (OCRCA)

Occupational Health and Safety Act and Regulations

Ontario Human Rights Code

Employment Standards Act

## **Contact**

Human Resources Department or at [hr@newmarket.ca](mailto:hr@newmarket.ca)

## **Policy Details**

Approved by: Chief Administrative Officer

Approval Date: June 10, 2019

Policy Effective Date: December 10, 2001

Last Revision Date: May 21, 2019

Revision No: 001