

# DRUG AND ALCOHOL OPERATING PROCEDURES

<b>DRUG AND ALCOHOL OPERATING PROCEDURES</b>	<b>1</b>
<b>Operating Procedures Overview</b>	<b>2</b>
Prevention, Assistance, Rehabilitation	2
Investigative Process	3
<b>Drug and Alcohol Testing</b>	<b>3</b>
Reasonable Cause	3
Post Incident Drug and Alcohol Testing	4
Serious Incidents	5
Possession of Drugs and Alcohol:	6
Impaired Driving Charge:	6
Remedial Action	6
Costs Associated With Rehabilitation/Treatment	7
First Rehabilitation Effort	7
Second Rehabilitation Effort	7
Subsequent Rehabilitation Efforts	7
<b>Definitions</b>	<b>8</b>
<b>Process Flow Charts</b>	<b>9</b>
Reasonable Cause Testing - Safety Sensitive Position	9
Reasonable Cause Testing - Non Safety Sensitive Position	10
Post Incident Testing	11
Self- Disclosure Process	12

## **Operating Procedures Overview**

The information contained in this Operating Procedure is supplemental to the Drug and Alcohol Administrative Directive and Drug and Alcohol Procedure. The information is intended to provide detail and clarification on specific aspects of the Directive and Procedure. The flowchart contained in Diagram 1 “Drug and Alcohol” at the end of this document provides a pictorial representation of the general procedures that will be used to determine if drug and alcohol testing will be conducted on City of Edmonton employees in two of the specific scenarios identified in these operating procedures; reasonable cause and post incident drug and alcohol testing.

### *Prevention, Assistance, Rehabilitation*

**Prevention:** Prevention and early identification of potential problems relating to substance abuse and misuse are important. Information is available on the health and safety hazards of alcohol and drug use, and the process to access resources for assistance with an alcohol or drug problem, or any other problem that may be affecting work performance.

**Assessment/Rehabilitation:** It is recognized that alcohol and drug dependency are treatable illnesses and that early intervention greatly improves the probability of a lasting rehabilitation and recovery. Employees who suspect they have a substance dependency or an emerging alcohol or drug problem are encouraged to seek advice and to follow appropriate treatment promptly before job performance is affected or violations of this Directive occur. The City of Edmonton is prepared to assist an employee that voluntarily discloses a dependency, starting with a referral to a substance abuse expert for an alcohol and drug assessment. Accessing assistance or declaring a problem does not eliminate the requirement for compliance with this Directive.

**Treatment:** All permanent employees who are candidates for primary treatment (for example, residential or outpatient treatment) for alcohol or drug problems will be expected to enter into a written agreement to support their recovery. It will outline the conditions governing their return to work, and the consequences for failing to meet those conditions.

Where a medical professional, a substance abuse expert, or other counselling professional advise there is a risk that an employee is unable to perform their job safely, the employee will be removed from duty until they are able to safely return to work. Work schedules will be adjusted within reasonable limits to accommodate any period of time the employee is required to attend a treatment or counselling program.

**Confidentiality:** Confidentiality will be maintained except where limited disclosure is necessary for related health and safety concerns (for example, where there is deemed to be a potential for risk to self, others or the organization) pursuant to privacy legislation. . The City Disability Management Program is charged with protecting the privacy and confidentiality of employee health and other sensitive information.

## *Investigative Process*

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

**Responsible Escort:** In all situations when there are reasonable grounds to believe an employee is unfit for work/duty, 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 unfit for work/duty. If required the employee will be escorted to a hospital/clinic and then to their place of residence or to the care of another person, as appropriate. An employee who has demonstrated signs of increased safety risk, has undergone drug and alcohol testing as per these operating procedures, and/or appears to be impaired should never drive themselves; should they insist on driving, the police should be contacted immediately and informed of the circumstances.

**Unfit For Work/Duty Situations:** If the supervisor of an employee has reason to believe the employee is not fit for work/duty, and after consultation and agreement of a second person where possible, the supervisor will take one or more of the following actions:

1. Employees working in non-safety sensitive positions: the supervisor will meet with the employee to identify the supervisor's concern and the employee may be temporarily held out of service and subject to further investigation.
2. Employees working in safety sensitive positions: a Safety Engagement Lead must be contacted. The Safety Engagement Lead will review the information pertaining to the assessment of fitness for duty and confirm with the supervisor whether an alcohol and/or drug test is required. The employee may be temporarily held out of service or reassigned pending completion of any investigation and, depending on the test result, a fitness for duty assessment may also be required before returning to work in a safety sensitive position.
3. Recommend that the employee seek medical attention (e.g. doctor, local hospital or clinic) if there are immediate medical concerns.

## **Drug and Alcohol Testing**

The City will conduct drug and alcohol (drugs of concern) testing for: safety sensitive positions when an employee demonstrates signs of increased safety risk and/or a deviation of their typical behaviour or appearance suggests they may be unfit for work/duty, when there is a reasonable belief that alcohol or drugs of concern may have been a contributing factor to an incident (testing for cause), or during the course of rehabilitation and/or return to work planning.

### *Reasonable Cause*

Testing of employees working in safety sensitive positions will take place whenever there are reasonable grounds to believe that the actions, appearance or conduct of an employee while on duty are indicative of the use of alcohol or drugs of concern. The

decision to test shall be made by the responding Safety Engagement Lead, with the consultation of the employee's immediate supervisor. The basis for the decision will be documented as soon as possible after action has taken place.

The referral for testing will be based on the Safety Engagement Lead having fairly considered the following questions:

1. Has the employee shown signs of impairment and/or signs suggesting they may put themselves or others at increased safety risk; such signs include but are not limited to a deviation in their typical physical appearance, behavior, actions or work performance (which could include slurred speech, unsteady on feet, yelling, fighting, odour (alcohol or other scents), witness observations, admission of use, or other signs, etc.)?
2. Are these signs of impairment and/or increased safety risk current, today, while on the job or City of Edmonton property?
3. Are the facts reliable? Did you witness the situation personally, or are you sure that the witness(s) are reliable and have provided firsthand information?
4. Are the facts plausible? (Capable of explanation)
5. Are the facts capable of documentation? (Can you document dates, approx. times, names, locations etc.?)

#### *Post Incident Drug and Alcohol Testing*

Alcohol and drug testing may be required after a significant work-related incident as part of a full investigation into the circumstances. The decision to refer employee(s) for a test will be made by the responding Safety Engagement Lead with the input of the immediate supervisor of the employee involved.

The following procedures apply

1. The need for a test must be documented as part of the preliminary investigation as soon as practicable after the incident occurs. A test will not be necessary if there is clear evidence that acts or omissions of the employee(s) could not have been a contributing factor (for example, structural or mechanical failure).
2. Employee(s) referred for a test will only be those who are identified as having been directly involved in the chain of acts or omissions leading up to the incident and where the potential use of drugs of concern cannot be eliminated as a potential contributing cause.
3. Employee(s) to be tested must not use drugs or alcohol until after the test has been completed or until they have been advised that a test is not required.

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

- 1) Any incident that involves City of Edmonton employees that would meet the definition of a 'serious incident' or 'potentially serious incident' as per Section 40 of the OH&S Act.

### *Serious Incidents*

40(2)(a) an injury or incident that results in the death of a worker,

40(2)(b) an injury or incident that results in a worker being admitted to a hospital, and for the purposes of this clause, "admitted to a hospital" means when a physician writes admitting orders to cause a worker to be an inpatient of a hospital, but excludes a worker being assessed in an emergency room or urgent care centre without being admitted,

40(2)(c) an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing a serious injury,

40(2)(d) the collapse or upset of a crane, derrick or hoist,

40(2)(e) the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure, or

40(2)(f) any injury or incident or a class of injuries or incidents specified in the regulations.

40(5) If an injury or incident referred to in subsection 40(2) occurs at a work site or if any other injury or any other incident that has the potential of causing serious injury to a person occurs at a work site.

- 2) An incident where an employee or a member of the public is transported to the hospital by ambulance, but does not meet the requirements of s. 40 of the OH&S Act.

Example: An incident where a pedestrian is hit crossing the street by a City vehicle.

Example: An employee is hit by a skid steer, breaking an employee's leg. Operator of skid steer taken for testing.

- 3) Significant loss or damage to property, equipment or vehicles that may include employees and/or the public

Example: A large expensive piece of equipment falls and is destroyed during off-loading.

Employee makes contact with overhead power or utility lines.

- 4) An environmental spill with significant implications

Example: a rupture or breakage of a pipeline or utility gas line

- 5) A serious near miss (including those captured by s. 40(5) of the OH&S Act) that could have resulted in any of the above.

Example: An insecure load with high potential for injury or damage

Example: Employees working from heights, confined spaces, or not following procedures that could lead to IDLH scenarios

Post Violation - In those situations where employment is continued after a Directive violation, employees may be required to pass a return to duty test and may be subject to unannounced testing for an identified period of time as a condition of continued employment.

Return to Duty - Post Treatment: Any employee assuming duties after primary treatment for an alcohol or drug problem 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 by a substance abuse expert to support their ongoing recovery.

Failure to Test: An employee's failure to report directly for a test, refusal to submit to a test, refusal to agree to disclosure of a test result to the City Disability Management Consultant, or a confirmed attempt to tamper with a test sample are violations of this Directive.

#### *Possession of Drugs and Alcohol:*

Supervisors reserve the right to investigate any situation when there are reasonable grounds to believe that alcohol, cannabis, illicit drugs or related paraphernalia are present on City Premises in violation of this Directive.

Supervisors are responsible for identifying situations where a search is justified based on a combination of indicators that could include behavior, odor, or presence of paraphernalia. They will be responsible for advising their Director/Manager of the situation, who, in conjunction with Corporate Security may take the appropriate steps to investigate, including the conduct of searches.

#### *Impaired Driving Charge:*

Employees who operate a motor vehicle 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 a Supervisor, and the employee will no longer be permitted to operate motor vehicles on behalf of the City.

In addition, employees must inform their supervisor immediately if they have been charged with an impaired driving offence when operating a vehicle on behalf of the City. Impaired driving offences include, but are not limited to, exceeding the legal Blood Alcohol Content and/or Blood Drug Concentration, driving while impaired, or refusal to blow into a breathalyzer. Receipt of a charge will result in a full investigation, and discipline appropriate to the situation.

### *Remedial Action*

Following any Directive violation if it is determined that employment will be continued, the employee may be required to enter into a return to duty agreement governing their continued employment.

Examples of conditions that may be included in such an agreement are as follows:

- temporary removal from their position;
- assessment by a substance abuse expert 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
- Any other condition appropriate to the situation.

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

### *Costs Associated With Rehabilitation/Treatment*

The responsibility for the costs associated with rehabilitation and treatment is shared between the City and the employee as both parties have an interest in the employee successfully addressing their substance abuse issue and returning to productive employment.

The City also recognizes that in many cases more than one meaningful attempt at rehabilitation will be required for a person to deal effectively with a substance abuse issue. In all cases the employee's department will be responsible for the costs of any required monitoring to ensure the employee can safely return to work and any follow-up monitoring set out in a relapse prevention program. Costs associated with rehabilitation will be borne as follows:

#### *First Rehabilitation Effort*

The employee's department will cover the costs of all medical evaluation, treatment planning and residential treatment (includes detox) less a charge of \$15/day while in Residential treatment to cover the normal cost of food (board) the employee would expend. The employee will be required to sign an approval allowing the daily charge to be deducted from their normal pay.

#### *Second Rehabilitation Effort*

The employee's department will cover the costs of all medical evaluation, and treatment planning. Cost associated with residential treatment (includes detox), less the \$15/day that the employee is responsible for (see above), will be shared 50% - 50% basis as between the department and the employee. The employee will be required to sign an

approval allowing their portion of costs to be deducted from their earnings following an agreed upon schedule.

### *Subsequent Rehabilitation Efforts*

Should it be determined to be appropriate that subsequent rehabilitation efforts occur, the employee is responsible for all costs associated with rehabilitation. If the employee has a limited ability to pay these costs, the department in its discretion, based on a reasonable prospect of repayment, may enter into an agreement with the employee to cover these costs and then recover.

### **Definitions**

IDLH - Immediately Dangerous to Life and Health, any event that could cause immediate injury or debilitating health effects.

Near Miss - A near miss is an unplanned event that did not result in injury, illness, or damage – but had the potential to do so. Only a fortunate break in the chain of events prevented an injury, fatality or damage.

Serious incident - A Serious incident as determined by the OHS Act, Section 40 is as follows:

2(a) an injury or incident that results in the death of a worker,

2(b) an injury or incident that results in a worker being admitted to a hospital, and for the purposes of this clause, “admitted to a hospital” means when a physician writes admitting orders to cause a worker to be an inpatient of a hospital, but excludes a worker being assessed in an emergency room or urgent care centre without being admitted,

2(c) an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing a serious injury,

2(d) the collapse or upset of a crane, derrick or hoist,

2(e) the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure, or

2(f) any injury or incident or a class of injuries or incidents specified in the regulations.

(5) If an injury or incident referred to in subsection (2) occurs at a work site or if any other injury or any other incident that has the potential of causing serious injury to a person occurs at a work site

Potentially serious incident - Is any incident where a reasonable and informed person would determine that:

(1) the injury sustained requires medical attention beyond first aid; or

(2) the incident could have caused serious injury and

(a) the hazard was not identified in the hazard assessment; or

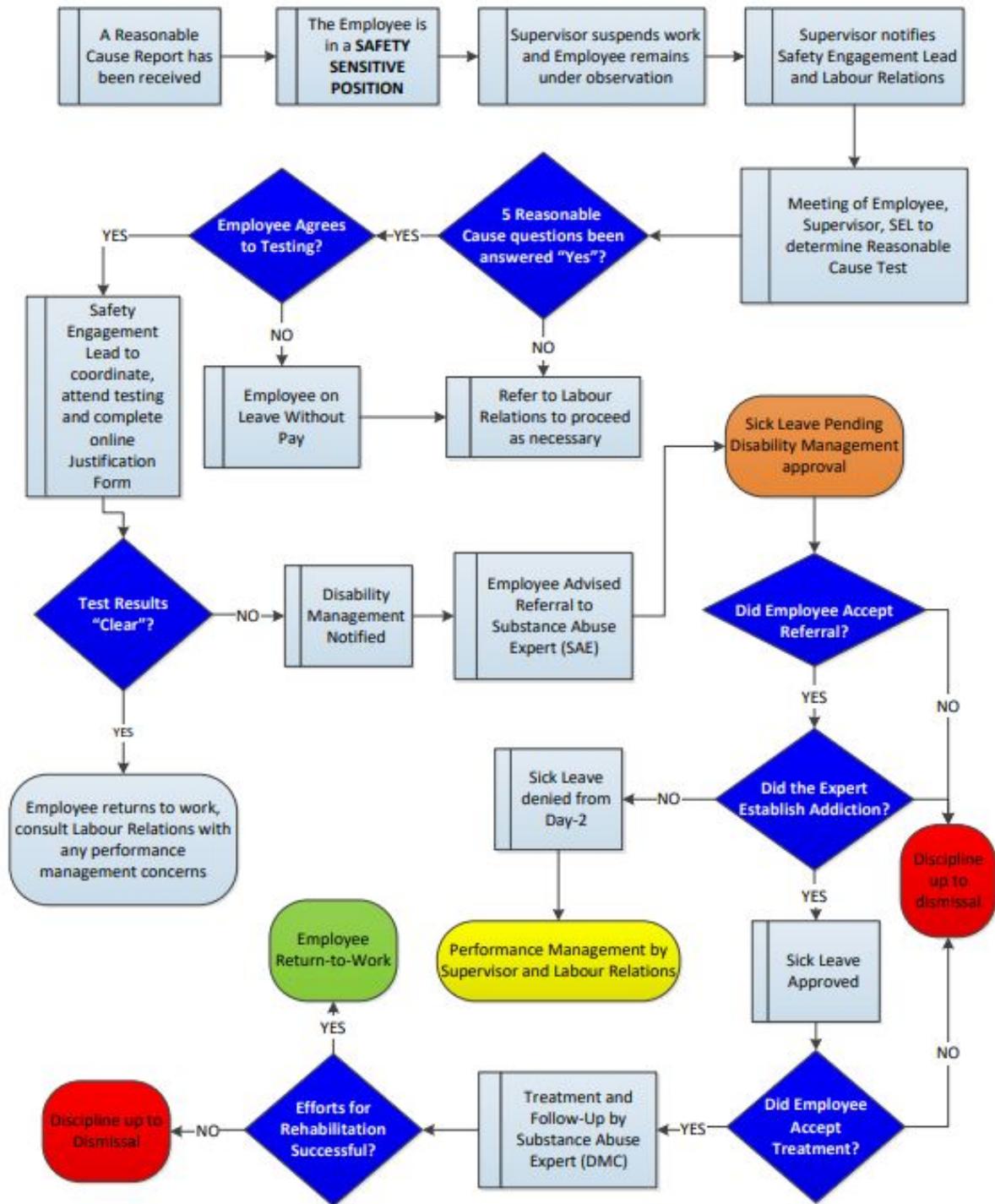
(b) the identified hazard had not been reasonably controlled;

(3) Any incident that has the potential of causing serious physical or psychological injury to a person (Example: Serious Near Miss)

Drugs of concern: As defined in the City's Drug & Alcohol Administrative Procedure (Illicit drugs, alcohol, cannabis, medications, solvents, inhalants, 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 productively).

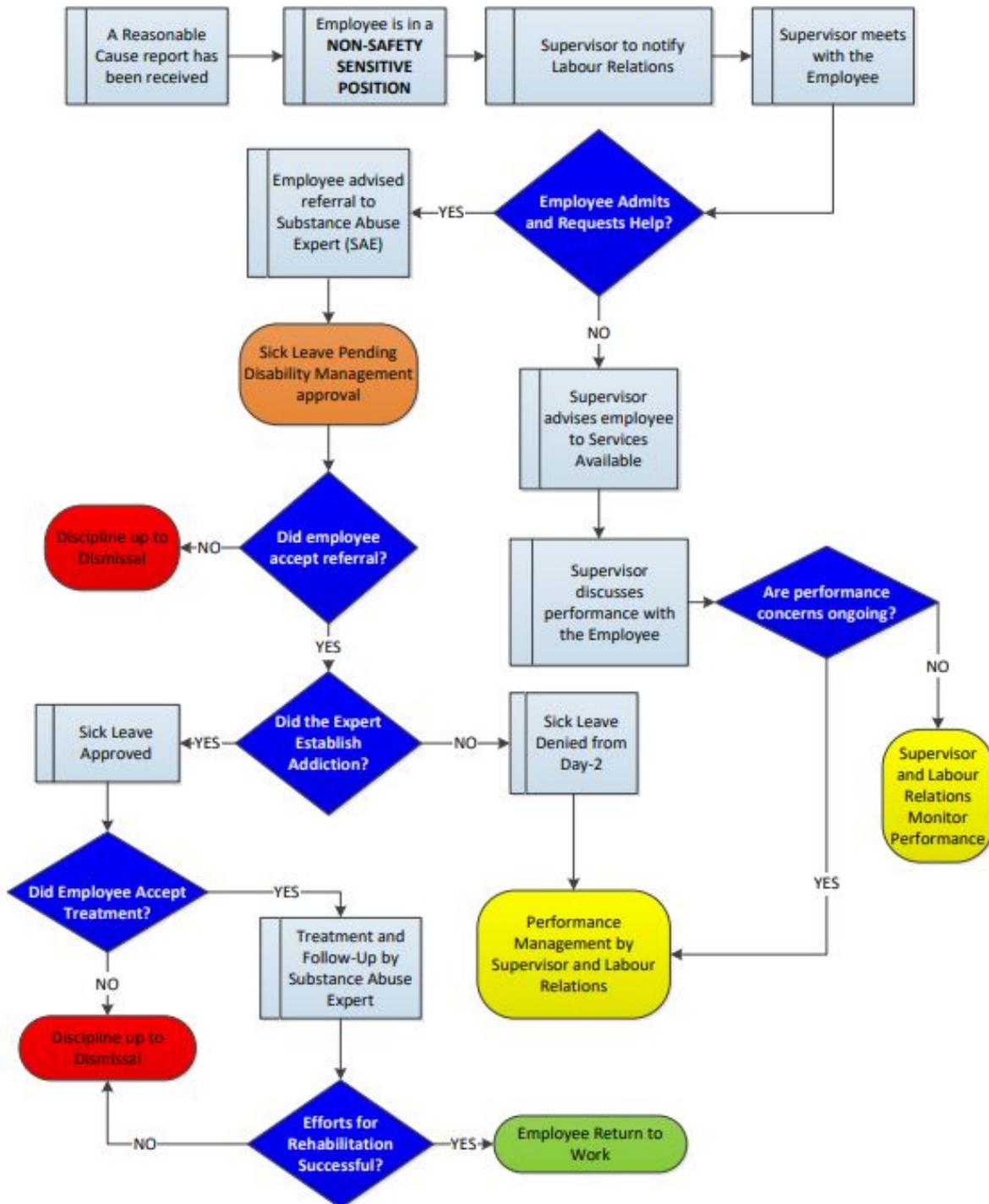
# Process Flow Charts

## Reasonable Cause Testing - Safety Sensitive Position



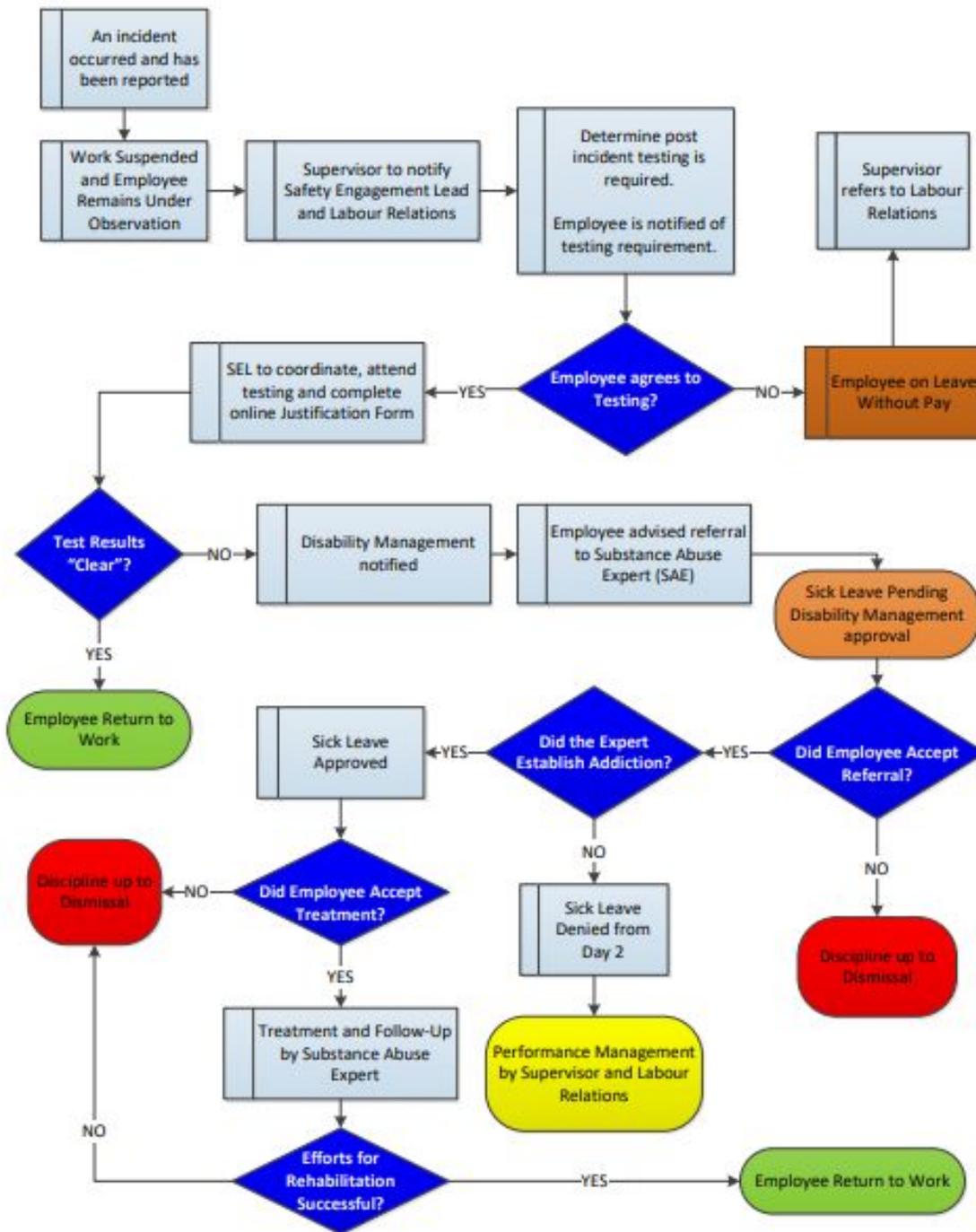
Updated on August 10, 2018

# Reasonable Cause Testing - Non Safety Sensitive Position



Updated on August 10, 2018

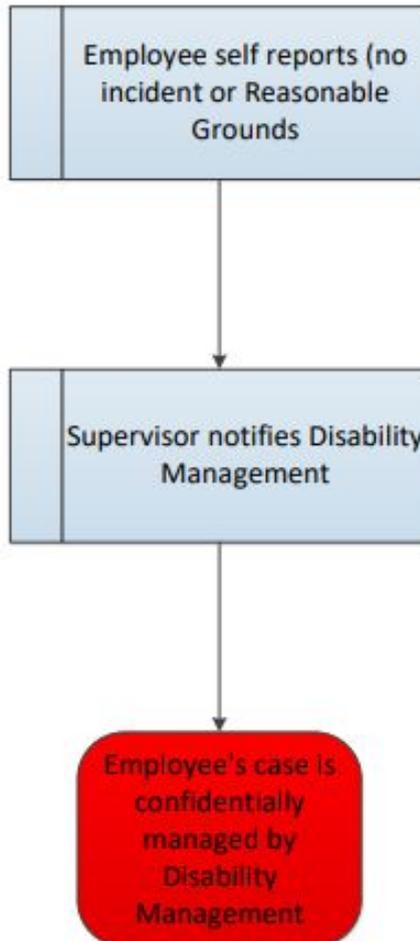
# Post Incident Testing



Updated on August 10, 2018



### Self - Disclosure (Drug and Alcohol Use / Medical Authorization and Prescription)



Updated on July 19, 2018