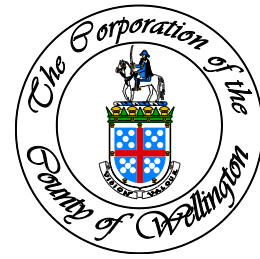


County of Wellington Policy and Procedure Manual



Responsibility	Human Resources (HR)	Policy Number	HR13.55
Area	Health and Safety	Effective Date	September 30, 2021
Subject	Substance Use	Revision Date	
Authority	Ontario Human Rights Code, Occupational Health and Safety Act		

PURPOSE

The County of Wellington is committed to the health and safety of its employees and the community they serve, and makes every reasonable effort to minimize the risks associated with its operations and ensure a safe, healthy and productive workplace. Employees are expected to report to duty fit for work and able to carry out their regular duties safely, competently, and efficiently, without any limitation due to impairment from the use of substances or medication.

This policy has been created in the spirit of cooperation among all employees to prevent and address impairment in the workplace and to accommodate those who may require the use of medication at work or who are dealing with a Substance Use Disorder. The purpose of this policy is to outline reasonable behaviours related to the use of substances that could impact a person's ability to perform their work duties safely, competently, and efficiently, and to identify steps to be taken in the event of impairment in the workplace. This policy outlines how the County of Wellington strives to respect the dignity and privacy of individuals, as well as the County's priority on treatment, accommodation, and the successful recovery of employees who have a Substance Use Disorder.

APPLICATION

This procedure applies to all County of Wellington employees, volunteers, students working in unpaid placements/internships, and independent contractors.

LEGISLATIVE REFERENCES

- Occupational Health and Safety Act, R.S.O. 1990, c.0.1
- Human Rights Code, R.S.O. 1990, c. H.19

DEFINITIONS

Fit for Work - A person is able to perform the duties of the job with efficiency, competency and in a safe manner.

Impairment - Limitation resulting from the use of a substance(s) which negatively affects the person's ability to carry out the requirements of the job in a safe and efficient manner.

Impaired/Unfit for Work - The inability to safely, competently, or efficiently perform job duties without limitation resulting from substance use or the after effects of substance use.

Substance - Any substance that is ingested, consumed, or otherwise taken, and includes alcohol, cannabis, medication, and drugs, whether legal, illegal or prescribed.

Substance Use Disorder - When the recurrent use of a substance(s) causes clinically and functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.

AUTHORITIES AND RESPONSIBILITIES

Manager and Supervisor

1. Communicate with all employees the need to ensure they are fit for work and free from impairment while at work.
2. Identify and address any situations where a person appears to be impaired/unfit for work and respond accordingly in accordance with this procedure.
3. Be aware that an illness or disability, including Substance Use Disorder, may require accommodation in the workplace pursuant to the Ontario Human Rights Code and of the employer's obligations in that regard.
4. Seek advice and support from Human Resources as needed and where appropriate.

All Employees

1. Be fit for work and remain fit for work throughout the work day.
2. Not consume any substance prior to, or during, work that results in being impaired while at work.
3. Who are on standby or on-call situations will remain fit for work and not be impaired.
4. Use prescribed medications responsibly, ensuring ability to perform duties of the job with efficiency, competency, and in a safe manner. Consult with a health care provider or pharmacist to determine if any medication use will have any potential negative effect on job performance and/or health and safety.
5. Request reasonable accommodation in the event of an illness or disability, including a Substance Use Disorder, which could result in impairment at work due to substance use.
6. Understand that where there is reasonable cause to believe they are impaired/unfit for work due to substance use for which they have not sought accommodation, they may be removed from duty and appropriate action may be taken in this regard.

7. Advise their manager/supervisor if they have a reasonable belief that another person is, or has been, impaired/unfit for work.

Human Resources

1. Provide guidance and support to all employees with respect to the application of this procedure.

Events and Functions

From time to time, employees of the County of Wellington may attend events or functions connected with County of Wellington work, at which alcohol may be available. Responsible alcohol consumption by employees is permitted at such events and functions. Consumption resulting in behaviour unbecoming of a County of Wellington employee may be subject to discipline where appropriate. Employees must not drive impaired in connection with any such function or event. Employees must make arrangements for their safe transportation home by way of a designated driver, use of public transportation or taxi.

PROCEDURE

The following elements apply to this policy:

Identifying Possible Signs of Impairment

Impairment may negatively impact a person's performance and compromise the health and safety of themselves, others, the public or environment. Examples of behaviour that could give rise to reasonable cause to believe that a person is impaired/unfit for work may include, but are not limited to:

- slurred speech;
- glassy eyes;
- flushed face or neck;
- disorientation, unsteadiness, or lack of coordination;
- impaired judgement;
- impaired balance;
- slowed reflexes, impaired coordination or motor function;
- sleepiness or drowsiness;
- smell of alcohol or drugs (on breath, clothing or in the air surrounding the person);
- uncharacteristic or abnormal behaviour (e.g. euphoria, frequent or rapid mood swings, excitement, confusion, irritability, aggressiveness, remoteness);
- diminished performance (e.g. sporadic work pace, neglect of duty, increase in mistakes, difficulty communicating or recalling instructions);
- impaired memory.

These are only possible signs of impairment and Human Resources should be consulted

immediately should impairment be suspected.

Substance Use Disorder

A person who has a Substance Use Disorder has a recognized disability under the Ontario Human Rights Code. If there is reasonable cause to believe that a person has a Substance Use Disorder, Human Resources should be consulted and the County of Wellington Workplace Accommodations for Disabilities Policy HR#5.75 may be applicable and should be reviewed. Possible warning signs of Substance Use Disorder may include, but are not limited to:

- frequent lateness or absences;
- disheveled or inconsistent appearance;
- financial problems;
- unexplained weight changes;
- unexplained tremors;
- frequent but unspecified medical complaints;
- diminished motor coordination, perceptual abilities, or physical or mental capacity;
- increase in accidents or near-accidents;
- blackouts.

These are only possible warning signs of a Substance Use Disorder and Human Resources should be consulted immediately should a Substance Use Disorder be suspected.

Steps to be taken if manager/supervisor believes that a person is impaired/unfit for work

The steps to be taken if a manager/supervisor suspects that a person is impaired/unfit for work will depend on the behaviour(s) giving rise to reasonable cause to believe that a person is impaired/unfit for work. Managers/supervisors are required to exercise good judgement and to seek the advice of Human Resources when required, since each situation will be different.

If there is reasonable cause to believe there is a risk or potential risk of injury to themselves, others, the public or the environment, the person should be immediately removed from duty, having regard for the person's privacy and dignity and Human Resources should be consulted to establish appropriate next steps.

Depending on the circumstance, this may include arranging safe transportation home for the employee or if the condition is more severe, to an appropriate medical facility. Every effort should be made to ensure the person does not drive a vehicle or to leave the workplace without assistance. Safe transportation options include transportation by the employee's family member, their designated emergency contact or a taxi. Should the person decline transportation and attempt to operate a vehicle, the manager/supervisor must record the license plate number and colour/make/model of the individual's vehicle and immediately call 911 for Police assistance.

The County of Wellington has an obligation to ensure a safe and healthy workplace. That obligation must be balanced against privacy rights. Therefore, all actions to address substance use should strike an appropriate balance between health and safety and respect for individual rights and privacy.