

POLICY 25-14

SUBSTANCE USE

DATE OF ADOPTION:	July 15, 2025	MOTION NUMBER:	25/07/101
DATE OF AMENDMENT:		DEPARTMENT:	Administration

PURPOSE

To ensure that the Town of Vermilion continues to demonstrate its commitment to maintaining and promoting a safe and healthy work environment as well as adheres to its legislated Duty to Accommodate Members of Council and/or Administration with Substance Dependencies.

DEFINITIONS

Administration is an employee or contract employee of the Town of Vermilion.

Alcohol is the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol and Drug Testing is a process completed by an external third party provider testing for the metabolites of alcohol and/or drugs.

Cannabis is as defined in the *Controlled Drugs and Substances Act* and the *Cannabis Act*, as those may be amended from time to time, and any derivatives of Cannabis.

CAO is the Chief Administrative Officer for the Town of Vermilion.

Dependency is a cluster of behavioural, cognitive, and physiological phenomena that develop after repeated substance use and that typically include but are not limited to a strong desire to take the drug, difficulties in controlling its use, persisting in its use despite harmful consequences, a higher priority is given to substance use to other activities and obligations, increased tolerance and sometimes a physical withdrawal state.

Drugs is illicit or illegal drugs, Alcohol, medications, solvents, inhalants, Cannabis, 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 effectively.

Duty to Accommodate is the legal duty to accommodate a person's needs based on the protected grounds that are established in federal and provincial human rights law.

Employee is an employee of the Town of Vermilion.

Fit for Duty refers to one's ability to mentally and physically perform their work duties in a safe, professional and reliable manner.

Impaired/Impairment is a deterioration of an individual's judgment and decrease an individual's physical ability which can be reasonably determined by a combination of several tests and/or observations. Further, it refers to the state of being impaired resulting from, but not limited to, substance use, drugs, alcohol, fatigue, medical conditions, medications, and/or psychological factors.

Impaired Driving is the operation while impaired as defined in the Criminal Code of Canada and amended from time to time.

Manager is an individual and/or a member of administration who reports to or, in the case of a Member of Council, Council as a whole. This may include but is not limited to a coordinator, supervisor, manager, senior manager, director or executive manager or any other individuals who are in a position of directing work relating to any Town of Vermilion workplace, project, contract or volunteer operation.

Member of Council is an individual elected to office pursuant to the Municipal Government Act (MGA) RSA 2000, c M-26. who serves as an elected official for the Town of Vermilion.

Non-Prescription Drugs are legal, recreation drugs and illegal or illicit drugs (i.e. cocaine, heroin, etc.).

Over-The-Counter Medication is medications sold directly to a consumer without a prescription from a healthcare professional, not including Cannabis.

Powered Mobile Equipment is a self-propelled machine or combination of machines that is designed to manipulate or move materials or to provide a work platform for workers, including but not limited to motor vehicles.

Prescription Drug is a drug obtained legally either as Over-The-Counter Medication or through a doctor's prescription.

Reasonable Suspicion is reasonable suspicion includes but is not limited to a belief that an individual is Impaired based on observance of behavior, conduct, actions, or comments of a person.

Reasonable Suspicion Assessment is an assessment conducted by a Town official who is trained in the detection of signs and symptoms of Substance use. The assessment is to be based on reasonable and probable grounds.

Substance is Alcohol, Drugs, Non-Prescription Drugs, OverThe-Counter Medication and Prescription Drugs.

Town is the Town of Vermilion.

Town Business is all activities undertaken directly, or on behalf of the Town by Administration, or other persons affiliated with the Town of Vermilion, whether conducted on or off Town premises. It includes but is not limited to situations where an individual is representing or could reasonably be perceived as to be representing the Town of Vermilion.

Town Premises includes, but is not restricted to, all land, property, structures, installations, powered mobile equipment and equipment owned, leased, operated or otherwise directly controlled by the Town.

Treatment is a process in which an individual is participating in recovery related activities, which may include periods of absence away from work.

Undue Hardship is an unbearable financial cost or a considerable disruption to business, or an interference with the rights of others, or anything else found at law to be undue hardship.

Unfit for Duty is the inability to safely perform assigned duties resulting from being impaired by substances.

Working Hours refers to regular business hours, overtime hours and on-call hours while employed and on-shift performing an Employee's assigned duties for the Town of Vermilion.

SCOPE

This policy applies to All Members of Council and/or all Employees of the Town of Vermilion.

TASK	TITLE OR DEPARTMENT OF PERSON RESPONSIBLE
APPROVAL OF POLICY & AMENDMENTS	Council
HANDLING INQUIRIES & COMMUNICATING POLICY	Chief Administrative Officer
MONITORING REVIEWS & IMPLEMENTATION	Chief Administrative Officer

GUIDING PRINCIPLES

- Administration and Members of Council are expected to be Fit for Duty when reporting to work as well as during work hours so as to be able to perform their assigned duties safely.
- Under the Alberta Occupational Health and Safety Act, all Employees must take reasonable care to protect the health and safety of themselves and of others at or in the vicinity of the work site while the Employee is working.
- The Town of Vermilion requires Employees to refrain from performing their assigned work duties and/or report or disclose to their Manager when there is a risk of Impairment that may adversely affect the health and/or safety of themselves, their fellow Employees or any other persons at or in the vicinity of the work site.

- The Town of Vermilion requires Employees to report and/or disclose if they suspect a fellow Employee or any other person at or in the vicinity of the work site may be Impaired or if they become aware of an unsafe work situation.
- If a Manager becomes aware of an Employee or any other persons at or in the vicinity of the work site, the Manager shall take action and handle the situation promptly.
- Employees involved in an accident during working hours may be required to provide proof that they were not impaired at the time of the incident through the provision of a drug and/or alcohol screen. The screen must be conducted by a third-party company with the results becoming the immediate property of the Town of Vermilion. The Town of Vermilion shall advise the Employee of the drug and/or alcohol screen results and a copy will be placed in the Employee's personnel file, in conjunction with the incident reporting form.
- The Town of Vermilion reserves the right to carry out disciplinary action, up to and including termination, should an Employee not be Fit for Duty when reporting to work or during working hours.
- This policy hereby rescinds the Substance Use and Fitness for Duty Policy No. 20-1, approved by Council on August 11, 2020.

ROLES & RESPONSIBILITIES

- **Directors must:**
 - Ensure that their Employees are Fit for Duty.
 - Recognize the signs of an Employee UnFit for Duty and take steps to ensure the safety of that individual and others.
- **Employees must:**
 - Report to work Fit for Duty and then remain Fit for Duty for the duration of working hours.
 - Inform their Manager immediately if they are not, or have good reason to believe that they may not be, Fit for Duty. This includes when Employees are called in while on call and when workers are asked to perform unscheduled work.
 - Inquire with their physician or pharmacist as to whether any of the medications that they are taking can negatively affect their performance in the work environment, including by making the physician or pharmacist aware of the worker's specific job duties and the nature of the work environment and to advise their Manager that they are using the medication if their physician's or pharmacist's opinion is that the medication has the potential to affect their fitness for duty
 - Not use, distribute, offer or sell Substances when conducting Town Business or at any other place during working hours subject to the expectations set forth in this policy.
 - An Employee may use Prescription Drugs and/or Over-the-Counter Medication when conducting Town Business if the following conditions are satisfied:

- The Employee uses the medication exactly as prescribed, authorized or recommended by their physician, a pharmacist or the manufacturer; and
 - The Employee has inquired with their physician or a pharmacist as to whether the medication can negatively affect their performance in the work environment, including by making the physician or pharmacist aware of the worker's specific job duties and the nature of the work environment; and
 - If the Employee has reason to believe, because of their physician's or pharmacist's opinion or for some other reason, that the medication has the potential to affect the worker's fitness for duty, the worker has advised their supervisor that they are using the medication and the Town is satisfied that such medication does not negatively affect the worker's ability to safely and/or efficiently perform their duties; and
 - The Employee's Manager has been notified and is in agreement that the Prescription Drug and/or Over-the-Counter Medication will not impact the safety of their fellow Employees, or any other persons.
- Members of Council and/or Administration who operate Powered Mobile Equipment in their employment position with the Town 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 the individual's direct Manager and the individual will no longer be permitted to operate Powered Mobile Equipment on behalf of the Town.
 - Members of Council and/or Administration shall inform their direct Manager immediately if they have been charged with an Impaired Driving offence.
 - If Members of Council and/or Administration receive a charge while conducting Town Business, the charge shall result in a full investigation and disciplinary measures based on the situation. Such disciplinary measures are up to and including suspension without pay or termination, where appropriate. All costs associated with any related fines will be the responsibility of the ticketed individual.
 - The Town reserves the right to temporarily remove, reassign, or suspend Administration pending an evaluation.
 - If an individual is UnFit for Duty a Reasonable Suspicion Assessment or completion of an investigation into a possible violation of this Policy shall be performed.
 - The failure to disclose Impairment caused by Substance use may result in disciplinary action, up to and including termination.
 - If an Employee refuses to take an Alcohol or Drug test based on reasonable grounds then they would be in violation of the Substance Use policy and shall be subject to disciplinary action.
 - Administration found to be in violation of this Policy may be subjected to disciplinary action. Such action will be dependent upon the nature of the breach of this Policy; discipline may range from a written warning to termination of employment with just cause.

Disclosure

- Members of Council and/or Administration shall disclose Substance Dependency issues to a Manager.

- If a Member of Council and/or Administration discloses Substance Dependency, the Manager shall notify the Town's Safety Officer immediately.
- Failure to disclose a Substance Dependency shall not be accommodated as per Alberta's Human Rights Legislation.
- Members of Council and/or Administration that disclose a Substance Dependency shall be assessed by a registered psychologist at the cost of the individual.
- If Dependency is established through assessment by a registered psychologist, the Town will review and accommodate accordingly. Unless otherwise required through accommodation, the appropriate Town personnel shall:
 - Review the assessment to determine a suitable return to work or modified work plan; and
 - Accommodate individuals with a Substance Dependency up to the point of Undue Hardship.
- Seeking voluntary assistance for Substance Dependency shall not jeopardize any Member of Council and/or Administration's position with the Town, so long as the individual continues to comply with and follow the prescribed treatment and return to work plan.
- A Member of Council and/or Administration's request for assistance shall not be a defense from disciplinary action where a violation of this or other Town policy has occurred.
- A Member of Council and/or Administration suffering from a Substance Dependency who fails to comply with and follow assistance or treatment plans or violates this Policy, shall be subject to disciplinary actions, including but not limited to suspension without pay and termination with just cause.

Accommodation

- The Town shall not discriminate against Members of Council and/or Administration, and is committed to accommodating Members of Council and Administration with Substance Dependency up to the point of Undue Hardship.
- The Town shall accommodate Members of Council and/or Administrations' necessary use of Prescription Drugs, when disclosure is made to an extent that is reasonably possible without suffering Undue Hardship.
- The Town reserves the right to request medical documentation to confirm Members of Council and/or Administrations ability to work unimpaired, and to assess accommodation to the point of Undue Hardship, where the use of Impairment causing medication has been disclosed.
- In circumstances where the Town is reasonably concerned about the Member of Council and/or Administration's safety or the safety of others in the workplace, the Town may require a member to undergo a medical examination and/or a functional capacity evaluation to assess and confirm fitness for work.

Reasonable Suspicion Testing

- The Town reserves the right to conduct testing for the presence of Substances when it has Reasonable Suspicion that:
 - Members of Council, Administration, or members of the public may be at risk;

- A serious incident or near miss involved a Member of Council and/or Administration, unless the Town has a reasonable basis to believe that the Member of Council and/or Administration was not Impaired when they were involved in the serious incident or near miss; or
 - Alcohol and Drug testing is part of a return-to-work program which recognizes that relapse is common and part of the Dependency.
- The basis for the decision to test shall be documented as soon as possible after the action has taken place.
- In all situations in which the Town determines a Member of Council and/or Administration is Unfit for Duty, a Manager will be used to source a safe means to transport the individual to their residence, testing facility, or medical treatment facility.
- Pre-access Alcohol and Drug Testing may be required by an external party for the purpose of conducting Town Business. This pertains to working on a site not under the direct authority of the Town.