

4.15 Suspicion of Impairment Policy

Intent

This policy provides guidelines for the correct course of action to be taken if an employee appears to be under the influence of either drugs and/or alcohol in the workplace. It also outlines the concerns and responsibilities associated with an employee reporting to work visibly impaired and unable to perform their job duties.

Scope

This policy applies to all employees, contractors and any third parties performing work on behalf of the employer.

Unionized employees are requested to refer to their current Collective Agreement for specific information pertaining to this Suspicion of Impairment Policy. Where the Collective Agreement is silent, bargaining members shall refer to the contents of this policy. In situations where the directions of this policy cover issues also in the Collective Agreement, the Collective Agreement will be the final authority.

The provisions of this policy are subject to any federal, provincial or local laws that may prohibit or restrict their applicability.

Guidelines

The employer will take the appropriate actions to ensure that impaired employees are dealt with in an appropriate fashion to protect both their health and safety and that of our staff and guests.

Every employee is expected to arrive to work and remain throughout their shift, free of alcohol, drugs and any other banned or intoxicating substance. Suspicion of impairment may be based on specific personal observations pertaining to appearance, watery and/or red eyes, dilated pupils, behaviour, speech and/or breath odour of the employee. Reasonable suspicion may also relate to any involvement in a workplace accident and must be documented at or near the time of the observation.

Substances prohibited by the employer include, but are not limited to:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cocaine metabolites
- Marijuana (THC)
- Methadone
- Methaqualone
- Opiates
- Phencyclidine
- Propoxyphene
- Ethanol (Alcohol)

Should management believe that an employee is impaired, the employee is to be escorted to a private location to discuss the situation. This meeting will be held in the presence of a second member of management, and a union



representative where required and the determination that an employee is “unfit for work” is based on their best judgment and DOES NOT require a breathalyser or blood test. The employee should be advised that the company will call a taxi or shuttle service to safely transport them home. The employee should be advised that if they refuse this transportation and indicate that they will drive their personal vehicle, the company is obligated to, and will contact the police.

The employer reserves the right to inspect all property on its premises for the presence of drugs, alcohol or other contraband. The employer reserves the right to search work areas, or property that might be used to conceal drugs, alcohol, or other contraband. Employees found to be in possession of such contraband, or who refuse to cooperate in these inspections may be subject to disciplinary actions up to and including termination of employment.

The employer understands that certain individuals may develop a dependency to certain substances, which in some instances could be defined as a disease. The employer promotes early diagnoses and encourages employees to pursue medical and/or psychological treatment to manage and ultimately be cured.

Management

- Shall identify any situations that may cause concern regarding an employee’s ability to successfully and safely perform their job functions.
- When necessary, will remove from the premises any employee who is suspected to be in violation of the provisions of this policy. If the suspicion is questionable, management shall err on the side of caution and act in the best interests of the company.
- Will conduct searches, or investigations regarding suspected violations of this policy.
- When any of the above are required, will complete a formal incident report to submit to the general manager for follow up.

Employees

- Are expected to abide by the provisions of this policy.
- If an off-duty employee is requested to come in to work, it is their responsibility to refuse the request when they are under the influence of alcohol or drugs.
- Who are convicted of or plead no contest to any substance related offense must inform the employer within five days of the conviction or plea. Failure to do so will result in disciplinary action up to and including termination. In the event of an employee’s conviction or plea to charges relating to the manufacture, possession, sale, use distribution, receipt or transportation of any substance, the employer will determine whether employment will continue and/or if disciplinary action will be taken.
- Are expected to report immediately to management if they suspect a colleague to be under the influence of drugs or alcohol.

In accordance with the employee's commitment to become, and remain alcohol and drug-free, it is agreed that the employee will:

- Submit to an evaluation of potential alcohol or drug problems by a certified professional that has been referred to the employer by their benefit insurance provider as part of an Employee Assistance Program (EAP).
- Agree to attend all rehabilitation treatment recommended by the counselor performing the evaluation. The failure to satisfactorily adhere to the program for treatment will result in the termination of the employee.
- Authorize a copy of the assessment and rehabilitation recommendations be put in their personnel file.



- The employee must consent to random, unannounced follow-up substance testing for a period not exceeding twelve months.
- The employer will work to ensure that the individual can work effectively, by adjusting or providing modifications to the work, or the work environment, up to the point of undue hardship.
- Both the employee and the employer agree that by the Company assisting the employee, the Company has satisfied its obligation to accommodate the employee and that no further accommodation will be required in the event of any breach by the employee of any of the conditions.
- Acknowledges that failure to adhere to any of the above conditions will result in termination of employment with cause. Further, the employee agrees that said termination may not be contested by the employee and in turn, no monies would be owing to the employee for termination pay, severance pay and/or any entitlement to common law consideration/monies.