



Substance Use and Impairment

Introduction

TPS Group of Companies (TPS) is committed to promoting a safe, healthy and productive workplace for staff.

It is recognized that the consumption of alcohol, cannabis, drugs, prescription medications and over-the-counter medications may impair a person's ability to perform their job properly which could have serious adverse effects on the safety and well-being of themselves, their co-workers, the public and impact upon TPS' reputation.

TPS' policy regarding alcohol, cannabis, and drug use and impairment in the workplace, establishes the minimum expectations for a TPS employee to abide by while conducting work on behalf of TPS, whether on or off TPS property.

Introduction

If the contractor the employee is working for or the worksite the employee is working at provides a policy that is more restrictive/detailed than TPS' policy, the employee is to adhere to the specifications of that policy while remaining in compliance with TPS' expectations as outlined in TPS' policy.

Should an employee be unsure of their obligations regarding alcohol, cannabis, and drug use and impairment in the workplace, they may contact their supervisor for clarification.

Policy

Consumption of alcohol, illegal drugs, legal recreational drugs, over-the-counter drugs or prescription medications that jeopardizes or could potentially jeopardize the health and safety or well-being of the employee, other employees, non-employees, the public and/or the reputation of TPS is deemed to be unacceptable and inappropriate behaviour.

The TPS 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.

Definitions

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

Illegal Drugs: all controlled substances which cannot be legally possessed under Canadian law. An example of illegal drugs are cocaine, heroin, hallucinogens, stimulants, and other controlled drugs obtained without a physician's prescription and as contained in the Controlled Drugs and Substances Act.

Definitions

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

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.

Expectations

1. The consumption of alcohol, legal recreational drugs or illegal drugs is prohibited at all TPS workplaces or at any time when conducting work on behalf of TPS, whether on or off TPS property.
2. Employees, while in the course of their duties, shall not be in possession of alcohol, legal recreational drugs and/or illegal drugs while conducting work on TPS property or at any work location.

Expectations

3. 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 and disclosing such risk to their supervisor. When required, the supervisor will provide reasonable accommodation, if available.
4. Employees on "standby" or "on-call" duty will exercise utmost personal judgement on every occasion before responding to a call to work to exclude the possibility of being impaired when reporting to or performing work.

Exceptions

1. Employees attending employer sanctioned social functions or events shall behave responsibly and in accordance with the TPS Substance Use and Impairment 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.
2. 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.

Exceptions

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 the police.
4. Employees attending business related conferences, seminars, lunches and/or receptions by virtue of their position with TPS, shall behave responsibly and in accordance with the law regarding alcohol consumption, the use of legal recreational drugs or illegal drugs to protect their own and others' safety, as well as TPS' corporate image and reputation.
5. Employees in violation of exceptions numbered 1 through 4 of this section are subject to progressive discipline, up to and including termination.

Suspicion of Impairment

The following may be enacted if there is reasonable belief that an employee is impaired at work. In these circumstances, the “Reasonable Grounds Record Form” should be used.

1. If possible, the employee’s supervisor will first seek another manager’s or supervisor’s opinion to confirm the suspicion of impairment.

Suspicion of Impairment

2. Next, the supervisor will consult privately with the employee (and Human Resources, if required) to determine the cause of the observation, including whether substance abuse has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations. If the employee exhibits unusual behaviour including but not limited to slurred speech, difficulty with balance, watery or red eyes, or dilated pupils, or if there is an odor of alcohol, the employee will not be permitted to return to their assigned duties in order to ensure their safety and the safety of other employees or visitors to the workplace.

If the employee works in a safety sensitive position, they may be required to undergo Drug and Alcohol testing.

Suspicion of Impairment

3. If an employee is considered to be impaired and deemed “unfit for work”, this decision is made based on the best judgement of two members of management and DOES NOT require a breathalyzer or blood test. The employee may be advised that TPS has arranged to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. The employee may be accompanied by a manager, supervisor, or another employee if necessary.

Suspicion of Impairment

4. An impaired employee will not be allowed to drive. The employee should be advised if they choose to refuse employer-organized transportation and decide to drive their personal vehicle, the company is obligated to and will contact the police to make them aware of the situation.
5. A meeting may be scheduled for the following workday to review the incident and determine a course of action.

Drug and Alcohol Testing

When an employee is to undergo testing, they will be removed from duty and escorted to a designated area to complete the necessary paperwork. As soon as the appropriate paperwork has been completed, the employee will be sent to a designated lab, where one or all of the following tests will be conducted:

- ▶ Blood Alcohol Breath Test
- ▶ Urine (may cover marijuana, phencyclidine, cocaine, amphetamines, opioids and fentanyl)
- ▶ Saliva (may cover marijuana, phencyclidine, cocaine, amphetamines, opioids and fentanyl)

Drug and Alcohol Testing

The results of the tests, when available, will be communicated by the clinic to TPS Group management. Test results are confidential and will not be made known to anyone except TPS Group Management. The only exception is if the employee requests in writing that the results be forwarded to their physician.

If it is determined that the Drug Urine Test has been contaminated, tampered with, or replaced, it will be reported by the clinic and will be treated as a refusal to test.

Drug and Alcohol Testing

In the event that the testing was done to verify a suspected infraction, it is at the discretion of TPS Group Management as to whether or not the employee returns to work pending the results from the lab. Should the results of the Drug and Alcohol testing come back negative, the employee will be compensated for the days they were not at work (excluding the first day). If the results are positive for an infraction, the employee will not be compensated for their time not at work and disciplinary action up to and including termination of employment will be taken.

Drug and Alcohol Addiction

Employees who think they may have a substance use issue may be referred to a Substance Abuse Program. 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.

- ▶ TPS 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.
- ▶ TPS 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.

Disciplinary Action

- ▶ Employees who arrive to work unfit for duty and unable to perform their duties safely and to standard will be immediately sent home without pay and may be subject to disciplinary action up to and including termination of employment.
- ▶ Any employee found to be consuming substances at work without permission will be subject to disciplinary action up to and including termination of employment.
- ▶ Employees engaging in illegal activities (for example, selling drugs or alcohol) while on company premises will be subject to disciplinary action up to and including termination of employment.
- ▶ Employees who return a positive result from Drug and Alcohol testing will be subject to disciplinary action up to and including termination of employment.

Disciplinary Action

- ▶ Employees who have either relapsed or have not been successful in a rehabilitation program, despite workplace accommodation, may be terminated if there is a recurring impact on job performance and/or the work environment.