



THE CITY OF
CALGARY

HUMAN RESOURCES

**SUBSTANCE USE POLICY
GUIDELINES**

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1. Introduction

The City of Calgary recognizes that awareness, education, early detection and treatment of substance use problems are required to maintain a safe, healthy and productive workplace. The City places a priority on identification, treatment, successful recovery and re-entry into the workplace of employees who have a substance use problem. Addiction is a medical disability and The City has a duty to accommodate an individual with a disability to the point of undue hardship, consistent with Alberta Human Rights, Citizenship and Multiculturalism Act.

The City will demonstrate due diligence when dealing with substance use issues. Both the employer and employee are responsible to ensure a safe and productive workplace.

The Guidelines for Managing Substance Use support the implementation of The City of Calgary's Substance Use Policy by outlining the roles, responsibilities and guidelines which all parties must understand and follow.

Identifying when an employee has an addiction and taking proper steps to address the addiction is important to creating a positive workplace for all employees. Following the guidelines outlined will ensure good communications between all parties involved, and will establish a coordinated, thoughtful and defensible course of actions.

2. Confidentiality & Privacy

The City of Calgary complies with Alberta's Freedom of Information and Protection of Privacy Act (FOIP). This legislation governs the use and disclosure of personal information such as an individual's health and health care history, including information about a physical or mental disability or substance use problem/addiction.

Specific health information is not shared without the individual's informed voluntary and written consent. The employee's consent is not required when the leader is informed whether the employee is fit or unfit for work and whether there are specific limitations or restrictions that must be met for the employee to work.

There are times, however, when information must be provided immediately to the appropriate City representatives without the employee's consent. This includes:

- A person who poses a threat of injury to his / herself or others
- A person who is suspected of neglect or abuse of a minor.

The EFAP Counsellor will advise The City representative of the steps that need to be taken and whether the employee will need to be absent from work.

FOIP also requires that personal information, including information about an individual's health, be protected by making reasonable arrangements to prevent unauthorized access, collection, use, disclosure or distribution of the information.

3. Roles and Responsibilities

3.1 Employees

- Recognizing that problems related to alcohol and drug use or substance dependencies are not an excuse for poor or unsafe performance.
- Asking their personal physician or pharmacist to determine if a medication can have a negative effect on performance. If so, reporting any limitations or restrictions to their leader and exploring opportunities for accommodation.
- Immediately notifying his / her leader if, for any reason, driving privileges are withdrawn (loss of licence, suspension etc) by a duly constituted authority.
- Cooperating with any search of City of Calgary premises as required by Corporate Security.

3.2 Leaders

- Identifying any situation in which they have questions about an employee's immediate ability to perform his / her job, or where they have reasonable grounds to believe there has been a violation of the Substance Use Policy. Appropriate reporting and transport procedures must be followed.
- Facilitating an appointment with the EFAP Counsellor or Corporate Health Consultant when an employee comes forward and identifies that he / she has a substance use problem or requests assistance.
- Making mandatory referrals for an employee to see the EFAP Counsellor or Corporate Health Consultant in cases where a persistent work performance or behavioural issue exists.
- Maintaining privacy regarding an individual's involvement in treatment or testing.
- Contacting their leader and Corporate Security where a search for alcohol, drugs or drug paraphernalia on City of Calgary premises may be justified.
- Inviting and encouraging unions and associations to participate in efforts taken to address these issues.

3.3 Human Resources Advisors (HRA)

- Interpreting The City of Calgary Substance Use Policy and Guidelines to support the supervisor in dealing with an employee who has, or may have, a substance use problem.
- Assisting the supervisor to refer the employee to the EFAP Counsellor or Corporate Health Consultant.
- Referring the employee to the EFAP Counsellor or Corporate Health Consultant in cases where the employee has asked for support for treatment.
- Informing supervisors of information they have received from the EFAP Counsellor or the Corporate Health Consultant regarding the employee's

prognosis for return to work. This may include return to work date and any relevant restrictions.

- Supporting leaders to investigate workplace issues, issue employee discipline and create letter(s) of expectations or last chance agreements.

3.4 Corporate Health Consultant

- Accepting mandatory referrals from leaders or Human Resources Advisors related to an employee's fitness for work which may include suspected substance use.
- Acting as The City's *Referral Agent* in the initial assessment and referral of substance use cases to the Substance Abuse Professional (SAP) through an external provider.
- Arranging and coordinating random drug testing (abstinence monitoring post treatment) with LifeMark Health and the employee's supervisor for a prescribed period of time when recommended by the SAP.
- Coordinating with the HRA and Labour Relations to provide guidance to leaders dealing with individuals who have performance issues related to a substance use problem.
- Act as a liaison between the SAP and the HRA in cases that have been referred to the SAP. This includes communicating treatment recommendations made by the SAP, cost of treatment, confirmation of program attendance and return to work prognosis.

3.5 Employee & Family Assistance Program (EFAP) Counsellor

- Accepting mandatory referrals from leaders or Human Resources Advisors for an assessment.
- Providing guidance to leaders dealing with employees who have performance issues related to substance use problems.
- Acting as The City's *Referral Agent* in the initial assessment and referrals of substance use cases to the Substance Abuse Professional (SAP) at Human Solutions.
- Acting as the liaison between the SAP and the HRA in cases that have been referred to the SAP. This includes: communicating treatment recommendations made by the SAP, verifying the costs of treatment, confirming program attendance and conveying the return to work prognosis.

3.6 Labour Relations

- Assisting to ensure consistent interpretation and application of the Substance Use Policy and Guidelines in concert with the applicable collective agreement.
- Providing advice and guidance to HRAs, leaders and other stakeholders on matters relating to substance use in the workplace (including requirements related to the duty to accommodate)
- Supporting leaders and HRAs to develop letters of expectations and last chance agreements.
- Supporting HRAs to investigate work place issues and determine appropriate employee discipline.

3.7 Substance Abuse Professional (SAP)

- Accepting employee referrals from The City's *Referral Agents*.
- Assessing and evaluating an employee to determine whether they have a substance use problem (addiction, abuse, etc) and making recommendations for treatment. Providing perspective and / or information on whether a connection exists between an employee's work behaviour / performance and any medical condition / disability.
- Providing case management coordination during treatment to the conclusion of the case.
- Communicating in a timely and ongoing basis with The City's *Referral Agent* to ensure the process is effective and to discuss issues (attendance, non-compliance, etc). Providing monthly updates to the *Referral Agent*.

3.8 Corporate Security Division

- Assisting leaders when an employee, volunteer or other individual refuses transportation home where transportation is offered because the employee is deemed unfit for work and may present a safety risk to themselves, co-workers, or general public.
- Responding to requests from leaders, based on reasonable cause, to search for alcohol, drugs or drug paraphernalia on City of Calgary premises or vehicles.
- Coordinating investigations, in circumstances involving alleged or actual criminal activity and involve Calgary Police Services where required.

3.9 Unions and Associations

Addressing issues relating to substance use requires a collaborative effort with The City's Unions and Associations. Unions and Associations are encouraged to:

- Educate their Executive, Officers and Stewards/Representatives on the topic of substance use in the workplace.
- Take an active role to support their members concerning issues related to substance use.
- Refer members who request assistance to the appropriate resources. This may include facilitating a referral to EFAP, the Corporate Health Consultant or community agencies.

3.10 Contractors and Consultants

Contractor or Consultant refers to any person providing services to The City of Calgary under a service contract or other agreement.

If substance use is reasonably suspected, based on observable behaviour or performance, the Contractor / Consultant shall:

- Ensure that any worker involved is immediately removed from the worksite by the party that employs or engaged the worker.
- Ensure that further access to the contracted worksite is denied to any worker involved by the party that employs or engaged such worker until the investigation has been completed, and actions to prevent further occurrences have been taken and documented.

3.11 Project Managers

Project Managers responsible for services provided by a contractor or a consultant must:

- Make the contractor or consultant aware of The City of Calgary's Substance Use Policy and Guidelines as they apply to contractors and consultants.
- Take reasonable steps to monitor the worksite and address health or safety issues, including those pertaining to substance use.

If there is any reason to suspect a contravention of this policy by the contractor or the contractor's employees, the Project Manager must:

- Have the contractor stop work immediately or have the contractor stop their employee immediately.

- Notify the contractor.
- Arrange safe transport of the contractor or contractor's employee home at the contractor's expense.
- Investigate the situation to determine the appropriate action and notify the contractor of the outcome.
- Contact Corporate Security if required.

In the event that the contractor, who employs their employees at the worksite, has contravened the policy, the project manager must take immediate steps to mitigate any safety risks and address the contractor's performance and behaviour.

4. Documentation Requirements

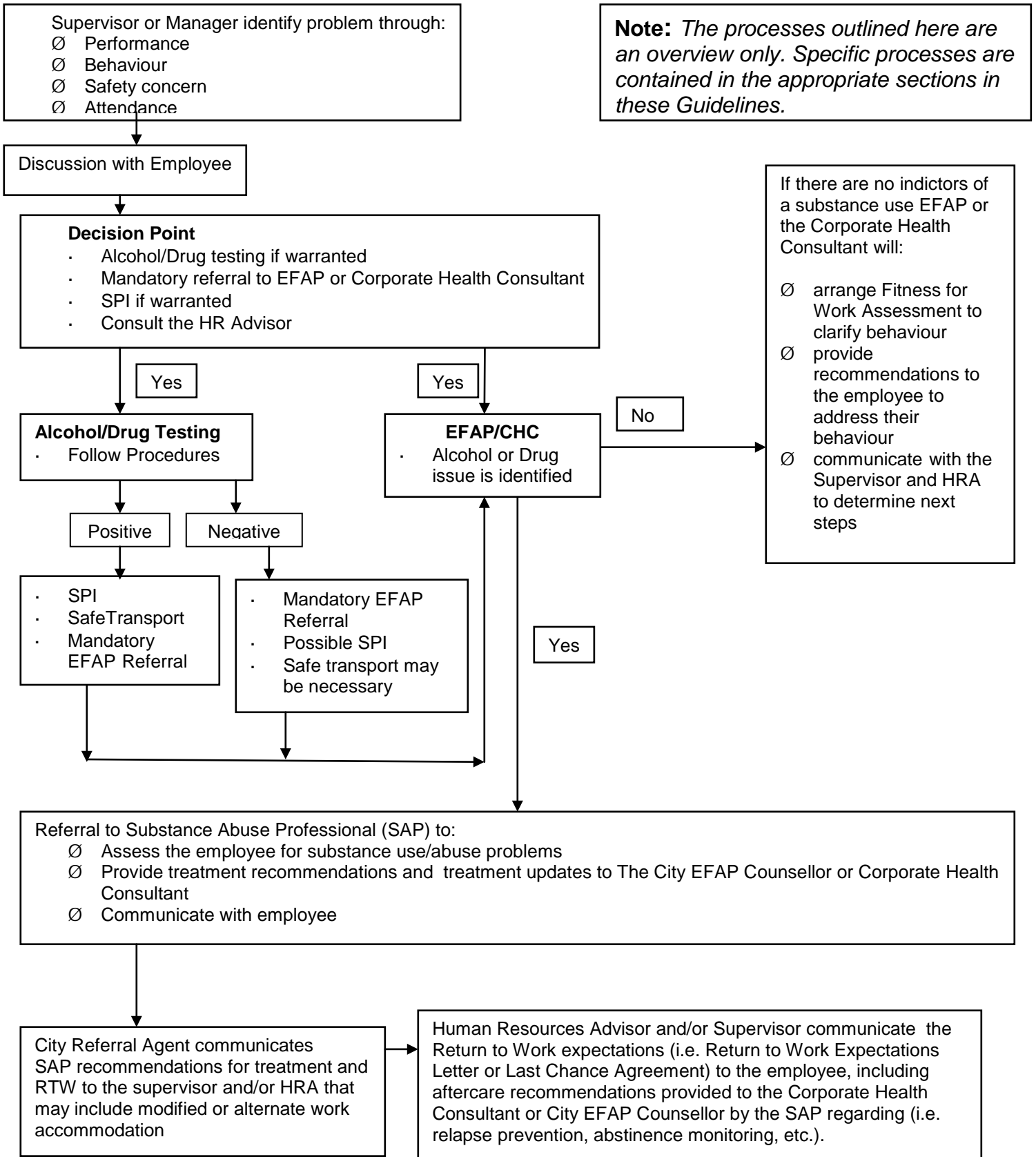
Documentation, as part of effective management practices and performing due diligence, makes good business sense. Generally speaking, situations involving suspected or known substance use in the workplace should be documented. The extent of the documentation effort will vary with the complexity and uniqueness of each situation.

It is prudent to proceed on the assumption that the manner in which a situation is addressed may be scrutinized by others long after the matter is concluded. All those involved in the situation need to record their involvement.

Thorough documentation will:

- Record the details of the situation in which substance use was known or suspected.
- Provide dated notes of conversations, meetings, and telephone discussions held.
- List the actions considered and taken.
- Outline expert advice and consultation received to assist to address the situation.

5. Substance Abuse Process Map



Note: The processes outlined here are an overview only. Specific processes are contained in the appropriate sections in these Guidelines.

If there are no indicators of a substance use EFAP or the Corporate Health Consultant will:

- Ø arrange Fitness for Work Assessment to clarify behaviour
- Ø provide recommendations to the employee to address their behaviour
- Ø communicate with the Supervisor and HRA to determine next steps

6. Potential Indicators of Substance Use

The following are examples of the items which supervisors may observe and should document in identification of substance use.

Changes in Job Performance:

- Patterns of absence, such as, Repeated absences following paydays or holidays, repeated absences on Mondays or Fridays
- Excessive absence due to accidents on and off the job
- Physical illness on the job
- Coming to work in abnormal condition
- Sporadic work pace or lower productivity
- Errors in judgment or increase in mistakes
- Reduced concentration
- Missing important meetings/deadlines
- Neglect of details or difficulty in recalling instructions or details
- Complaints from co-workers

Changes in Physical Appearance - Frequently repeated, not isolated incidents

- Puffy or red face, broken blood vessels
- Dishevelled/sloppy appearance
- Signs of fatigue
- Watery eyes/sniffles
- Thirsty
- Shaky (tremors)

Changes in Behaviour - includes anything atypical for the particular individual

- Mood swings
- Belligerence
- Withdrawal
- Apathy
- Loud, vocal
- Personality change
- Irrational behaviour

Changes in Speech Pattern

Body Odours, including breath:

- Aroma of alcohol
- Scent of breath fresheners to cover alcohol aroma

Reference: Draft Regulatory for Use with an Act for the Prevention of Substance Use in a Safe Transportation System (Dec. 1992)

7. Procedure: Addressing Suspected Substance Use

Trigger: Leader observes or is told about an employee suspected of having consumed a substance (i.e. alcohol or drugs) at work or prior to work and the employee is suspected of being unfit for work.

Signals: May include: smelling of alcohol or drugs, slurring speech or staggering (Refer to: Potential Indicators of Substance Abuse Section 6.0).

- 1) Immediately have the employee stop working and take the employee to a private area such as an unoccupied office, lunchroom or other location away from the immediate work area.
- 2) Do not immediately conclude you are dealing with substance use as some medical conditions and/or medications can mirror the behaviour of a person under the influence of a substance.
- 3) Seek a second opinion to confirm the concerns, including any visual or physical observations. Sources of a second opinion include: an exempt supervisor, manager or Corporate Security.
- 4) If a second opinion is not available, continue the discussion with the employee in a respectful manner stressing concern about the employee's fitness for work.
 - Avoid comments that are speculative (you are drunk, you are stoned, etc.).
 - Base comments on observable facts (smell of alcohol, staggering, slurred speech, smell of marijuana smoke, etc.).
 - Start generally, to avoid putting the employee on the defensive.
 - Ø What did you do prior to the start of your shift?
 - Ø Did you go out at lunch?
 - Ask the employee directly about their fitness to work and give the employee an opportunity to explain the reasons for their behaviour.
 - Ø I watched you stagger as you were walking towards your truck. Can you explain why?
 - Ø I am concerned about your fitness for work because I smell alcohol on your breath, can you explain why?
 - Ask the employee whether they have consumed anything at work, or prior to work, that would impact their abilities to perform their duties.
 - Ø Have you consumed any substance or medication that would impact your ability to (drive, operate a piece of equipment, and complete your assignments)?
 - Ø Has your physician recently prescribed medication that would impact your ability to (drive, operate a piece of equipment, and complete your assignments)?

- Take notes of questions, responses and additional observations during the meeting.
- 5) Ensure the employee remains at the location and take time to have a discussion with the person assisting you about your observations with respect to “fitness for work.”
 - 6) If the employee confirms that he / she is unfit for work because of substance use, suspend the employee pending investigation and inform the employee that they are return fit for work for their next scheduled shift. Explain that an investigative meeting will be held.
 - 6a) Make arrangements to safely transport the employee home. (See Section 10 – Safely Transporting an Unfit Individual)
 - 7) If the employee offers no reasonable explanation for what has been observed, and if there are grounds to believe the employee is unfit to perform their job safely or satisfactorily and may be under the influence of a substance (alcohol and or drugs), refer to Section 8.0 to make arrangements for reasonable cause testing.
 - 8) Next steps may include:
 - Substance testing, (Section 8.0)
 - Suspension Pending Investigation (Labour Relations Policy)
 - Referral to EFAP or Corporate Health Consultant for an assessment (Section 13)

Supervisors’ opinions with respect to potential substance use and fitness for work issues are based on their best judgment, given the facts that emerge. Due diligence requires that they act appropriately and responsibly to protect the employee and other employees at work.

It is not the supervisor’s role to determine “impairment”. The role of a supervisor is to make a decision whether an employee is unfit to work. The decision should be supported by observed facts that would support the reason for being unfit to work. In this case, facts should support an employee being unfit for work due to being under the influence of a substance.

8. Substance Testing

The Substance Use Policy outlines the three circumstances in which an employee may be asked to submit to alcohol and/or drug testing:

1. Reasonable Cause

See: Procedure: Arrange Substance Testing for Reasonable Cause – Page 14

2. Post Incident or Near Miss (where reasonable cause exists)

See: Procedure: Arrange Substance Testing for Reasonable Cause – Page 14

3. Post Treatment Abstinence Monitoring

See: Procedure: Arrange Post Treatment Abstinence Monitoring – Page 19

Procedure: Arrange Substance Testing for Reasonable Cause

Trigger: Reasonable Cause or Post Incident

The decision to have an employee submit to substance (alcohol or drug) testing always involves a balance between the employer's right to manage a safe and healthy workplace and the individual's right to privacy. Before making any decision to have the employee tested, the employee must always be given an opportunity to offer an explanation regarding the observed performance or behaviour issues identified by the supervisor.

Who	What
Leader	1) Investigate suspected substance use (refer to Section 7) <u>Maintain confidentiality throughout the process.</u>
	2) Determine need for testing for: Reasonable cause exists OR Post Incident (where reasonable cause exists)
Leader	3) Inform employee of the requirement for testing. Do not disclose the requirement for testing to other employees. 4) Contact service provider, LifeMark Health and inform them that you are bringing in an employee for an immediate appointment for testing. Outline the observations leading to the request. <ul style="list-style-type: none"> · During regular office hours Monday to Friday, 7:30 to 4:30 p.m., call 219-5768. If no response, call 297-9500. · After hours, weekends, and holidays, call 219-5799 · All testing is done at the LifeMark Health Clinic located at 2121 – 29 Street N.E. · There may be occasions when you are directed by LifeMark to an alternate approved testing facility. 5) Escort the employee to the clinic and remain at the clinic for the duration of the test. (Only Leaders may do this.) 6) Receive a verbal report at the conclusion of the test. <ul style="list-style-type: none"> a) If the result is negative, see Section 8.2 b) If the result is positive, see Section 8:1
Leader	7) If the employee refuses to submit to testing: <ul style="list-style-type: none"> · Explain again to the employee why they are being asked to submit to testing i.e. reasonable cause based on observed behaviour. · Inform the employee that their refusal to submit to testing will be handled by The City in a manner consistent with that for a positive test. (See 8.1 – Actions Required following a Positive Test Result for Reasonable Cause).

	<ul style="list-style-type: none"> · If the employee continues to refuse to be tested, immediately inform the employee they are being Suspended Pending Investigation (SPI) – See Labour Relations Policy) · Arrange to transport the employee home via taxi or drive them home. If the employee refuses transport home, contact Corporate Security who will determine whether to contact the Police. · Inform the employee of the expectation that they report fit for work at the start of next scheduled shift. · Schedule an investigative meeting at the beginning of the employee's next scheduled shift.
HR Advisor	8) Assist the Leader to complete the SPI process
Leader	9) Complete and distribute the SPI notification letter. The employee may receive his / her copy at the investigative meeting (if the meeting takes place the following day) or via courier to his / her home address.
Corporate Security	10) Take necessary action if employee refuses transportation Home.
Corporate Health Consultant	11) Receive initial test results from contracted provider within 24 hours.
Leader	12) Contact HR Advisor if the employee does not return to work for his / her next scheduled shift.

NOTES:

1. Breath alcohol tests **can** indicate impairment or recent consumption; however, urine tests for drugs **cannot** indicate impairment. Urine tests can only confirm if there has been consumption of a particular substance within a range of time which will vary depending on the type of drug or medication.

2. When an initial positive urine test has been obtained (meaning drugs have been detected), the urine sample will be sent to a laboratory by LifeMark Health for further analysis. The further results are typically available usually within a week. The Corporate Health Consultant will receive written confirmation of the results and inform the leader.

8.1 Actions Required following a Positive Test Result for Reasonable Cause

Who	What
Leader	1) Inform the employee they are being Suspended Pending Investigation (SPI) and that The City will contact the employee within 24 hours regarding their status and the next steps.
	2) Arrange to transport the employee home. (See Section 10, Safely Transporting an Unfit Individual)
	3) Immediately notify HR Advisor, the Corporate Health Consultant and the Union (if unionized) that the employee has tested positive and has been SPI'd.
Leader HR Advisor	<p>4) Consult with the HR Adviser to review the incident and to determine the next steps. Within 24 hours (if possible) review the employee's file to determine:</p> <p>4a) If the employee can return to work.</p> <p>Contact the employee at home and instruct the employee to return fit to work for the next scheduled shift if:</p> <ul style="list-style-type: none"> - there is no discipline on file, or - there is no Return to Work Expectations Letter or Last Chance Agreement on file <p>Advise the employee that the investigation is on going and that there is still the possibility of discipline.</p> <p>Determine whether to place the employee in a non-safety sensitive position until the investigation is complete.</p> <p>4b) If the employee should continue to be Suspended Pending Investigation.</p> <p>Contact the employee at home and inform the employee that he / she will continue to be suspended pending investigation if:</p> <ul style="list-style-type: none"> - there is discipline on file such that the next step may be termination of employment, or - there is a Last Chance Agreement in place.
Leader	5) Make a mandatory referral to the EFAP Counsellor or Corporate Health Consultant to assess if there may be an underlying health concern impacting the employee's performance or behaviour.
Leader HR Advisor	6) If the employee states that he / she is booking off sick or does not report for his / her next scheduled shift, consult with the HR Advisor.

8.2 Actions Required following a Negative Test Result for Reasonable Cause

Who	What
Leader	<p>1) Review the behaviours which resulted in the testing and decide whether it is appropriate for the employee to return to the worksite. Include discussion with the employee and the exempt supervisor as part of your determination. Possible outcomes from discussions may include:</p> <p>A) A return to work full duty where there are no concerns regarding the ability of the employee to safely perform their duties and where there are no safety risks to the employee, co-workers or public.</p> <ul style="list-style-type: none"> · Follow up with the employee the next day <p>B) A return to work providing accommodation (modified or alternate work) that removes potential safety risks where necessary.</p> <ul style="list-style-type: none"> · Follow up with the employee the next day · Request the employee provide medical documentation indicating they are safe to perform their duties and/or if accommodation is required. <p>C) Have the employee remain off work and ask the employee to seek medical assistance to determine if they safe to return to work.</p> <ul style="list-style-type: none"> · Provide transport home or if necessary to a medical facility. · Request the employee provide medical documentation indicating they are safe to perform their duties <p>D) A Suspension Pending Investigation (SPI) may be warranted, (although not related to alcohol or drugs) where the employee's behaviour jeopardizes The City's legitimate business interests regarding:</p> <ul style="list-style-type: none"> · Operational matters · Financial matters · Public Effectiveness · The interests of fellow employees <p>(See Labour Relations Policy)</p> <p>Employee may be eligible for Sickness and Accident benefits when documentation is provided indicating a possible medical condition exists.</p>

	<p>2 If the decision is to SPI the employee, inform the employee and union that he / she is being Suspended Pending Investigation and that The City will contact the employee within 24 hours to outline the next steps.</p> <p>2a) Arrange transportation home for the employee, or if necessary to a medical facility.</p> <p>3) Immediately notify HR Advisor, the Corporate Health Consultant and, the Union (if unionized) of the situation and the actions taken.</p>
<p>Leader HR Advisor</p>	<p>4) Consult with the HR Adviser and if necessary, the Corporate Health Consultant to review the incident and to determine the next steps. Within 24 hours (if possible) review the employee's file to determine:</p> <p>4a) If the employee can return to work.</p> <p>Contact the employee at home and instruct the employee to return fit to work for the next scheduled shift with supporting medical documentation regarding fitness if:</p> <ul style="list-style-type: none"> - there is no discipline on file - there is no Return to Work Expectations Letter or Last Chance Agreement on file <p>Advise the employee that the investigation is on going and that there is still the possibility of discipline.</p> <p>Determine whether to place the employee in a non-safety sensitive position until the investigation is complete.</p> <p>4b) If the employee should continue to be Suspended Pending Investigation.</p> <p>Contact the employee at home and inform the employee that he / she will continue to be suspended pending investigation if:</p> <ul style="list-style-type: none"> - there is discipline on file such that the next step may be termination of employment, or - there is a Last Chance Agreement in place.
<p>Leader</p>	<p>5) Make a mandatory referral to the EFAP Counsellor or Corporate Health Consultant to assess if there may be an underlying health concern impacting the employee's performance or behaviour.</p>

9. Procedure: Arrange Post Treatment Abstinence Monitoring

Trigger: Post-treatment abstinence monitoring occurs when an employee has completed a treatment program for substance use problems. The SAP or physician informs the Corporate Health Consultant or EFAP Counsellor that monitoring is required for a period (typically 24 months) following completion of the treatment. In some limited cases, the Occupational Health Physician (OHP) at LifeMark Health may make the recommendation.

Typically, post treatment abstinence monitoring occurs once per month for the first six months and then once every two months for the next 18 months. Therefore, the employee is subject to monitoring for 24 months.

Who	What
Treatment provider/SAP/OHP	1) Determine the method of testing (e.g., breath, urine, etc.) and the substance(s) to be tested.
Corporate Health Consultant	2) Contact the employee's immediate leader and explain that there is a need to monitor abstinence by random testing for the employee.
	3) Outline the monitoring schedule and work with the leader to select dates and times for random testing and then schedule the testing appointments.
	4) Schedule the testing appointments with The City's contracted provider. All testing is done at the LifeMark Health Clinic located at 2121 – 29 St. NE Calgary Phone: 219-5768 during business hours. If no response, call 297 – 9500 (Reception) After hours, weekends and holidays call 219 – 5799. Testing may be done during "regular" office hours (e.g., Monday to Friday, 8:00 am to 4:30 pm). Arrangements can be made for testing <i>after</i> "regular" office hours, weekends or holidays
	5) Provide testing schedule to the SAP Counsellor.
Leader	6) Contact the Corporate Health Consultant if a change in the testing schedule is required due to illness or vacation, if the employee moves to a new work area, or if a new leader is assigned.

Leader	7) On the day of the test and shortly before the scheduled time, inform the employee he / she is being escorted to LifeMark Health for the test.
	8) Escort the employee to the clinic and remain at the clinic for the duration of the test. Receive a verbal report at the conclusion of the test. If the result is negative, escort the employee back to the workplace. If the result is positive, refer to section 9.1, Actions following a Positive Test during Abstinence Monitoring
	9) Maintain confidentiality throughout the process. Do not disclose the requirement for monitoring to other employees. Do not inform the employee or any other employees of testing dates.
Corporate Health Consultant	10) Receive test results from contracted provider within 24 hours.
	11) Upon conclusion of the testing program, update the employee's medical file and close it.

Note: When an initial positive urine test has been obtained (meaning drugs have been detected), the urine sample will be sent to a laboratory by LifeMark Health for further analysis and confirmation. Further results will be available usually within a week. The Corporate Health Consultant will receive written confirmation of the results and inform the leader.

9.1 Actions following a Positive Test during Post Treatment Abstinence Monitoring

Who	What
Leader	1) Inform the employee they are being Suspended Pending Investigation (SPI) and that The City will contact the employee within 24 hours regarding their status and the next steps.
	2) Arrange to transport the employee home (see Section 10, Safely Transporting an Unfit Individual)
	3) Immediately notify HR Advisor, the Corporate Health Consultant and, the Union (if applicable) of the situation and the actions taken (i.e., the employee has tested positive).
	4) Immediately review the employee file to determine: <ul style="list-style-type: none"> · What, if any, discipline is on file. If yes, is the level such that the next instance of discipline could be termination? · Is there an active Return to Work Expectations Letter or Last Chance Agreement?
Corporate Health Consultant or EFAP Counsellor	5) Inform the SAP Counsellor the employee has tested positive and have the SAP Counsellor arrange an appointment with the employee regarding this urgent matter.
Leader HR Advisor	6) Consult with the HR Adviser to review the incident and determine the next steps: <p>6a) If the employee can return to work.</p> <p>Contact the employee at home and instruct the employee to return fit to work for the next scheduled shift if:</p> <ul style="list-style-type: none"> - there is no discipline on file - there is no Return to Work Expectations Letter or Last Chance Agreement on file <p>Advise the employee that the investigation is on going and that there is still the possibility of discipline.</p> <p>Determine whether to place the employee in a non-safety sensitive position until the investigation is complete.</p> <p>6b) If the employee should continue to be Suspended Pending Investigation.</p> <p>Contact the employee at home and inform the employee that he / she will continue to be suspended pending investigation if:</p> <ul style="list-style-type: none"> - there is discipline on file such that the next step may be termination of employment, or - there is a Last Chance Agreement in place.

9.2 Actions following a Negative Test during Post Treatment Abstinence Monitoring

Who	What
Leader	1) Transport the employee back to work to resume duties. 2) Make a notation indicating the test result.

10. Safely Transporting an Unfit Individual

If it is determined the individual is not fit for work, regardless of whether or not alcohol or drug testing is done, the supervisor must offer transportation to the employee either by driving the employee home or sending them home in a taxi. If the employee refuses, then immediately contact Corporate Security at **268-5618** and they will determine whether or not to contact the Police.

Do not allow the employee to leave by him / herself or drive home.

11. Return to Work Expectations Letter

A Return to Work Expectations Letter is given to an employee who has been diagnosed with a substance use disability.

Typically, a return to work expectations letter is given to the employee upon their return to work. However, it can also be issued prior to treatment or during treatment where the employee may be accommodated until they can get treatment or complete a program.

The letter contains:

- Acknowledgement the employee has completed treatment or is expected to complete treatment.
- The recommendations set forth by the treatment provider including relapse prevention which may include abstinence monitoring for up to 24 months.
- Expectations of this employee, consistent with those for all other employees:
 - Ø report to work fit for duty,
 - Ø contact supervisor prior to being absent from work,
 - Ø contact numbers,
 - Ø hours of work,
 - Ø time period the letter is in effect for.
- Consequences of non-compliance with treatment recommendations and/or City expectations (discipline up to and including dismissal).

Note: A Human Resources Advisor must be contacted to provide support and direction regarding Return to Work Expectations Letter.

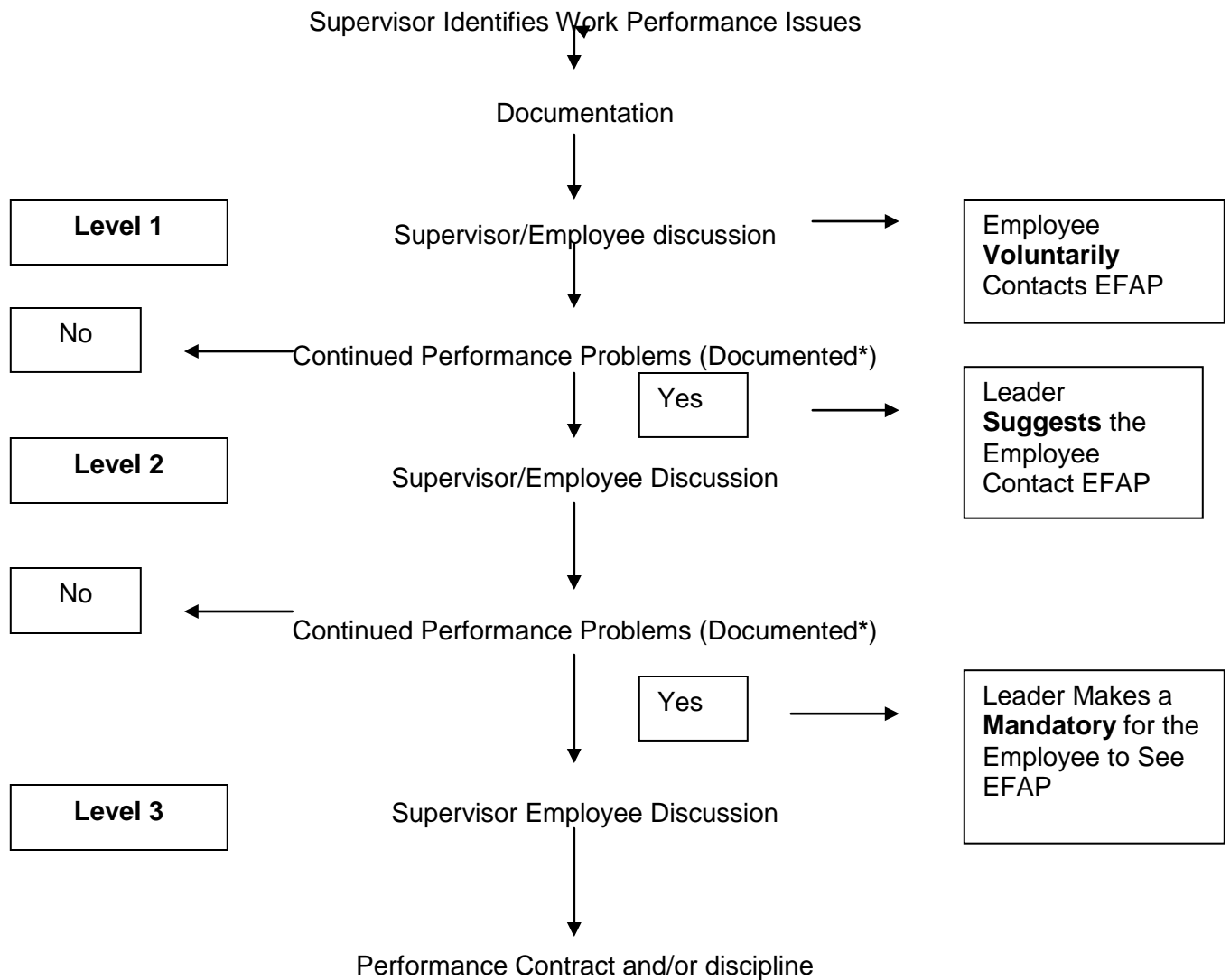
12. Last Chance Agreements

A Last Chance Agreement is used in cases where the employee has been diagnosed with a disability and has not complied with the terms of the Return to Work Expectations Letter. Last Chance Agreements are typically given to the employee upon their return to work and should contain at a minimum:

- A brief summary of previous Return to Work Expectations Letter.
- Description of how the employee was non-compliant with previous Return to Work Expectations Letter.
- Description of what The City has done to support the employee (i.e. paid for treatment, accommodated employee via work duties or scheduled appointments etc.).
- Current/revised recommendations for relapse prevention by the Substance Abuse Professional which may include abstinence monitoring for up to 24 months (where applicable).
- Expectations of this employee, consistent with all other employees (e.g.; report to work fit for duty, contact supervisor if you are going to be absent from work, including contact numbers and hours of work).
- Consequences of non-compliance and/or City expectations (e.g. dismissal).

Note: A Human Resources Advisor must be contacted to provide support and direction regarding Last Chance Agreements

13. EFAP Access and Referral Process Map



*Would need to review if the individual would need to be accommodated

Notes:

1) EFAP outcomes may be, but not limited to:

- A referral to the Substance Abuse Professional at Human Solutions
- A referral to Human Solutions for counselling not related to substance use
- A referral to LifeMark Health for a Fitness for Work Assessment

2) Contact the Corporate Health Consultant at 974-4901, 268-1620 or 537-7859 (Transit only) if there are problems reaching Human Solutions.

14. Accessing EFAP and/or the Corporate Health Consultant

There are three ways in which employees can access EFAP:

- Voluntary
- Suggested
- Mandatory

14.1 Voluntary Access

An employee recognizes the benefit of reviewing a concern with a counsellor and independently contacts the external EFAP provider, The City internal EFAP or a counsellor of their choice.

Note: When an employee voluntarily seeks assistance from a counsellor other than the internal EFAP counsellor or external EFAP provider, they should check the eligibility for coverage under their benefits plan and ensure the counsellor has the professional designation required by Alberta Blue Cross in order to claim these expenses.

14.2 Suggested Referral

A leader, union steward, HR Advisor or colleague recognizes that an employee could benefit from meeting with a counsellor and encourages the employee to contact the external EFAP provider or a counsellor of their choice.

Leaders may consider making a suggested referral to EFAP or the Corporate Health Consultant, when the following conditions exist:

- An employee's unsatisfactory performance and/or behavioural problems have not responded to effective performance management, including coaching, training, ensuring proper job fit and/or discipline.
- An employee's performance and/or behaviour have taken a sudden and unexplained turn for the worse.

While a suggested referral **encourages** an employee to contact EFAP or other medical professional, the employee is not required to do so.

Note: Leaders should document that they have suggested the employee contact EFAP.

14.3 Mandatory Referral

The employee is required to see the internal EFAP Counsellor or the Corporate Health Consultant.

A **mandatory referral** may be considered when either of the following conditions exists:

- There is a reasonable basis to question the employee's ability to safely perform his / her work responsibilities (e.g., reasonable suspicion of substance use; volatile or violent behaviour, or unfit for work.)
- Termination of employment for poor performance is likely warranted due to the employee's performance history; however, there are reasons to believe that underlying medical/psychological problems may be contributing to the employee's poor performance or behaviour.

With a mandatory referral, the EFAP Counsellor or Corporate Health Consultant will provide information to the supervisor or manager related to the employee's prognosis to return to work and or work restrictions/limitations; **however, no personal medical information will be shared.**

NOTE: When referring an employee to the Employee and Family Assistance Program, the supervisor should provide the Employee and Family Assistance Program (EFAP) Counsellor or Corporate Health Consultant with a complete summary of background information.

Referrals should be prepared in writing, copied to the employee and employee file and includes:

- A description of the supervisor's specific concerns (i.e., impact on work volume and / or quality, odour, speech, etc. – refer to Potentials Indicators of Substance Use)
- If absences appear to be related to the suspicion of substance dependency / use, list the relevant dates, times and describe any patterns of absence. Compare the absence record to the work unit average.
- If applicable, examples of job performance that affect safety.
- A summary of steps taken to date that were intended to improve the employee's performance, behaviour or attendance record.

Sample Mandatory Referral Letter for Substance Use Issues

DATE:

TO: EFAP Counsellor or Corporate Health Consultant

FROM: Leader

SUBJECT: Mandatory Referral - Name of Employee, Employee Number

(Name of Employee) has been with the City of Calgary since **(date of hire)** and is currently employed with **(Area)** as a **(Position)**.

The following is a summary of my observations concerning his / her behaviour while at work and the steps taken prior to this referral intended to address my concerns:

I observed ...

He / she did ...

I am concerned about the well being of this employee. I have directed **(name)** to attend an assessment with you to determine whether **he / she** has a substance dependency and / or is seeking appropriate treatment and / or being compliant with following any prescribed treatment programs. I am also requesting information as to whether there is supporting medical documentation causally linking the unacceptable workplace **behaviours / performance** with a substance dependency and / or a medical condition.

I look forward to receiving advice regarding the results of the referral in terms of any actions I can take to assist the employee in resolving these concerns and avoiding future ones.

Should you require any further information on this referral, please call me at (number). Please notify the employee and me of the date, time and location of the assessment; I will confirm that information in writing to the employee, with a copy to you.

Leader

Copy: Employee
Employee File

15. Safety Sensitive Positions

Safety risks and consequences of error in some positions are obvious such as those requiring driving; however they may not be readily apparent in other positions, (e.g., Plant Operator in a water treatment facility where consequence of error could be very serious).

The City EFAP Counsellor or Corporate Health Consultant in some cases will need to work collaboratively with the supervisor to determine specific safety concerns of an employee's position. See Section 22, Glossary of Terms.

16. Emergency Call-out and On-call Situations

Unexpected circumstances can arise when an off-duty employee is requested to perform services for The City. It is the employee's responsibility to refuse the request and ask that the request be directed to another person if the employee is unfit due to the influence of alcohol or other drugs.

Employees who have elected to be on an on-call list or who are "on call" employees, have the right to elect whether or not to work when requested. Employees, who are receiving "stand-by pay" in the event of a call out, are expected to be ready for work and fit for duty.

17. Driving Requirements

Loss of Provincial Operator's License

The Loss of Provincial Operator's Licence policy applies to ANY licence loss situation, regardless of whether the loss is for an impaired charge, Provincial demerit points, dangerous driving or any other reason.

An employee whose job requires operation of a City vehicle must have both a valid Provincial Operator's Licence and a valid City of Calgary Employee Operator's Permit.

If, for any reason, driving privileges are withdrawn by a duly constituted authority, the employee must immediately notify his / her exempt supervisor of the licence loss.

For detailed description regarding the Loss of Provincial Operator's License see Labour Relations Policy 6.12.

18. Hosting Business or Staff Functions

- Leaders can authorize the availability of alcohol at social events or while business hosting, provided the policy standards and guidelines for hosting or attending City events are met. Organizers of the event require approval from their leader prior to the function.
 - Appropriate actions must be taken for the safety and well being of individuals attending a City-sponsored social activity regardless of whether or not the event is located on City of Calgary premises.
 - City employees, contractors and volunteers are expected to ensure their hosting practices reasonably mitigate the risks to the individual or community/facility associated with serving alcohol at such events.
 - Leaders may authorize the cost and use of alternate transportation such as taxis or public transit for employees leaving such events.
- 1) The use of alcohol in conjunction with any City event, whether on or off City of Calgary premises, or in a situation to which The City contributes financially, must adhere to the following:
- a) Wherever possible, trained (graduates of a certified program) servers will work at each event and/or will supervise the use of untrained servers.
- b) Each event will have a designated organizing committee with responsibility for:
- Obtaining appropriate permits and operating in compliance with the Liquor Control Act.
 - Acting as the sole contact with the servers during the function regarding opening and closing times, food and beverage arrangements, etc.
 - Ensuring bars are attended at all times by a trained server.
 - Ensuring alcohol is not served to individuals who appear to be intoxicated.
 - Taking steps to prevent abusive or unsafe behaviour.
 - Taking steps to prevent an apparently intoxicated attendee from driving.
 - Providing safe transport.
 - Contacting the police if an incident occurs or an attendee disregards advice and attempts to drive while unfit.
- c) In all situations, events will be managed in a way that avoids the potential for accidents, including identifying and eliminating potentially harmful situations.
- d) Responsible serving practices will include providing food and non-alcoholic drinks, establishing a firm time to end the event, and stopping service of alcohol at least one hour prior to the event being over.

- e) Any hosting situation that results in inappropriate behaviour or risk to health and safety of attendees or the community will result in a review and may result in discipline up to and including dismissal.

19. Types of Medications Associated with Performance Impairment

Employees are expected to manage potential impairment during working hours due to the use of medications. To do this, they will need to consult with their physician or pharmacist to determine if medication use will have any potential negative effect on job performance. They are required to report to their leader if there is any potential risk, limitation or restriction for whatever reason that may require modification of duties or temporary reassignment.

The following drug categories have been associated with performance impairment and are provided as a guideline for employees and leaders. ***This is not exhaustive***; there are numerous other over-the-counter and prescription drugs that may negatively affect performance.

Medication	Used For	Possible impact on Performance
Antihistamines	Widely prescribed for hay fever and other allergies. They are also found in many cold medications. (e.g., Chlor-Triplon, Dimetane)	Drowsiness, nausea, and increased irritability
Motion Sickness Drugs	Used to prevent motion sickness and nausea (e.g. Gravol, Antivert)	Drowsiness and dizziness
Antidepressants	Elavil, Anafranil, Paxil, Prozac.)	Tiredness, drowsiness , nervousness and memory loss
Barbiturates, Sedatives, Hypnotics, Tranquilizers, Benzodiazapanes,	Used for anxiety, insomnia and panic disorders. Some of these are used as part of medication for other illnesses. (e.g., Phenobarbital, Valium, Halcyon, Librium	Drowsiness, dizziness, lightheadedness and weakness
Narcotics	Codeine is often found in combination drugs such as 222s or 292s or Tylenol 123s. (e.g., Demerol, Codeine) used as pain relief	Dizziness, vomiting, nausea and sweating
Stimulants	Used for central nervous system stimulation and for appetite suppression (e.g., amphetamines or medications sold as "diet pills").	Can produce sensations of well being which have an adverse effect on judgment, mood and behaviour
Anticonvulsants	Used to control epileptic seizures (e.g., Dilantin).	Can cause drowsiness in some patients

Analgesics	Used for acute/chronic pain, (anti-inflammatory) (e.g., Darvon, Indocid)	Nausea, vomiting and dizziness
Cold Tablets/Cough mixtures	Used for headache, pain and fever (e.g. Sinutab, Contac, Triaminic, Tussionex and preparations containing dextromethorphan (DM) or codeine	Drowsiness,
Muscle Relaxants	Used for pain due to muscle spasm, sprains, strains, and low back pain (e.g., Flexeril, Robaxisal)	Drowsiness and lightheadedness

20. Understanding Addiction

Individuals with substance abuse and addiction problems continue to use the substance in spite of its negative effects on themselves, family, friends and co-workers. Effects of substance use can range from mild to severe. In many cases an individual will “bottom out” before realizing or acknowledging that they have a problem, or do anything about their problem.

Misuse of alcohol or other drugs, legal or illegal, is often associated with problems in other areas of life including health, finances and relationships with others. Treatment may vary based on the needs of the individual and will usually involve education and awareness, detoxification, out-patient treatment, residential treatment and post treatment follow-up.

Slips and relapses are common occurrences during the rehabilitation process. While some individuals may never have a relapse, many do. Some research indicates relapse rates over 70%, during the first year of treatment with two-thirds occurring in the first 90 days. Investigating the factors related to the relapse is crucial in determining the appropriate course of action for both the employer and medical professionals. Individuals often learn from their relapse by understanding the extent of their illness and the challenges they will continue to face while recovering from the illness.

Enabling

In an addictions context, enabling prevents the individual from experiencing the natural consequences of their actions. Enabling is **NOT** positive, and can be demonstrated when a leader does not take action when substance issues present themselves in the workplace. Enabling consists of ideas, feelings, attitudes and behaviours that wittingly or unwittingly allow or encourage alcohol and other drug problems to continue.

21. Stages of Treatment for Alcohol and Drug Problems

Prevention

Preventing substance use problems from developing is a key goal of any organization as it impacts the health and wellness of employees and the organization. When requested, alcohol and drug awareness training will be arranged. The City will also communicate programs and services available to employees to promote a wholistic approach to health and wellness.

Assessment

EFAP can help employees access confidential assessments, counselling, treatment and aftercare services who they believe may have a problem related to their use of alcohol or other drugs. EFAP can also assist leaders dealing with individuals who have performance problems including those related to misuse of alcohol or other drugs.

An assessment can happen in the following ways:

- The employee can seek assistance voluntarily e.g. through the EFAP, Alberta Alcohol and Drug Abuse Commission (AADAC), etc.
- Leaders may also encourage an employee (suggested referral) who is experiencing difficulty to seek assistance through EFAP.
- Leaders may make a mandatory referral to EFAP when a persistent work performance or behavioural issue exists and has not improved despite discussions with the employee.

When, in the opinion of a medical or counselling professional there is a risk that would prevent an individual from doing their job safely, The City may need to identify accommodation opportunities based on the restrictions provided.

An employee with an alcohol or drug problem will not be disciplined for voluntarily requesting help in overcoming his / her problem.

Rehabilitation/Treatment

Full participation in the recommended treatment program is expected. This may include pre-treatment, treatment and follow-up/aftercare activities. Participation does not remove the requirement for satisfactory performance.

In some cases, through no fault of the individual, the program they are in does not meet the specific needs of the employee and a more appropriate course of treatment or facility may be required. This is determined by the counsellor in discussion with the employee and will be communicated to the EFAP Counsellor or Corporate Health Consultant who will inform the HR Advisor and / or leader when applicable.

Return to Work and Aftercare

All employees who complete treatment (e.g. residential or outpatient treatment) for alcohol or drug dependency will be expected to participate in an aftercare program for a minimum of two years.

For formal referrals, a written return to work agreement will outline the conditions governing their return to the job and the consequences for failing to meet those conditions. This may include testing for drugs and / or alcohol post treatment for those involved in safety sensitive positions and where supervision is limited as recommended by the counsellor.

22. Glossary of Terms

Addiction	A primary, chronic disease, characterized by impaired control over the use of a psychoactive substance and/or behaviour. Clinically, the manifestations occur along biological, psychological, sociological and spiritual dimensions. Common features are change in mood, relief from negative emotions, provision of pleasure, pre-occupation with the use of substance(s) or ritualistic behaviours; and continued use of the substance(s) and/or engagement in behaviours despite adverse physical, psychological and/or social consequences. Like other chronic diseases, it can be progressive, relapsing and fatal. Source: Canadian Society of Addiction Medicine – Definitions in Addiction Medicine
Alcohol	The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol
City Business	All activities undertaken on behalf of The City of Calgary by employees, contractors, or other persons affiliated with The City of Calgary, whether conducted on or off City of Calgary premises. It includes those situations where an individual is representing, or could be reasonably perceived to be representing The City of Calgary.
City of Calgary Premises	Include but are not necessarily restricted to, all land, property, structures, installations, vehicles and equipment owned, leased, operated or otherwise controlled by The City of Calgary.
City Referral Agent	The EFAP Counsellor and / or the Corporate Health Consultant at The City of Calgary who refer the employee to a Substance Abuse Professional (SAP).
Drugs of Concern	For the purpose of The City's Substance Use policy, drugs of concern include illicit drugs, alcohol, medications and any other substances which can inhibit an individual's ability to perform their job safely and productively
Fitness for Work/Duty	For the purpose of The City's Substance Use policy, being able to safely and acceptably perform assigned duties without any limitations due to the use or after-effects of alcohol, illicit drugs, medications or any other substance
Illegal Drug	Any drug or substance which is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g., street drugs such as marijuana and cocaine).
Medication	A drug obtained legally either over the counter or through a doctor's prescription.

<p>Post incident / Near miss testing (where reasonable cause exists)</p>	<p>Testing where an event has occurred and there is a need to inquire into that event to determine the cause. This is done only in cases where there is a possibility that the event may have been caused by an employee's substance use. Post incident or near miss situations where there appears to be reasonable cause to believe the incident or near miss is related to substance use.</p>
<p>Post treatment (random testing for monitoring abstinence)</p>	<p>Testing recommended by a medical professional as part of relapse prevention or post treatment regime. In most cases abstinence monitoring is recommended following treatment, to mitigate safety risks, especially when the employee is returning to a safety sensitive position or where supervision is limited. In some cases, abstinence monitoring will be recommended in non-safety sensitive positions to check for and encourage abstinence. Employees will only be tested for the substance or substances as recommended by the Substance Abuse Professional or Occupational Health Physician.</p>
<p>Reasonable Cause Testing</p>	<p>Occurs where an employee exhibits, or evidence points to, behaviour sufficient to give the employer reason to suspect the employee has consumed alcohol or drugs. This may include such things as slurred speech or smelling of alcohol.</p>
<p>Safety Sensitive Position</p>	<p>Any position which requires operating a vehicle and/or equipment or which is engaged in a process which has the potential for significant harm to the employee, his or her co-workers, and/or the general public.</p>
<p>Substance Abuse</p>	<p>Using a substance in ways that harm or distress the individual or others in their environments (e.g., failing to fulfill important roles, repeatedly using when it is physically dangerous to do so, using despite recurrent legal problems, using despite social or interpersonal problems.) This diagnosis applies to all substances but caffeine and nicotine. Source: <i>"DSM IV Made Easy- The Clinician's Guide to Diagnosis"</i>—James Morrison- 2004</p>
<p>Substance Dependence</p>	<p>This means the individual has taken the substance frequently enough to produce clinically important distress or impaired functioning, as well as certain behaviour characteristics found in connection with all classes of drugs but caffeine. Substance dependence does not have to be intentional; it can develop from medicinal use, such as treatment of chronic pain.</p> <p>Source: <i>"DSM IV Made Easy- The Clinician's Guide to Diagnosis"</i> –James Morrison- 2004.</p>

23. Related Websites and City Contact Information

Related Canadian Web Sites:

- § AADAC –
www.aadac.com/
- § Alcoholics Anonymous – Area 78 (All of Alberta)
www.area78.org/
- § Narcotics Anonymous – Chinook Region (Which Includes Calgary)
www.chinookna.org/
- § Canadian Centre on Substance Abuse
<http://www.ccsa.ca/Pages/Splash.htm>
- § Canadian Society for Addiction Medicine
www.csam.org/
- § Centre for Addiction & Mental Health
www.camh.net/

Contacts:

- Corporate Health Consultants
 - Noella Stordy, 403-974-4901, noella.stordy@calgary.ca
 - Arleigh Porte, 403-268-1620, arleigh.porte@calgary.ca
 - Pam Robinson (Transit only), 403-537-7859, pamela.robinson@calgary.ca
- [Corporate Security](#) 403-268-5618
- EFAP [Human Solutions](#) 1-800-663-1142 (toll free)
- [LifeMark Health Inc](#) 403-219-5768 or 403-297-9500.
After hours weekends or holidays 403-219-5799
- [HR Advisors](#)
- [Labour Relations](#)
- [Return to Work Coordinators](#)
- [Union Representatives](#)

REVISION HISTORY

Revision date	Description
2008 May 20	Updated procedures, roles.
2009 March 30	Updated vendor name, contacts and reference to Labour Relations Policy 6.12
2010 April 19	Updated Hyperlinks