

# Drug and Alcohol Testing Policy



## 1. POLICY STATEMENT

The Company recognizes that employees who use or are impaired by drugs or alcohol while performing work endanger not only themselves but their co-workers and others affected by the work. The Company's policy with regard to such conduct is one of zero tolerance and employees must be aware that any violations they commit may result in disciplinary action up to and including termination. Employee drug and alcohol testing is essential to ensuring compliance with that policy and fulfilling the Company's commitment to maintain a drug- and alcohol-free workplace.

## 2. PURPOSE

\_\_\_\_\_ also recognizes that drug and alcohol testing is intrusive and may raise privacy, discrimination and other legal issues. The intent of this testing Policy is to empower \_\_\_\_\_ to accomplish its health and safety objectives in a manner that is fair, humane and consistent with employees' privacy, accommodation and other legal rights. While discipline may be used as a measure of last resort, the ultimate goal of \_\_\_\_\_'s substance abuse and testing policies is not to punish but help employees identify and get help for their substance abuse issues so that they can get the help and support they need return to work healthy, safe, happy and productive.

## 3. SCOPE

This Policy applies to all individuals with safety-sensitive jobs that work for \_\_\_\_\_ including but not limited to full-time, part-time, temporary and contract employees, independent contractors, volunteers and employees of third party contractors or subcontractors that \_\_\_\_\_ engages to perform work at its facilities, as well as individuals who apply for jobs with \_\_\_\_\_.

### 1. Union Employees

This Policy applies to both union and non-union employees with safety-sensitive jobs but is not intended to supersede or circumvent the provisions of any current collective agreement that ABC has negotiated with an employee's union. In the event of a conflict between this Policy and a collective agreement, the latter shall

control.

## 1. Contractor Employees

This Policy applies to individuals employed by contractors and subcontractors with safety-sensitive jobs that perform work at \_\_\_\_\_ facilities but is not intended to supersede or circumvent the provisions of any current collective agreements that those contractors or subcontractors have negotiated with their own workers and their unions. In the event of a conflict between this Policy and a contractor employment agreement or collective agreement covering the worker, the latter shall control.

## 1. Job Applicants

This Policy applies to individuals applying for safety-sensitive jobs with \_\_\_\_\_ or that involve performing work at \_\_\_\_\_ facilities that are safety-sensitive or otherwise subject to pre-employment testing in accordance with the below provisions. Unless the context requires otherwise, the term "employee" or "worker" as used in this Policy shall also refer to job applicants.

## 4. DEFINITIONS

For purposes of this Policy:

- **"Alcohol"** means any beverage that contains the intoxicating agent ethyl alcohol (ethanol) or other low molecular weight alcohols, including methyl or isopropyl alcohol, and includes but is not limited to beer, wine and distilled spirits;
- **"Drugs"** includes:
  - Narcotics and illegal drugs;
  - Marijuana whether used or obtained legally or illegally; and
  - Legal prescription and over-the-counter medications and drugs that cause or have the potential to cause impairment and render an employee not fit for duty.
- **"Fit for duty"** means a physical and mental state that allows an individual to perform his or her job duties safely and effectively without impairment due to the use of or after-effects of alcohol, illegal drugs, legal medications or other health conditions.
- **"On duty"** includes reporting for and performing work, including:
  - Scheduled work;
  - Unscheduled call-in work;
  - Work performed on \_\_\_\_\_ facilities;
  - Work performed for \_\_\_\_\_ away from Company facilities, including but not limited to driving or traveling to and from work.
- **"Safety-sensitive job"** means positions that have a direct and substantial impact on the health and safety of the employee, other workers, customers, visitors, the public, property and/or the environment, including but not limited to those involving driving, operation of machinery or equipment, handling of toxic substances and others determined by \_\_\_\_\_.
- **"Substance abuse"** means the use of alcohol, legal and illegal drugs, medications and other substances that can impair a person's judgment, clarity and functioning and render him/her not fit for duty.

## 5. ROLES AND RESPONSIBILITIES

All employees and workers covered by this Policy are required to:

- Come to work fit for duty;
- Work safely in accordance with the [province] Occupational Health & Safety Act;
- Refrain from using or being impaired by alcohol or drugs while they are on duty;
- Refrain from possessing, purchasing, selling, distributing or engaging in any other conduct involving alcohol or other legal or illegal substances or paraphernalia while they are on duty;
- Refrain from misusing or being impaired by prescription or non-prescription drugs while they are on duty;
- Notify their supervisor if they suspect that a co-worker is unfit for duty; and
- Submit for drug and alcohol testing in accordance with this Policy as set forth below.

## 6. GROUNDS FOR DRUG AND ALCOHOL TESTING

\_\_\_\_\_ employees and job applicants must submit to drug and alcohol testing under the following circumstances:

- **Pre-Employment Testing**

All applicants for safety-sensitive jobs who are given a conditional offer of employment must submit to drug and/or alcohol testing that yields a negative test result as a prerequisite for employment.

- **For Cause Testing**

- For cause testing can be mandated where \_\_\_\_\_ reasonably believes that an employee may be Conduct by the employee that suggests impairment or influence of drugs or alcohol;

A report of drug or under the influence of drugs or alcohol. Grounds for such reasonable belief include but are not limited to:

- The presence of drugs or alcohol on or about the employee's person or in the employee's vicinity;
- alcohol use while at the employee is at work or on duty;
- Information that an employee has tampered with drug or alcohol testing at any time;
- Negative performance patterns; and/or
- Excessive or unexplained absenteeism or tardiness.

- **Post-Incident Testing**

\_\_\_\_\_ may require an employee to submit to drug and/or alcohol testing if the employee is involved in or engages in conduct which results in a work-related injury or causes damage to property, including \_\_\_\_\_ vehicles, machinery, equipment, or buildings.

- **Random Testing**

From time to time, \_\_\_\_\_ may require individual employees or all members of a classification or group to be tested at random to the extent that those employees occupy safety-sensitive or other sensitive positions that \_\_\_\_\_ deems as justifying random testing.

- **Post Rehabilitation Testing**

In accordance with its fitness for duty and drug/alcohol policies, \_\_\_\_\_

may offer employees who test positive for drugs or alcohol the opportunity to successfully complete a drug and alcohol rehabilitation program in lieu of having their employment terminated. In such event, \_\_\_\_\_ may ask the employee to undergo individual, unannounced drug and alcohol testing, from time to time, for a period of up to two (2) years, starting with the employee's return to work, following participation in a drug or alcohol dependency treatment program.

- **Scheduled Periodic Testing**

Employees may be required to submit to drug and alcohol testing as a routine part of a scheduled fitness for duty medical examination. \_\_\_\_\_ also reserves the right to amend this Policy to require employees to submit to drug and alcohol testing on a routinely and regularly scheduled basis.

## 7. GROUNDS FOR DRUG AND ALCOHOL TESTING

Drug and alcohol testing will be carried out in accordance with the following procedures.

- **Consent**

Job applicants for safety sensitive positions who are offered employment with \_\_\_\_\_ will be asked to sign the \_\_\_\_\_ Drug & Alcohol Testing Consent Form ("Consent Form," which is attached to this Policy as Exhibit A), giving their consent to submit to drug and alcohol testing prior to employment and after employment begins in accordance with the terms of this Policy. Failure to provide consent shall be grounds for revoking the job offer as will be a positive test result. Subsequent failure of employees to submit to testing during their employment will be considered a violation of this Policy in accordance with Section 9 below.

- **Sample Collection**

All collection and testing will be done by companies or individuals deemed qualified and licensed by the [province] Ministry of Health and may be collected on \_\_\_\_\_ premises or at a third party collection site or lab. Samples will be collected in sufficient quantity for splitting into two separate samples. Collections will be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples. However, in the interest of privacy, employees will not be subject to direct observation when providing urine samples for urine testing. Sample collection will be documented by labeling samples to reasonably prevent erroneous identification of test results. The documentation will also provide an opportunity for job applicants or employees to provide any information about the prescription or non-prescription they currently or recently used or other information they consider relevant to the test.

- **Chain of Custody**

\_\_\_\_\_ will ensure that a strict written chain of custody process is followed throughout the collection and testing process and that samples are collected and, if necessary, transported to the testing facility in a manner to insure the sample's integrity.

- **Initial & Confirmation Testing**

If a sample initially tests positive for alcohol or drugs, the result will be considered inconclusive and the test result will be confirmed by a second test of the

initial sample using gas chromatography-mass spectroscopy or an equivalent scientifically-accepted method of equal or greater accuracy. If the second confirmation test of the sample is also positive, the testing facility will send the result to the HR department or other appropriate \_\_\_\_\_ for official review and implementation of the procedures for obtaining an explanation from the person.

#### • Drug Testing

Initial and confirmation tests for drugs may be conducted using any type of sample from which a measurement of the presence or content of drugs in the person's body can be made, including but not limited to, saliva, blood, or urine samples. Samples may be screened for drugs and alcohol as defined in applicable regulatory requirements, including determining a positive test result by using the levels prescribed by regulation for the particular substance. \_\_\_\_\_ reserves the right to test for other drugs or synthetic or other intoxicants, e.g., K-2, Spice, synthetic cannabis, bath salts and Kratom, in the future. However, employees will be given at least 10 days advance notice of any such additions.

#### • Retesting/Appeal Procedure

If after \_\_\_\_\_ completes drug or alcohol testing, a job applicant or employee whose test result is positive wants their sample retested, they may request in writing that a subsequent confirmation test of the original split sample be performed at the employee or job applicant's own expense. Any retest must be requested within 24 hours of the employee or applicant receiving notice of their positive test.

### 8. PRIVACY

\_\_\_\_\_ recognizes that test results and related information is protected personal information under privacy laws and will keep it confidential and secure and refrain from using or disclosing it except as permitted or required by law. Testing records are the property of \_\_\_\_\_ but will be made available to the job applicant or employee upon request for inspection and copying in accordance with the requirements of applicable privacy laws.

### 9. POLICY VIOLATIONS

\_\_\_\_\_ will consider the following conduct by employees and job applicants as violations of this Policy:

- Refusals to sign the Consent Form or submit to testing in accordance with this Policy;
- Adulterating, diluting, or otherwise tampering with a test specimen or attempting to do so;
- Having a confirmed positive test result.

### 10. CONSEQUENCES OF VIOLATIONS

Violation of this Policy is grounds for discipline up to and including termination in accordance with the \_\_\_\_\_ Progressive Discipline Policy. Employees with substance abuse issues may also be referred for counselling or assistance through the

\_\_\_\_\_ Employee Assistance Program or outside agencies. Job applicants who violate this Policy will not be offered employment with \_\_\_\_\_ and may forfeit their current jobs if the violation is discovered after the job applicant has begun employment.

#### **11. ASSISTANCE AND REINSTATEMENT**

\_\_\_\_\_ reserves the right to place employees with substance abuse issues on administrative leave and enter into Last Chance Agreements offering them the opportunity to return to work if they successfully complete the terms of their treatment and rehabilitation program, pass drug and alcohol tests and meet other conditions of reinstatement.

#### **12. RIGHT TO ACCOMODATIONS**

\_\_\_\_\_ recognizes that drug and alcohol addiction is deemed a disability under the [province] Human Rights Code. Accordingly, in administering the disciplinary and other provisions of this Policy, addictions and other substance abuse related to disabilities, such as use of medical marijuana or prescription drugs for chronic pain and debilitating conditions, will be treated as non-culpable violations and employees will be offered reasonable accommodations based on their individual circumstances and capabilities to the point of undue hardship.