

Fit-for-Work Policy



Section	Date	Bylaw Number	Page	Of
Human Resources	January 28, 2020	5-2020	1	6
Subsection	Repeals By-Law Number		Policy Number	
General	N/A – repeals former Substance Abuse Policy #HR-2-08		HR-2-08	

Purpose

The City of Kenora is committed to protecting the health and safety of employees and members of the public by ensuring that all employees report to work fit for duty.

The purpose of this policy is to outline the City's expectations regarding fitness for duty, summarize the City's commitment to assisting and accommodating employees who seek supportive rehabilitation for substance abuse, and outline corrective actions for policy violations.

Scope

This policy applies to all employees conducting City business in any location or workplace as defined in this policy, including City vehicles and when on call.

Subcontractors and service providers are expected to either adopt this policy or develop and enforce their own Fit for Work policy that meets or exceeds the key elements of this policy and its associated requirements.

Definitions

Alcohol – any beverage which contains ethyl alcohol including but not limited to beer, wine, and distilled spirits, and includes the intoxicating agent found medicines and other products

Drug - means any substance, including but not limited to alcohol; illicit or non-illicit drugs including recreational cannabis; medications; or any other substances the use of which has the potential to change or adversely affect the way a person thinks, feels, or acts. For purposes of this policy, drugs of concern are those that inhibit a worker's ability to perform work safely and productively

Drug Paraphernalia - any personal property associated with the use of any drug, substance, chemical or agent

Employee – any person categorized as permanent, part time, casual, contract, seasonal, and/or temporary in the employ of the City of Kenora

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Extreme Fatigue/Stress – physical or mental exhaustion that reduces a person’s alertness such that a safety hazard is created or results in an inability to safely perform work

Fit for Duty - means that an employee is physically, physiologically and psychologically able to perform assigned duties in a safe manner without any limitations resulting from, but not limited to: the use or after-effects of intoxicants or medications; the misuse and/or failure to take prescribed medications; and/or extreme fatigue and stress

Impairment – the state of being diminished, weakened, or damaged and therefore unable to function normally or safely

Medication – a drug legally obtained with a physician’s prescription or purchased as an over-the-counter medication, taken as directed, and monitored appropriately

On Duty – the time period commencing from when a worker reports to perform work up until the time when they cease to perform work for the day, and includes lunch, break times, and times between the portions of split crews. On Duty also includes the time period in which an individual is required to be performing work; is on stand-by to perform work; or is participating in training

Safety Sensitive Position – a position in which incapacity due to impairment could result in direct and significant risk of injury to the employee, coworkers, the public, the environment or City property

Workplace - any site at which an employee works including any property owned or leased by the City and any other place an employee is located while performing work on behalf of the City or while representing the City. This includes the operation of City equipment or a personal vehicle when an employee is on duty

Responsibilities

Senior Leadership Team Members and Supervisors are responsible for:

- Ensuring their employees present as fit to perform work and removing any employees deemed not fit for duty from the workplace in a safe manner;
- Participating in investigations and implementing any required follow-up actions as deemed necessary;
- Maintaining the confidentiality of the investigation process, including but not limited to an employee’s medical information;
- Supporting employees who are working under an accommodation plan;

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- Understanding and upholding this policy in addition to complying with all other applicable legislation, regulations and City policies and procedures

Employees are responsible for:

- Reporting to work fit for duty for and remaining fit while on duty;
- Performing job responsibilities in a safe and effective manner;
- Notifying their Supervisor when not fit for duty including being under the influence of intoxicants such as medications, alcohol, or drugs; symptoms of extreme fatigue or stress; or any other conditions they believe may impair their job performance or compromise health & safety;
- Disclosing a disability related to an intoxicant dependency or addiction to their Supervisor;
- Responsibly using all medications prescribed to them;
- Notifying their Supervisor when a co-worker is observed acting in a manner that indicates the co-worker may not be fit for duty;
- Cooperating with any investigation;
- Providing relevant medical information when required;

Prohibitions

City employees are prohibited from working while impaired and are required to report fit for work and remain fit while on duty.

City employees shall not:

- Possess, distribute, or offer for sale any alcohol, drugs, or related paraphernalia while on duty or while on City property;
- Report to work while under the influence of alcohol, recreational cannabis, or any other drugs or non-prescribed substances;
- Consume or use any alcohol or drugs while on duty;
- Transport alcohol or illicit drugs in vehicles or equipment owned, leased, operated, or otherwise directly controlled by the City

Exceptions

City employees are in compliance with this policy if, while on duty, they are in possession of a prescription drug prescribed to them by a qualified practitioner or a non-prescription drug where:

- The employee is using the prescription or non-prescription drug for its intended purpose and in the manner directed by their physician or pharmacist;
- The use of the prescription or non-prescription drug does not adversely affect the employee's ability to safely perform their duties and;

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- The employee has notified their Supervisor prior to starting work of any potential risk, limitations, or restrictions requiring modification of duties from prescription or non-prescription drugs

The City may require medical documentation to verify use is prescribed.

Reasonable Grounds

Occurs when a Supervisor or Senior Leadership Team Member, after consultation with Human Resources or another Supervisor, determines there is reasonable cause to suspect an employee of alcohol or other drug use or possession.

This could include observed use or evidence of a substance; changes in the employee's physical appearance; erratic or atypical behaviour; uncoordinated walking, staggering or weaving; smells associated with the use of alcohol or drugs; or reliable information that the employee may be at work under the influence of an intoxicant.

Investigations

Where there is reasonable grounds to suspect that an employee is unfit for work, is demonstrating signs of impairment, or is found in possession of alcohol, drugs, or drug paraphernalia, a full investigation will be required and the Supervisor will contact Human Resources to determine the appropriate course of action.

The following steps should be taken in an investigation:

- The employee in question should be interviewed to explain their signs of impairment and provide an explanation;
- Employee Assistance Program (EAP) information should be offered;
- All parties who had interactions with the employee or information about the impairment should be interviewed and asked specifically about the behaviour exhibited

Information gathered during the investigation process will be documented and then compiled into a written report by Human Resources summarizing the nature of the investigation and the results. Human Resources, along with the Supervisor, will then notify the employee in writing of the investigation results and any corrective measures including disciplinary actions. All investigations will be objective, unbiased, and factual and keep the privacy and confidentiality of the employee in mind.

It should be noted that employees may need to be reassigned or put on an administrative leave during the investigation process. If required to leave the premises, the City will ensure the employee is provided with a safe means of transportation from the workplace.

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Confidentiality

Information disclosed by employees will be kept in confidence and only reported to individuals who need to know or to discharge a statutory or common law obligation. Employee medical information will be kept secure in the Human Resources Department.

Policy Violation

Employees found in violation of this Policy may be subject to disciplinary action up to and including termination. The degree of discipline will be determined on an individual, case-by-case basis and will depend on relevant factors of the incident as determined from the investigation. Where applicable, the City of Kenora may also take legal action in accordance with the law.

Where there is a confirmed violation of this Policy, the City reserves the right to stop the employee from performing any further work and/or remove the employee from the premises. The employee shall not perform any further or additional work, or enter City premises without the City's permission until such time the City is satisfied that the worker is no longer in violation of this Policy.

The decision to permit an employee to perform further and/or additional work and to enter upon City premises is at the sole discretion of the City.

Professional evaluation of an employee's physical, emotional, or mental capabilities may be required to return to work following a policy violation or if unsatisfactory work performance, unusual behaviour, or abuse of alcohol or drugs continues.

Duty to Accommodate

The City recognizes that drug and alcohol addictions are deemed a disability under the Ontario Human Rights Code. Where it is identified that an employee is not meeting the fit to work requirements due to an identified or disclosed disability, an accommodation plan will be developed. The accommodation plan will be developed by Human Resources in consultation with the employee and their Supervisor.

Accommodation plans may require medical evaluations from the employee's physician or a qualified health care professional in order to create plans that best support the employee.

Employee Assistance Program

The City encourages employees to adopt a proactive approach to health and safety and will support and provide confidential direction to any employee who voluntarily seeks help for substance addictions or dependencies. To access EAP services, please contact your Supervisor or Human Resources.

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Related Documents

City of Kenora Progressive Discipline Policy
Ontario Human Rights Code
Occupational Health & Safety Act

A signed copy of this policy shall remain on the employee's personnel files, indicating that they have reviewed, understood, and agreed to comply with this policy.

This policy has been reviewed with me. I understand the policy and agree to abide by it.

Date

Employee Signature

Print Name