

SAFETY BRIEFING # 38 Drug and Alcohol Standard and Process

1.0 PURPOSE

SaskPower is committed to the health and safety of our employees, contractors, customers and the general public, both in the workplace, and in the communities in which we operate. SaskPower's goal is to mitigate safety risks by addressing the inappropriate possession and use and abuse of drugs, alcohol and medications in the workplace.

The purpose of the Drug and Alcohol Safety Briefing is to:

- Increase employee awareness
- Emphasize the individuals responsibilities
- Explain the obligation to be fit for duty/work when reporting to work

2.0 ROLES AND RESPONSIBILITIES

2.1 Supervisors/Managers shall:

- Present the materials outlined in the briefing in a timely fashion, to all employee.
- Facilitate team discussion of experiences within each of the briefing topic areas to assist in enhancing understanding
- Ensure records of this communication with all employees are maintained as per the business units record keeping process
- Ensure that required Drug and Alcohol training is completed by employees as outlined in the briefing

2.2 Employees shall:

- Participate and / or review all briefing information meetings
- Consult with supervisor/manager if unsure of their requirements under the Drug and Alcohol Standard or Process

3.0 PREPARATION

Briefing Objectives

- To ensure all applicable SaskPower employees are aware of the Drug and Alcohol Standard and Drug and Alcohol Process.

Materials

- Attendance Sheet
- SaskPower Hazard/Aspect and Risk Assessment Policy
- SaskPower Drug and Alcohol Standard
- SaskPower Drug and Alcohol Process
- SaskPower Drug and Alcohol Briefing #38 (for reference)

Manager/ Supervisor

- Review all materials in preparation for presentation
- Provide handouts or information at the beginning of the discussion to assist participants
- Ensure adequate supplies
- No evaluation is required for this briefing
- Maintain records of attendance as per local Business Area requirements

5.0 BRIEFING CONTENT**INTRODUCTION**

The existing SaskPower Code of Conduct Policy is explicit in that SaskPower expects all Personnel to be fit for duty and unimpaired by the effects of alcohol or drugs.

With the amendment of the Bill C-45, an Act respecting cannabis and to amend the Controlled Drug and Substances Act, SaskPower has reviewed and updated of the SaskPower Drug and Alcohol Process (HARA Policy, D&A Standard, and D&A Briefing).

The current Policy, Standard, Process, Briefing and training needed to be amended to reference the changes brought on by the amendment of Bill C-45, the legalization of marijuana.

The D&A Process was updated to define/clarify:

- That those who supervise or manage employees in a Safety Sensitive position are held to the same standards for testing
- The Safety Sensitive list reflects all positions that have a key and direct role in, and where impaired performance could result in an incident affecting the health and safety of our employees, contractors, customers, the public, property and/or the environment
- Responsibilities for those employees utilizing medicinal marijuana
- Responsibilities for employees utilizing prescription and non-prescription medication
- Unauthorized substances and unlawful substances testing standards and thresholds

1. Question: Why does SaskPower have a Drug and Alcohol Standard and Process?

Answer: The objective of the SaskPower Drug and Alcohol Process is to identify the requirements to support SaskPower's commitment to maintaining a safe and healthy workplace, free from the negative effects of alcohol, drugs or other substance use.

2. Question: How does the legalization of marijuana change SaskPower's Drug and Alcohol Process?

Answer: The legalization of marijuana isn't as big of an impact as we originally thought. SaskPower has always required that you be fit for duty/work. As always, using any unauthorized substances or unlawful substances, at any time, such that the Employee is not Fit for Duty/Work, and then reporting for work is in direct violation of *SaskPower Code of Conduct*, *SaskPower Hazard/Aspect and Risk Assessment Policy*, and the *SaskPower Drug and Alcohol Standard and Process*. SaskPower does not seek to control what Employees do when their conduct is unrelated to their responsibilities to SaskPower. However, Employees are obligated to be Fit for Duty/Work when reporting for work.

3. Question: What does Fit for Duty/Work mean?

Answer: According to Occupational Safety and Health Administration (OSHA), fit for duty means that an individual is in a physical, mental, and emotional state which enables the employee to perform the essential tasks of his or her work assignment in a manner which does NOT threaten the safety or health of oneself, co-workers, property, or the public at large.

4. Question: When can an employee be required to submit to a drug test?

Answer:

a) Following a critical incident, any Employee in a Safety Sensitive Position shall be drug and alcohol tested immediately.

b) Following incidents that are not categorized as critical (minor, significant, and major) the reasonable grounds check list must be completed immediately. If reasonable grounds are established for any Employee in a Safety Sensitive Position they shall undergo drug and/or alcohol testing immediately.

c) When there has not been an incident BUT unusual behaviour or actions are noted and/or the supervisor suspects an Employee may not be fit for duty/work due to the use of drugs, alcohol, or some other cause, the supervisor will complete the Reasonable Grounds process and checklist after explaining the process to the Employee and providing the Employee with information about the steps that will take place. IF reasonable grounds are established AND the employee is in a Safety Sensitive Position, they shall undergo drug and/or alcohol testing immediately.

5. Question: What does a Safety Sensitive Position mean?

Answer: Safety Sensitive Positions are those which SaskPower has determined to have a key and direct role in, and where impaired performance could result in an incident, affecting the health and safety of our Employees, contractors, customers, the public, property and/or the environment. This includes those in a managerial or supervisory position who oversee Employees in Safety Sensitive Positions.

6. Question: How do I know if I am in a Safety Sensitive Position?

Answer: You can refer to the list of the Safety Sensitive Positions available within the *Drug and Alcohol Process* (Appendix H), or ask your supervisor. The list of Safety Sensitive Positions is reviewed with the support of Labour Relations, Human Resources, Health and Safety, as well as both Unifor and IBEW.

7. Question: What are reasonable grounds?

Answer: When evidence is established by the direct observation of an Employee's conduct or other indicators, such as physical appearance, demeanor, other observable behavior and/or circumstances surrounding an incident. Evidence that an Employee is currently involved in the use, possession, sale, solicitation or transfer of drugs and/or alcohol while working or while on the employer's premises or while operating the employer's vehicle, machinery or equipment. The Reasonable Grounds Process (Form B - Reasonable Grounds Interview and Form C - Reasonable Grounds Checklist) must be completed in order to establish Reasonable Grounds.

8. Question: What kind of testing will be used?

Answer: Testing is done by swab, urine and breath alcohol.

9. Question: Why are supervisors and managers now being tested if they are responsible for Safety Sensitive employees?

Answer: Supervisors and Managers that are responsible for Safety Sensitive employees are now considered to also be in a Safety Sensitive position and it not defensible to have a different set of rules for them.

10. Question: What if I refuse to be tested?

Answer: If the Employee refuses testing, the supervisor will explain that their decision is considered to be a contravention of the *Hazard/Aspect and Risk Assessment Policy* and *Drug and Alcohol Standard* and work with the HR Business Partner to identify and implement the appropriate action under the *SaskPower Corrective Discipline Policy*. In the case of an in-scope employee the HR Business Partner will consult with Labour Relations.

In all cases, Health and Wellness Services will determine whether a medical relationship exists. If not, in the case of an out-of-scope Employee, the matter shall be referred to the HR Business Partner. In the case of an in-scope Employee, the HR Business Partner will consult with Labour Relations. Employees are always encouraged to utilize EFAP services.

11. Question: What if I am not on the Safety Sensitive list? Can I still be tested?

Answer: No, however if Reasonable Grounds have been established, the Employee will be safely sent home and referred to Health and Wellness Services. The Employee will be provided a date and time to return to attend a meeting to discuss/investigate the matter.

12. Question: Does SaskPower perform random drug tests?

Answer: No, SaskPower does not perform random drug tests.

13. Question: Isn't drug testing against my rights?

Answer: The law in Canada currently does not permit truly random drug testing as it has been held to be an unreasonable intrusion on the right to privacy. However, the law also recognizes that in certain circumstances, some types of drug testing are permissible, namely:

1. Post incident;
2. Where there are reasonable grounds to suspect that an individual is impaired/not fit for duty; and
3. In certain limited circumstances, random drug testing is permissible as part of a documented return to work program where the employee has been diagnosed with substance addiction and has returned to work after in-patient treatment for substance addiction.

14. Question: Who gets the results of my drug test?

Answer: Drug and alcohol testing is considered to be a medical procedure. Accordingly, test results must be treated as highly confidential. Without exception, test results must be handled in accordance with *SaskPower's Privacy Policy* and with consideration of *The Health Information Protection Act (HIPA)*.

A confidential written report (from Third Party Drug and Alcohol Testing Provider) will be provided to Health and Wellness Services indicating the results of the test regardless if pass or fail, Health and Wellness Services will verbally advise the Employee's supervisor of the outcome (no specific details will be shared, only that the Employee passed or failed).

15. Question: If marijuana is legal now, how come I can't use it?

Answer: You can, SaskPower does not seek to control what employees do when their conduct is unrelated to their responsibilities to SaskPower. However, employees are obligated to be Fit for Duty/Work when reporting to work.

16. Question: Can I challenge a positive drug test?

Answer: An employee may challenge an initial positive test when notified of the result by Health and Wellness Services. To do this, the employee requests that the second (split) urine sample taken from the original specimen be tested. This request must be made within 72 hours of the employee being notified that the first test was found to be positive.

17. Question: I am authorized to use medicinal marijuana, can you still test me?

Answer: When an employee is in a Safety Sensitive Position, Health and Wellness Services, Labour Relations (if applicable), and Human Resources Business Partner(s) will be responsible for determining if an employee can be safely accommodated in their home position or in any other position within SaskPower. This may include contacting the prescribing physician to ascertain whether medical marijuana is necessary or another less impairing option is available to address that employee's condition. Failure to disclose the use of medication which has the potential to make the employee Unfit for Duty/Work will be subject to discipline up to and including termination. The same criterion is used for any drugs or alcohol testing, regardless if it's medicinal or not.

18. Question: Why does my supervisor need to know I am on prescription medication?

Answer: An employee who is taking legal medication (whether or not prescribed by a physician) which may affect or impair judgement, co-ordination or perception so as to adversely affect his/her ability to perform work in a safe and productive manner, must immediately notify his/her supervisor of their usage prior to commencing work. Health and Wellness Services in collaboration with the employee's supervisor will determine whether the employee will be permitted to work or whether work restrictions will be applied until the side effects of the medication can be determined. See Appendix F for the prescription and non-prescription disclosure process.

19. Question: Do I need to report when I take nonprescription medicine?

Answer: An employee who is taking legal medication (whether or not prescribed by a physician) which may affect or impair judgement, co-ordination or perception so as to adversely affect his/her ability to perform work in a safe and production manner, must immediately notify his/her supervisor of their usage prior to commencing work. Health and Wellness Services in collaboration with the employee's supervisor will determine whether the employee will be permitted to work or whether work restrictions will be applied until the side effects of the medication can be determined. See Appendix F for the prescription and non-prescription disclosure process.

20. Question: Does SaskPower do pre-employment testing?

Answer: No, SaskPower currently does not do pre-employment drug and/or alcohol testing.

21. Question: What if I lose my driver's license due to impairment?

Answer: Any Employee charged and/or convicted, of an offence, under either *The Traffic Safety Act* or *The Criminal Code*, relating to the impaired operation of a motor vehicle while operating a SaskPower vehicle, or when operating any other vehicle for the purpose of SaskPower business, shall notify their supervisor immediately. The supervisor shall report the incident to Health and Wellness Services as soon as is practicable. Affected Employees will be encouraged to seek EFAP assistance at the earliest opportunity.

Any Employee who is required to operate a SaskPower vehicle, or uses another vehicle for the purpose of performing their regular work duties, who receives a license suspension or cancellation due to the impaired operation of a motor vehicle must notify their supervisor immediately.

Any Employee who operates a vehicle for the purpose of SaskPower business without holding the necessary driver's license will be subject to discipline up to and including termination.

22. Question: Is it possible to test positive for Tetrahydrocannabinol (THC) if they have been exposed to second hand marijuana smoke?

Answer: Findings suggest anyone exposed to second-hand smoke in a poorly ventilated room, will test positive after 15 minutes. It can take between 24 and 48 hours for the THC to clear from the system.

23. Question: I am a recreational marijuana consumer during my time off; I don't do it at work. Will I fail a drug test?

Answer: Likely, refer to **Appendix G** for the Unauthorized Substances and Unlawful Substances Testing Standards for acceptable limits.

24. Question: What if I suspect my coworker or supervisor has a drug and/or alcohol problem and is violating SaskPower's policies/standards/processes.

Answer: You can report it to your supervisor/manager. *The SaskPower Code of Conduct Policy* protects complainants against reprisals when the complaint is made in good faith and is not malicious. It is a very serious breach of policy to make a false or malicious complaint. Malicious behavior is something that is done to deliberately harm another person. It can be motivated by, or result from, a desire to cause harm or pain to another person.

25. Question: I think I have an addiction to drugs and/or alcohol. Who do I tell or what can I do?

Answer: SaskPower is concerned about the health and welfare of all its Employees. Recognizing that denial is often a typical trait of a substance abuse problem, *The Drug and Alcohol Standard* encourages Employees who believe they may have a drug and/or alcohol problem to seek the support from trained addictions professionals and to discuss their situation with Health and Wellness Services.

26. Question: Will I be fired if I admit that I have an addiction?

Answer: An Employee who requests assistance for an alcohol and/or drug problem will not be disciplined for seeking help.

27. Question: What if I am on scheduled standby?

Answer: Using any unauthorized substances or unlawful substances, at any time, such that the Employee is not Fit for Duty/Work, and then reporting for work is in direct violation of *SaskPower Code of Conduct*, *SaskPower Hazard/Aspect and Risk Assessment Policy*, and *The SaskPower Drug and Alcohol Standard and Process*. SaskPower does not seek to control what Employees do when their conduct is unrelated to their responsibilities to SaskPower. However, Employees are obligated to be fit for duty/work when reporting for work.

28. Question: I was called into work unexpectedly and I've consumed drugs and/or alcohol. Do I refuse to come in?

Answer: Yes, explaining to your Supervisor/Manager you are not Fit for Duty/Work as you have consumed drugs and/or alcohol. Using any unauthorized substances or unlawful substances, at any time, such that the Employee is not Fit for Duty/Work, and then reporting for work is in direct violation of *SaskPower Code of Conduct*, *SaskPower Hazard/Aspect and Risk Assessment Policy*, and *The SaskPower Drug and Alcohol Standard and Process*. SaskPower does not seek to control what Employees do when their conduct is unrelated to their responsibilities to SaskPower. However, Employees are obligated to be fit for duty/work when reporting for work.

29. Question: Can I be disciplined for working under the influence of drugs and/or alcohol?

Answer: All Employees who fail to comply with *The Hazard/Aspect and Risk Assessment Policy*, *Drug and Alcohol Standard and/or Process* may be disciplined, up to and including termination of employment. Refusing to submit to a drug and/or alcohol test, and/or falsifying/tampering with a drug and/or alcohol test sample, is considered to be a serious breach of your employment contract. One example of a violation of this Process is reporting for duty or performing job duties with the presence of Unauthorized Substances or Unlawful Substances in breath, urine or saliva at or above the threshold levels stated in Appendix G.

30. Question: When I work out of town, I use a SaskPower vehicle during working and after hours. Can I transport alcohol and/or legal drugs in the vehicle?

Answer: Employees that are transporting alcohol/legal drugs in a trunk or a suitcase and are not consuming it, or under the influence while driving or performing work are not the focus of the program. If an incident occurs, investigators will review all aspects of the event to determine cause. In the event that alcohol and/or legal drugs are present, drug and/or alcohol testing may be requested. If the employee was only transporting and not under the influence, the program would hold no repercussions to the worker. Discuss with your manager for any additional restrictions that may be implemented at your business unit's level that may be over and above the *Drug and Alcohol Process*.