



PARTICIPATION HOUSE,
Markham

PERSONNEL POLICIES

TITLE: FITNESS FOR DUTY POLICY	Document No. Previously Abuse Policy (Article 11.05 For Union Employees and Article 13.05 For Non Union Employees)
SUBMITTED BY: Shelley Brillinger, Executive Director	EFFECTIVE DATE November 2018
ENDORSED BY: Human Resources Committee	REVISION DATE
APPROVED BY: The Board of Directors	LAST REVIEW DATE
THIS DOCUMENT SUPERCEDES ALL PREVIOUS SUBJECT POLICIES AND PROCEDURES	

I. PURPOSE:

Participation House Markham (“PHM”) has an overriding obligation to protect the health and safety of all individuals by ensuring that all workers performing work are Fit for Duty, as defined in this Fitness for Duty Policy. In light of this obligation, and recognizing the safety-sensitive nature of the PHM’s operations with respect to caring for vulnerable individuals, PHM’s expectations outlined herein are intended to provide the details of the standards associated with being Fit for Duty while performing Work.

II. ADDITIONAL DEFINITIONS:

The following definitions shall apply to this Policy and references to the singular throughout shall be considered to include the plural and vice versa as the context requires.

“Worker” means: any individual that is an employee of, or Contractor to PHM whom performs Work.

“Drug” means any substance, including but not limited to alcohol, cannabis, illicit drugs, medications, or 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.

“alcohol” refers to beer, wine and distilled spirits, and includes the intoxicating agent found in medicines or other products.

“illicit drug” means 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 cocaine).

“medication” refers to a Drug obtained legally, either over-the-counter or through a doctor’s or Nurse Practitioner’s prescription.

“Drug Paraphernalia” means any personal property associated with the use of any Drug, substance, chemical or agent.

“Extreme Fatigue” means physical and/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, in the context of this Policy, that a Worker is able, to safely and/or acceptably perform assigned duties without any limitations resulting from, but not limited to: the use or after-effects of illicit drugs, alcohol, and/or medications; the misuse of and/or failure to take prescribed medications; and/or Extreme Fatigue.

“On duty” is the time period commencing from when a Worker reports to perform Work up until the time he or she ceases to perform Work for the day, and includes lunch, break times and times. On

Duty also includes the time period in which an individual is required to be performing Work or is on stand-by to perform Work.

III. APPLICATION

This Policy applies to all Workers at a PHM workplace, on PHM premises or on PHM business.

IV. RESPONSIBILITIES

i. Worker Responsibilities

Workers performing Work are expected to adhere to the requirements of this Policy including, but not limited to:

- reporting Fit for Duty, and remaining fit while On Duty;
- co-operating with any investigation required by PHM; and
- taking appropriate action(s) to minimize any safety risk.

If unexpected circumstances arise where a Worker is requested to perform Work while he or she is not Fit for Duty, it is the responsibility of the Worker to inform their supervisor and/or a PHM managerial representative that he or she cannot perform the Work.

ii. Employer's Responsibilities

PHM shall ensure the workplace is safe for all Workers, by enforcing these requirements set out in this Policy.

V. STANDARDS

i. Illicit Drugs

The following are prohibited while On Duty or otherwise on PHM premises or worksites:

- reporting for duty or remaining On Duty under the influence of illicit drugs;
- consuming any illicit drugs during meals or other breaks; and
- the use, possession, distribution, offering or sale of illicit drugs or Drug

Paraphernalia.

ii. Drugs and Alcohol

The following are prohibited while On Duty or otherwise on Commission premises or worksites:

- the use, possession, distribution, offering, or sale of alcohol and Drugs;
- reporting for duty or remaining On Duty under the influence of alcohol from any source; and
- consuming any product containing alcohol;
- reporting for duty or remaining on duty under the influence of cannabis, unless medically prescribed and not misused, and which does not impair the Workers ability to be Fit for Duty.

iii. Medications

Workers are expected to responsibly use all medications. They should investigate (through their doctor or pharmacist) whether a medication can adversely affect their performance or the safe operation of any equipment or machinery, including vehicles. They should also take appropriate steps to minimize associated risk, which would include notifying their supervisor or a PHM managerial representative of their inability to perform Work safely.

The following are prohibited while On Duty or on PHM premises:

- the possession of prescribed medications without a legally obtained prescription;
- the distribution, offering or sale of prescription medications (trafficking); and
- the intentional misuse of medications (e.g. using the medication not as prescribed, using someone else's medication or combining medication, Drugs or alcohol use against direction).

iv. Extreme Fatigue

Workers are expected to report Fit for Duty and are responsible for taking appropriate

action(s) to avoid Extreme Fatigue while On Duty. When performing Work, Workers are prohibited from reporting for duty or remaining On Duty when suffering from Extreme Fatigue. All Workers are responsible for:

- ensuring sufficient rest periods prior to starting work and utilizing breaks provided within and between shifts to rest and recuperate; and
- recognizing the symptoms of fatigue and reporting incidents of Extreme Fatigue to his or her supervisor and/or a PHM managerial representative.

VI. INVESTIGATIONS AND REPORTING REQUIREMENTS

i. Fit for Duty

Investigations by PHM:

If there are reasonable grounds to believe that a Worker is not Fit for Duty, or has otherwise violated this Policy, the individual that becomes aware must immediately notify a PHM managerial representative, advise the Worker's Supervisor to request that they remove the Worker from performing Work, and provide the Worker with an opportunity to explain the situation.

The Worker shall not perform any further Work, perform additional Work or enter the workplace pending the results of the investigation, without the permission of PHM.

All investigations by PHM will be prompt and will include preparation of a written report setting out the nature of its investigation and the results.

ii. Impaired Driving Situations

If required to operate any vehicle, Workers must report the loss of a valid driver's license to their direct superior and/or a PHM representative immediately. In addition, Workers are required to immediately report to a PHM managerial representative the receipt of any impaired driving charges and/or suspensions received while operating a vehicle On Duty.

iii. Possession of Alcohol or Drugs

Workers are required to notify their direct supervisor or a PHM managerial representative if they have reasonable grounds to believe that a Worker possesses Alcohol, Drugs and/or Illicit Drugs while performing Work or otherwise on PHM premises or while On Duty. In cases where PHM has reasonable grounds to believe this, the police must be contacted. If police do not investigate, PHM will conduct the investigation. A Worker will be suspended, and may not perform any further or additional Work pending the results of an investigation.

iv. Worker Refusal to Participate in Investigation

Where a Worker refuses to participate in an investigation required by this Policy, he or she will be directed to cease performing any Work, and may be disciplined up to and including termination for cause.

VII. VIOLATIONS AND CONSEQUENCES

i. Violations

In the case of a confirmed violation of this Policy, the Worker shall not perform any further or additional Work and/or enter upon any PHM premises or worksites without PHM's written permission.

The decision to permit a Worker to perform further Work and to enter upon PHM premises, is at the sole discretion of PHM.

If the Worker does receive PHM's written permission to perform further and/or additional Work, the Worker must adhere to PHM's written safety procedures and all PHM policies in place, and any imposed written conditions that PHM in its sole discretion may determine are appropriate, to ensure that future violations of this Policy do not occur.

Workers that are in violation of this Policy may be in breach of their contract of employment with PHM. This breach of contract may result in the Worker being disciplined, up to and including termination for cause.

EMPLOYEE ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy of the Fitness for Duty Policy. By my signature below, I confirm my understanding and agreement with the Policy.

Name (Please print)

Signature

Date signed (DD-MM-YYYY)

DRAFT