

POL-ADM.2019.01 Title: *Fit for Work*



Type: User Services
Authority: CEO
Resolution No.: BMPL 2019-57 on 05-16-2019;
POL-PUB.2019.01
Associated Documents:

- *Occupational Health and Safety Act, (OHSA), R.S.O. 1990*
- *Canadian Centre for Occupational Health and Safety*
- *Ontario Human Rights Code, R.S.O. 1990*
- *Criminal Code, RSC 1985*

Legal Framework

The Associated Documents list above identifies the legislation and external documents which apply to this Health and Safety document and direct the CEO.

Scope

This Health and Safety policy applies to all BMPL Personnel and contractors/fee for service.

ADM.2019.01.1 Commitment to a Healthy and Safe Workplace

The BMPL is committed to providing a safe and healthy workplace which is free from the adverse impact of alcohol, and the abuse of legal or illicit substances. To promote this goal, employees, volunteers and contractors are required to report to work in a fit condition and perform their jobs safely and efficiently.

ADM.2019.01.2 Definition

1. **Substance:** Any substance, that if consumed, has the effect of intoxicating the user and/or impairing their ability to perform their job duties. This includes but is not limited to alcohol, opiates, hallucinogens, cannabinoids (e.g. cannabis) or medication (either prescription or over the counter, including medical cannabis).
2. **Medical Cannabis:** Cannabis provided by a physician to be used at a period when the employee would normally be at work and taken as directed.
3. **Workplace:** Includes any of the BMPL facilities or any site at which the employee attend as part of their duties (e.g. public park for program, other office for meeting, etc.).
4. **Impairment:** The inability to safely, competently or efficiently perform work duties without limitation resulting from substance use, after effects of substance use or otherwise being under the influence of substances.
5. **Misuse of Medication-** The intentional use of medication in a way or for a purpose that was not intended, or under circumstances that risks the health or safety of the employee, their co-workers and/or the workplace.
6. **Safety-Sensitive Position-** a position where impairment could result in direct risk of injury to any person, property (real or otherwise). This includes a direct and substantial impact on the safety or health of an employee, other workers, users, visitors, the public, the environment, BMPL property, or TBM property.

7. **Undue Hardship:** The limit of the BMPL's capacity to accommodate without experiencing an unreasonable amount of difficulty or expense. According to the *Ontario Human Rights Code*, an employer must provide accommodation "up to the point of undue hardship." This means accommodation does not need to be provided if doing so would impose an unreasonable burden on the BMPL, having regard to health, safety, and/or financial considerations.
8. **Illicit drugs:** These are drugs which are considered a controlled substance and illegal under the criminal code.
9. **Signs of Impairment:** May include, but are not limited to, personality changes or erratic behaviour (e.g. increased personality conflict, overreaction to criticism, and/or threatening behaviour); appearance of impairment at work (e.g. odour of alcohol, glassy or red eyes, unsteady gait, slurring or poor coordination); working in an unsafe manner or involvement in an accident/incident; consistent lateness; absenteeism; reduced productivity and quality of work, including frequent mistakes carrying out duties.

ADM.2019.01.3 Fit for Work

1. The employee is expected to report to the workplace *Fit for Work*, and remain fit for work for the entirety of their shift.
2. An employee is Fit for Work when they are in a state (physically and psychologically) to perform the essential duties of their job competently and in a manner which does not compromise the safety and health of themselves or others.
 - 2.1. Fit for Work is a Health and Safety matter.
 - 2.2. BMPL recognizes that employees who use or are impaired by substances while performing work endanger not only themselves, but their co-workers and users of the facility.

ADM.2019.01.4 Safety-Sensitive Positions

1. BMPL positions are considered safety sensitive positions when the employee:
 - 1.1. Works with the vulnerable sector;
 - 1.2. Is responsible supervisor of the building for part or all of their shift;
 - 1.3. Is a programmer;
 - 1.4. Has front desk shifts regularly scheduled.
2. Accommodations may not be possible for employees who work in safety-sensitive positions due to undue hardship, as hours are scheduled according to the needs of building supervision, programs, and front-desk duties.

ADM.2019.01.5 Prescription Medications

1. Prescription medication is understood to be provided in good faith by a medical practitioner for personal health and wellness, and to be used according to medical instruction.
2. It is also understood that while on some medications an employee may not meet the Fit for Work criteria if the medication can cause an impairment and the employee works in a safety-sensitive position.
3. It is the responsibility of the employee to notify their direct supervisor or CEO of any prescription drug which would could impact fitness for work.
4. BMPL will work with the employee to provide accommodation, where alternate duties are available. This may not always be possible, depending on the job description and necessary duties.

ADM.2019.01.6 Illicit Drugs and Alcohol

1. As the employee has access to and responsibility for the vulnerable sector and supervision of the facility, BMPL has a zero-tolerance policy for illicit drugs and alcohol use.

2. Violations shall result in disciplinary action up to and including termination.

ADM.2019.01.7 Duty to Report

1. Employees are the face of BMPL. Those who are seen by the public to be under the influence of substances may, not only cause a potential Health and Safety hazard, but also damage the brand and reputation of BMPL.
2. Employees have a duty to report any use of substances, including prescriptions which can cause impairment.
 - 2.1. BMPL acknowledges that employees with addictions may deny their addiction.
 - 2.2. BMPL also acknowledges that employees taking substances or prescriptions are aware of their use, and are therefore expected to report use. This is understood to be the reporting of use, not reporting of an addiction.
 - 2.3. BMPL encourages employees to report addictions and seek supports or treatment.
3. Coworker and supervisors have a duty to report any suspected impairment or addiction as a matter of health and safety.
 - 3.1. Reporting should be respectful and confidential.
 - 3.2. Reports of suspected impairment or addiction will be taken in good faith. False reports, made knowingly or maliciously, will follow the disciplinary process.

ADM.2019.01.8 Management Responsibilities

The CEO has the responsibility to:

1. Protect the workplace, the BMPL Personnel, and the users.
2. Establish and maintain a work environment in which all employees are treated with dignity, and that fosters a climate of understanding and mutual respect for the value of each employee.
3. Communicate with employees about the need to report to the workplace Fit for Work and remain Fit for Work throughout the entire workday. This includes answering questions about this policy.
4. Maintain confidentiality of personal information obtained during the process of addressing a concern regarding Fit for Work and refrain from disclosing personal information except to the extent that the disclosure is necessary for the purpose of investigating concerns, taking corrective action, protecting the health and safety of employees, or as otherwise required by law.
5. Promptly identify and manage performance issues that may be related to the use of an impairing substance, and/or substance dependency or addiction.
6. Ensure that employees are aware of the resources available to them.
7. Encourage employees needing support for addiction to seek professional care or treatment.
8. Ensure that employees understand the requirement to disclose the use of an impairing substance that may affect job performance or compromise their or others' health and safety in the Workplace.
9. Evaluate any employees for accommodation opportunities.

ADM.2019.01.9 Addiction

BMPL recognizes that addiction to illicit drugs, alcohol, or prescription medications is a serious health problem. The intent of this policy is to accomplish health and safety in a manner that is fair and consistent with the Human Rights Code. The ultimate goal is not to punish but help employees identify and get help for their substance abuse issues so that they can return to work healthy, safe, and productive. BMPL will support employees in taking medical leaves, as requested, to seek treatment programs.

ADM.2019.01.10 Return to Work

In the case of an employee taking leave to complete a treatment program:

1. A “return to work clearance” from a family doctor or treatment program will be required.
2. BMPL has the right to implement a drug testing as part of a return to work program.

ADM.2019.01.11 Exemptions

There are situations when employees may choose to participate in licensed events, such as at staff retreats, business luncheons, Gallery Openings, etc. Employees may choose to participate in alcohol use in these situations *providing* they do not become legally impaired or display signs of impairment.

Original Approval: 2019-05-16

Amended On: _____