

## **Alcohol, Recreational Cannabis and Unregulated or Regulated Drug Use Policy**

<b>Reviewed Date</b>		<b>Number</b>	<i>HR0108</i>
<b>Revised Date</b>	<i>August 30, 2024</i>	<b>Approved Date</b>	<i>September 26, 2012</i>

### **Introduction**

The Simcoe Muskoka District Health Unit (SMDHU) is committed to promoting a safe, healthy and productive workplace and positive community image for staff, students, board members and volunteers.

It is recognized that the consumption of alcohol, recreational cannabis, unregulated drugs, prescription medications and over the counter medications may impair a person's ability to perform their job properly which could have serious adverse effects on the safety and well-being of themselves, their co-workers, the public and impact upon the agency's reputation within our community.

As such substances may also negatively impact a person's health, SMDHU is committed within its public health mandate, to raising awareness of [drug and alcohol](#) related harm and strategies designed to reduce these harms among employees and non-employees of SMDHU and other workplaces in Simcoe Muskoka.

SMDHU acknowledges that there may be Health Unit sponsored social events held outside of business hours and off premises at which alcohol may be served. The safe provision of alcohol by contracted third parties at these events is of paramount importance to ensure minimal risk to individuals in attendance both from a health perspective and from a community image perspective.

### **Purpose**

This policy is put in place to inform SMDHU staff and Board Members of their obligations regarding the use of alcohol, recreational cannabis and drugs and the use of prescription and over the counter medications causing impairment while working for/or representing the Health Unit.

### **Legislative Authority**

Ontario Health and Safety Act, 1990

Cannabis Control Act, 2017

Smoke Free Ontario Act, 2017

As per subsections (1) and (2) of section 12 of the Smoke Free Ontario Act, 2017, cannabis (both recreational and medical) cannot be smoked, held as lighted or vaped inside an enclosed workplace which includes personal vehicles used for work and SMDHU vehicles.

Regulated Health Professions Act, 1991

## ***Policy Definitions and Interpretation***

**Staff** - are all individuals employed by or working for the Simcoe Muskoka District Health Unit, including full-time, part-time, temporary, casual, contracted personnel and volunteers, students and members of the Board of Health.

**Workplace** - as defined by the Occupational Health and Safety Act which includes all work and office locations where SMDHU business is conducted including SMDHU vehicles and personal vehicles while being used for work purposes, and home work places as approved by the Work From Home policy (OPO110).

**At Work** - an employee or non-employee is at work when they are performing job/placement /volunteer responsibilities on behalf of the Health Unit in any location.

**Alcohol** - any beverage which contains ethyl alcohol, including beer, wine, liqueurs and spirits. Low alcohol products (beer with 0.5% alcohol by volume) are included in this definition.

**Recreational Cannabis** – any cannabis product that contains THC/CBD and other properties of the plant for the purpose of recreational rather than medicinal means.

**Unregulated Drugs** - drugs which cannot be possessed under Canadian law, including a wide range of unregulated substances (e.g., cocaine, fentanyl, and those prescription drugs obtained without a physician's prescription).

**Prescription medication** - drugs which have been legally obtained with a physician's prescription including medical cannabis.

**Over the Counter Medication** - this is medication that may be obtained without a prescription e.g., cold or sinus medication, antihistamines, pain medication, etc. which may impair a person's abilities.

**Impairment** - functional limitation resulting from the use of alcohol or drugs which negatively affects a person by diminishing their ability to carry out the requirements of their assigned duties in a safe or efficient manner or affecting the safety and/or well-being of others.

**Under the influence** - refers to the presence of alcohol and/or drugs in the bloodstream, even in the absence of impairment and includes both the smell of alcohol or drugs on one's person and alcohol on one's breath.

**Health Unit Sponsored Social Event** - an official event sanctioned by the Health Unit to honour an individual or group of individuals or recognize a significant event or date, or planned to encourage positive relationships amongst Health Unit staff and their guests, which is authorized by management and planned using Health Unit resources, occurring during or after business hours at a Health Unit office or an off-site location.

**Third Party** - An establishment or individual licensed and trained to properly serve alcohol who by being the holder of such license assumes the responsibility/liability for the serving of alcohol.

## ***Policy***

A staff's use of alcohol, recreational cannabis or unregulated drugs that may cause impairment is not permitted on Health Unit premises or on paid Health Unit time. Accordingly, no alcohol, cannabis or unregulated drugs are allowed, nor may they be consumed or served, on or in a Health Unit workplace as it is deemed to be unacceptable and

inappropriate behaviour. Similarly prescribed or over the counter medications that jeopardizes either the health and safety or well-being of the staff member, the public and/or the reputation of the Health Unit should not be taken in a way or at a time that affects a staff's fit condition during working hours.

Accordingly, staff are expected to report to work in a fit condition and continue throughout the workday to be ready and able to conduct their duties free from the impairment effects of alcohol, recreational cannabis, unregulated drugs, or impairment from the use of prescribed or over the counter medications. This includes having no alcohol on one's breath or the smell of alcohol, cannabis or drugs on one's person. In addition, staff are expected to conduct themselves in a responsible and professional manner while representing the agency.

A Health Unit sponsored social event held outside of working hours at an off-site location where alcohol is available must be catered by a third party. The third party must assume the liability and responsibility for any and all alcohol consumption.

The SMDHU is a supportive work environment and any staff member whose use of alcohol, recreational cannabis or other drugs may affect or compromise the staff's ability to work and/or provide client care/service is encouraged to seek help through Health Unit's [Employee and Family Assistance Program \(EFAP\)](#).

### ***Procedures***

1. Any staff impaired by alcohol, recreational cannabis, or other unregulated drugs and/or whose use of alcohol, recreational cannabis or other unregulated drugs that may affect or compromise the staff's ability to work and/or provide client care/service is required to disclose their impairment to their Direct Supervisor.
2. The SMDHU is both a safety sensitive environment and a supportive work environment. Accordingly, a staff member with any drug/alcohol/cannabis dependency or addictions is required to disclose this to their Direct Supervisor, without fear of reprisal, so that the Health Unit may offer them treatment in order to assist them. In addition, staff are encouraged to seek help through the Health Unit [Employee and Family Assistance Program](#).
3. Staff have both a duty and a requirement to disclose to their Direct Supervisor situations where the individual is taking prescription or over the counter medications that have an impairment affect and/or may adversely affect their work performance during work hours. No staff member is required, nor will they be asked to disclose the reason for the use of the drug, only that they are taking a drug that may cause impairment at work. Once disclosed the Direct Supervisor will work together with the employee to formulate the best accommodation possible for the employee that meets both the employer and employee's needs, including the option of discontinuing work and returning home in a safe manner.

### **Staff shall not:**

1. Consume alcohol, recreational cannabis or unregulated drugs or be under their influence, smell of alcohol, cannabis or unregulated drugs on one's person or have alcohol on one's breath while working on behalf of the Health Unit or while in a Health Unit workplace.

2. Be impaired by alcohol, recreational cannabis or unregulated drugs while working on behalf of the Health Unit, while in a Health Unit workplace or while representing the agency at an off-site location on paid Health Unit time, or while a representative of the Health Unit where they are at the specific time formally in the capacity of acting on behalf of the Health Unit, notwithstanding whether they are on paid or unpaid time or at work.
3. Work or represent the Health Unit while impaired by prescription or over the counter medications. If the staff member is not able to complete their job/placement/volunteer responsibilities due to impairment by prescription or over the counter medications, they must advise their Direct Supervisor. The Direct Supervisor will determine the feasibility of retaining the individual at work.

**The SMDHU shall:**

1. Enforce with the agency this Policy consistently among all staff members.
2. Make available information of the health impact of alcohol, recreational cannabis and unregulated drugs, including substance use prevention.

Encourage the following for all staff members:

3. Offer access to treatment, without fear of reprisal, to a staff member who discloses any drug/alcohol/cannabis dependency or addictions.
4. Provide confidential counselling to staff who disclose a dependency or addiction to substances such as alcohol, recreational cannabis, unregulated drugs and/or medications through the Employee and Family Assistance Program or other community resources and to community supports as appropriate. Reasonable steps will be made to accommodate the staff member where alcohol and drug dependency is medically verified as a disability under the Human Rights Code.

**The Supervisor shall, in consultation with Human Resources:**

1. Initiate efforts, where reasonably possible to attempt to accommodate a staff member whose therapeutic use of prescribed medication may impair their ability to safely and/or competently perform their job/placement responsibilities or where alcohol, cannabis and drug dependency is medically verified as a disability under the Human Rights Code.
2. Initiate disciplinary action where it is deemed appropriate with a staff member in violation of this Alcohol, Recreational Cannabis and Unregulated or Regulated Drug Use policy, while ensuring the staff member is offered safe transportation to a health care facility and if not then as an alternative to the staff member's home by taxi.

***Violations of the Workplace Alcohol, Recreational Cannabis and Unregulated or Regulated Drug Use Policy***

1. Where the agency policy has been violated the following steps shall be taken to ensure the safety and well-being of the person(s) and others is immediately addressed and that the public image and reputation of the Health Unit is maintained.
  - a. If a staff member is deemed to be at work in an unfit impaired condition affecting their ability to continue working due to alcohol, recreational cannabis or unregulated drugs, a Supervisor will arrange to have the individual immediately

removed from their work location. A staff member shall be advised they are initially suspended with pay by way of a non-disciplinary administrative suspension, pending further investigation and consultation and that the Supervisor is reserving their right to discipline them. The Supervisor shall suggest the staff member immediately attend a health care facility for medical care and assessment. The Supervisor shall make every reasonable effort to ensure the individual is offered safe transportation to a health care facility and if not possible offer to send the staff member home by taxi. The Supervisor shall document all actions taken. The Supervisor shall inform the employee's Direct Supervisor along with informing the HR Manager if it is not the staff member's Direct Supervisor actioning this step.

If an individual is not impaired but is deemed to otherwise be in violation of this policy, (e. g. having alcohol/cannabis/drugs on one's breath or person) a Supervisor may, depending on the situation following obtaining clarification information from the staff person, arrange with the staff member to correct their appearance and/or public presentation accordingly so that they may continue working for the remainder of the day as a representative of the Health Unit. The Supervisor shall inform the individual they are reserving their right to discipline them pending further investigation and consultation and that they will get back to them with their decision. Notwithstanding, if the situation is deemed such that the individual should not be at work in the condition they are in or it cannot be determined if the employee is impaired or not, the employee shall be initially suspended with pay by way of a non-disciplinary administrative suspension. The Supervisor shall also inform the individual they are reserving their right to discipline them pending further investigation and consultation.

- b. Before returning to work from an initial non-disciplinary administrative suspension from work, the staff member will be required to meet with their Supervisor at which time a formal disciplinary response may be initiated. The Supervisor will remind the staff member of the Employee and Family Assistance Program's services and of community resources, if appropriate
- c. Supervisors should first attempt to contact Human Resources to discuss each individual situation prior to initiating any of the above steps. It is understood this may not always be possible. The Supervisor should also attempt to contact their Vice President for direction or to provide a summary of the situation.
- d. The Supervisor on behalf of SMDHU as the employer will adhere to legal requirements for reporting to a Regulatory College, where applicable (e.g., where safety is compromised / there is a risk of harm to clients).

**Note:**

- (i) The enforcement of this policy is of paramount importance to the Health Unit to ensure its reputation is maintained along with the health, safety and well-being of all of its staff and the public. As such, staff are requested to report to their Supervisor any staff member who may be in violation of this policy.
- (ii) Staff are encouraged to access the confidential EFAP services provided by SMDHU if a staff member identifies an issue related to their use of alcohol, recreational cannabis or unregulated drugs. Staff may also wish to speak to their Direct Supervisor or the Human Resource Department. The staff member will be

supported in accessing community resources, including the Health Unit's EFAP services as appropriate. Any discussion will be confidential.

***Related Policies***

HR0101 Employee Conduct

***Policy Sign-Off Form***

HR0108 Alcohol, Recreational Cannabis and Unregulated and Regulated Drug Use Policy

***Final Approval Signature:*** \_\_\_\_\_

Review/Revision History:

Revised – November 28, 2018

Revised - August 30, 2024