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## **Substance Use Policy**

### **1. POLICY STATEMENT**

In light of the Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts* on October 17, 2018, Pathway Non-Profit Community Developments Inc. of Peel ("Pathway") is committed to providing a safe, healthy and productive Workplace where Employees, the general public and the community are protected from the adverse effects of inappropriate use of Substances. Employees are expected to perform their work duties safely, competently and efficiently, without any limitation arising from Substance use or the after-effects of Substance use that risks their health or safety or that of any other person. This Policy is designed to promote cooperation among all Employees to prevent and address Substance use and Substance Dependence in the Workplace.

### **2. PURPOSE**

This Policy establishes expectations for reasonable behaviour as it relates to the use of Substances that could impact an Employee's or Contractor's ability to perform their work duties safely, competently and efficiently. The Policy strives to respect the dignity and privacy of individuals; and places a priority on treatment, accommodation and the successful recovery of Employees who have a Substance Dependence.

### **3. SCOPE**

**3.1.** This Policy applies to any full-time or part-time employee, any temporary or contract employee, any volunteer or any student or intern worker while at work as well as when said individual is conducting business on behalf of Pathway, whether at a Pathway property or elsewhere.

**3.2.** All Pathway Contractors are expected either to adopt this Policy and its Procedures as their own or to develop and enforce their own Substance Use Policy as it relates to themselves and their subcontractors' employees (if any) when engaged in work on behalf of the Pathway or while at any Pathway property. In this case Contractor's related policy must be at least as strict as Pathway Policy.

**3.3.** This Policy will be applied by Pathway with impartially, discernment and respect for the employee's confidentiality and privacy, and is in accordance with the relevant legislation of the *Ontario Workplace Safety & Insurance Act*, the *Controlled Drug and Substances Act*, the

*Occupational Health and Safety Act, the Ontario Human Rights Code and the Charter of Human Rights and Freedoms.*

#### 4. DEFINITIONS

##### Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. Beverage alcohol includes but is not limited to beer, wine, distilled spirits and very low alcohol products (e.g. beer with 0.5% alcohol by volume) as are included in this definition (Ontario Ministry of Health).

##### Cannabis

*Cannabis* also referred to as marijuana/marihuana, weed, pot, grass and many other terms, is a tobacco-like greenish or sometimes brownish material consisting of dried flowering, fruiting tops, and leaves of plants from the Cannabis family.

**Cannabis may also include:**

1. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not.
2. Any substance or mixture of substances that contains or has on it any part of such a plant.
3. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained

##### Methods of Cannabis Consumption

Cannabis is most often inhaled as smoke as a dried herbal product, either alone or as a concentrate mixed with tobacco, but it can also be vaporized. The flower of the cannabis plant can be made into a variety of products, including:

- dried herbal material (i.e., “marijuana”),
- oil (e.g., “hash oil”),
- hash (i.e., compressed resin),
- concentrates (e.g., “shatter”), or
- foods and beverages containing extracts of cannabis (e.g. “edibles”)
- ingested by pill form or in food, and;
- absorbed through the skin via creams, salves, or skin patches.

##### Contractor

Any person(s) providing services or goods to Pathway

	under a contract or other agreement not paid through the Pathway's payroll system.
Disability	Any previous mental or physical disability that includes disfigurement, including any previous or existing dependence on alcohol or a drug.
Employee	Any full-time or part-time employee, any temporary or contract employee, any volunteer or any student or intern worker.
Fit for Work	An Employee is able to perform the duties of the job with efficiency, competence and in a safe manner as compared to established or generally accepted performance standards.
Illicit Drugs	Any drug or substance that is not legally obtainable by the Employee and whose use, sale, possession, purchase or transfer is restricted or prohibited by Canadian law (which may include but is not limited to street drugs such as cocaine, heroin, hallucinogens, stimulants), and includes prescription drugs that have not been lawfully prescribed to the Employee.
Impaired/Unfit for Duty	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.
Manager	Any person(s) responsible for controlling or administering all or part of the activities, business dealings, contractors, employees and other aspects of Pathway.
Medication	A drug obtained legally, either over the counter or as properly prescribed by a registered and regulated health professional.
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, his/her co-workers and/or the Workplace
Safety Sensitive Positions	A position that if not performed in a safe manner can cause direct and significant damage to property and/or injury to the employee, others around them, the public and/or the immediate environment.

Substance	Any substance that is ingested, consumed or otherwise taken, and includes Alcohol, Cannabis, Illicit Drugs and Medication, the use of which represents a Misuse of Medication.
Substance Dependence	A primary, progressive, and chronic disease characterized by the regular, repetitive, habitual, compulsive, obsessive use of a Substance or a combination of substances. Moderate to Severe Substance Dependence is characterized by a preoccupation with the Substance(s), loss of control, increased tolerance to the Substance(s), harmful consequences in one or more major life areas, denial and delusion.
Undue Hardship	The limit of Pathway's capacity to accommodate without experiencing an unreasonable amount of difficulty. 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 Pathway, having regard to health, safety, and/or financial considerations.
Workplace	Any land, property, structures, facilities, premises, location, Pathway vehicle and equipment owned, leased, operated or otherwise controlled by Pathway or any other place at, upon, from or near which an Employee works in the course of his or her duties.

## **5. OBJECTIVES**

### **5.1. Pathway is committed to:**

- (a) Firmly and fairly enforcing the principle that its Employees must not be impaired while at work, while conducting business on behalf of Pathway (whether at a Pathway Property or elsewhere);
- (b) Communicating to Employees about the risks and potential consequences of Substance Use, Substance Dependence and Impaired Employees in the Workplace, including the negative impact on job performance, health and safety and disciplinary action that may result where an Employee reports for work in an Impaired/Unfit for Work state;
- (c) Providing education and training to help Employees, Managers and others to identify Impaired behaviour and/or to recognize warning signs that may indicate that they or another Employee may have a Substance Dependence, and to identify to them in either

instance what the appropriate response and next steps are, including advising regarding any rights to confidentiality that an Employee may have;

(d) Providing Employees who have a Substance Dependence with appropriate access to programs, services, benefits, or work accommodation in order to assist them to overcome their dependency in accordance with the Work Accommodation Policy.

## **6. TERMS AND CONDITIONS**

**6.1.** Employees must advise their supervisor if they reasonably believe that another Employee has a Substance Dependence problem or that another Employee is or has been Impaired while conducting business on behalf of Pathway (whether at a Pathway workplace or elsewhere).

**6.2.** Employees must be Fit for Work and not Impaired while at work, while conducting Pathway business (whether at a Pathway Workplace or elsewhere). It is the Pathway's expectation that Employees:

- o must not report for duty while impaired by Alcohol, Cannabis or Illicit Drugs;
- o must not use, possess, distribute, offer or sell Illicit Drugs or drug paraphernalia in the Workplace;
- o must not engage in the unauthorized consumption of Alcohol or Cannabis or Illicit Drugs while on duty or while in the Workplace, except where otherwise provided for in this policy;
- o must not engage in or suffer the continuing effects of Misuse of Medication while conducting business on behalf of Pathway (whether at a Pathway Workplace or elsewhere);
- o must use Medications responsibly, ensuring that their ability to perform work safely, competently or efficiently is not impaired;
- o when on standby or in on-call situations, must remain Fit for Work and not Impaired, or decline the call;
- o will, when attending a training event/seminar or when otherwise appearing at an event as a representative or ambassador for Pathway, use Alcohol and Cannabis responsibly, ensuring that they are not Impaired; and
- o will, when attending a business or staff function at which alcohol is served, only consume Alcohol and/or Cannabis when the function:
  - r does not take place in the Workplace;
  - r occurs outside of Pathway's business hours or the business hours of the individual employee;
  - r is otherwise approved by the General Manager and/or Supervisors of the Employee's department;
  - r is held at a licensed premise;

r is managed in a way that limits the risk for accidents, including identifying and eliminating potentially harmful situations; and  
r provides for ready access to alternate forms of transportation for Employees leaving the event, including taxis or public transit.

## **7. RESPONSIBILITIES OF EMPLOYEES**

### **7.1. Employees are responsible for the following:**

(a) To be Fit for Work and remain Fit for Work throughout their work day. This means being able to perform assigned duties safely, competently and productively without any limitations due to Substance use or the after-effects of Substance use. Employees must not consume Substances prior to reporting to work, during unpaid breaks or at any other time during their work day. This requirement applies to telecommuting Employees, notwithstanding that they are working from home.

(b) Understand that where there is reasonable cause to believe that the Employee is Impaired/Unfit for Work or may be unable to perform his or her job safely, competently and efficiently he or she will either be removed from duty; accommodated through other duties; or where the Employee has not disclosed any conditions that may be contributing to his or her Impaired/Unfit for Work state he or she may be subject to discipline, up to and including termination. The nature of the Employee's employment, previous instances of reporting for work in an Impaired/Unfit for Work state and whether or not an error or accident has occurred as a result of that state will be considered in the level of discipline that may be imposed.

(c) Where there is reasonable cause to believe that an Employee is engaging in Substance use or has a Substance Dependence that might hinder the Employee's ability to perform his or her assigned duties safely, competently or productively or which may compromise the employee's or others' health and safety, the Employee will be encouraged to self-disclose any conditions that might be contributing to his or her inability to do his or her job. Pathway will accommodate a declared Substance Dependence up to the point of Undue Hardship.

(d) Assume ownership of his or her Substance Dependence, including an expectation that the Employee will use counseling and treatment services available to him or her through the community. An Employee with a Substance Dependence will not be disciplined or terminated as a result of requesting help to overcome a Substance Dependence or as a result of his or her participation and involvement in rehabilitation efforts.

(e) Recognize that problems related to alcohol and drug use or dependency does not excuse inappropriate behaviour or unsafe work performance. Employees identified as having a Substance Dependence or who are voluntarily seeking or receiving treatment for Substance Dependence must:

o Undergo a Substance abuse professional assessment and follow the recommended treatment, rehabilitation and/or follow-up programs (e.g. after care) in order to ensure that their employment and position at the Pathway is maintained for them. An Employee who refuses to

participate or co-operate in such programs, may be subject to discipline, up to and including termination of his or her employment.

o Participate in work accommodation, if necessary and if available, during the course of treatment, rehabilitation or follow-up programs.

o Understand that their consent to the sharing of their rehabilitation status with their supervisor(s) after treatment and (where applicable) prior to their return to work, may be sought. Any information shared with the Employee's supervisor(s) will be assessed by Return to Work Services (Human Resources) on a "need-to-know" basis only in order to ensure that the Employee receives the appropriate level of support and Workplace monitoring on their return to work.

o Be aware that, if they refuse to consent to the sharing of rehabilitation information where it has been deemed necessary, they will not be able to return to work until Pathway has been assured that they do not pose a health and safety risk in the position to which they will be returning. Benefit entitlement during this period will be reviewed.

o Participate in any further treatment or follow up care that is necessary when they return to the Workplace to prevent recurrence or relapse.

## **8. MANAGERS AND SUPERVISORS**

**8.1.** Managers and Supervisors are responsible for the following:

(a) Communicate with Employees about the need to maintain a Workplace that is free from illegal Substance use. This includes answering questions about this Policy and its related Procedure.

(b) Early and regular identification and management of performance issues related to Substance use and/or Substance Dependence. If an Employee's work performance has deteriorated to an unacceptable level or an Employee's actions jeopardize his or her own health and safety, the health and safety of others or the reputation of Pathway, its Managers and Supervisors are responsible for taking appropriate remedial action.

(c) Remedial action that may be appropriate will include documenting performance issues; providing written feedback to the Employee along with the documented details of any Substance use or Substance Dependence related events. Return to Work Services (supervisor) should be contacted for assistance with this process.

(d) Encourage Employees to self-disclose any conditions or concerns, including Substance use or Substance Dependence that might impair their job performance or compromise their or others health and safety. Supervisors need to facilitate a working environment that is conducive to self-disclosure.

(e) Encourage Employees to disclose any conditions or concerns including Substance Use or Substance Dependence regarding a coworker that might impair the job performance or compromise health and safety.



(f) Identify and address any situation where an Employee appears to be Impaired/Unfit for Work that could impact their ability to perform their job in a safe, competent or efficient manner.

(g) Prohibit, without exception, the operation of a motor vehicle and/or machinery by an Employee who appears to be impaired/unfit for work.

(h) Abide by the accompanying Substance Use Procedure.

## **9. CORPORATE RESPONSIBILITY**

**9.1.** Corporation is responsible for the following:

(a) Maintaining confidentiality and employee privacy.

(b) Facilitate and support the safe, healthy and productive return to work of an Employee who receives treatment for Substance Dependence.

(c) Support all Employees in the application of this Policy and its related Procedure, including ensuring that the Policy and Procedure is communicated to Employees and providing assistance with respect to Policy interpretation.

(d) Maintain and regularly update this Policy as needed.

## **10. GENERAL MANAGER OR DESIGNATE**

**10.1.** General Manager and/or Designate are responsible for the following:

(a) Approve a business or staff function at which alcohol and/or the use of cannabis will be served and ensuring that:

- o the function occurs outside Pathway business hours;

- o in all cases, the serving of alcohol and/or use of cannabis is at a licensed premise;

- o the function is managed in a way that limits the risk for accidents, including identifying and eliminating potentially harmful situations; and

- o alternate forms of transportation for Employees leaving the event, including taxis or public transit, has been made available.

(b) Approve any exceptions to this policy only in situations that are required to serve a legitimate business purpose.

## **11. PROCUREMENT**

**11.1.** Procurement is responsible for the following:

(a) Ensuring that any Contractors that perform work on behalf of Pathway are made aware of the Pathway's expectations with respect to their obligation to either adopt Pathway's Policy and

Procedure or alternatively that they develop and enforce their own Substance Use Policy and Procedure.

## **12. ACCOMMODATION FOR THE USE OF SUBSTANCES FOR THERAPEUTIC PURPOSES**

As with any diagnosed medical condition or treatment plan, if an employee self-discloses or if it is determined that they are taking medications (including cannabis for therapeutic reasons) that may cause impairment or result in diminished functionality, the employer has a duty to accommodate.

Under the *Ontario Human Rights Code* dependence on drugs and or alcohol – referred to as substance dependence – is classified as a disability. For example, the employee with a substance dependence disability should be accommodated, such as being permitted to do their job (or assigned to other work as appropriate) while they are seeking treatment for their dependence.

Where it has been recommended by a certified medical professional that an individual is required to use cannabis for therapeutic purposes, considerations will be taken by Pathway regarding how the product is consumed (e.g., x amount to be taken at specific intervals), and for secure storage at the workplace, if necessary.

Pathway will be responsible for creating and specifying a designated area, away from entrances, and away from ventilation intake vents, in order for employees to properly use and dispose of cannabis for their needed therapeutic purposes.

Additionally, Pathway may be able to work with the designated employee and their physician(s) to determine if there is a possible use of alternate forms of cannabis use other than smoking that would be appropriate for the employee (e.g. pill form).

Note that the use of personal protective equipment may not be practical as there are no air purifying or disposable respirators designed and tested specifically for cannabis smoke and its by-products.

## **13. ACCOMMODATION FOR SUBSTANCE DEPENDENCE**

Pathway ensures that its substance use policies and practices meet the applicable provincial, territorial or federal legal standards. Pathway has satisfied, by law, to ensure that the health and safety of all employees is protected at work on accordance with its obligations under the *Ontario Workplace Safety & Insurance Act* and the *Occupational Health and Safety Act*.

Employment and human rights legislation also recognizes substance use dependence as a disability and therefore Employees of Pathway cannot be discriminated against in the workplace. Among other legal requirements, Pathway's substance use policies and practices are governed by ensuring health and safety for all employees, recognizing substance use dependence as a disability and addressing the duty to disclose, the duty to inquire and the duty to accommodate in accordance with Pathway's Policy.

Employees who have substance dependence issues for drugs or alcohol are encouraged to seek assistance before performance problems (whether or not in violation of this policy) lead to disciplinary action.

On being approached by an employee for help in overcoming a drug/alcohol problem, Pathway will put the employee in contact with a medical practitioner who, if necessary, will make a referral to an appropriate medical agency to assist the employee with his/her disability with respect to Substance Dependency.

The employer and employee should share with the physician a complete description of the job and related duties/responsibilities, the work schedule, if the position is classified as safety sensitive, and any other pertinent information. The physician will provide details on:

- o specific accommodation needs;
- o any restrictions or limitations;
- o if there is a treatment plan, and any relevant details of that plan;
- o any implications regarding behaviour, attendance or performance;
- o the plan for return to work if the employee is to be off work;
- o if the employee can safely perform the job, especially if the employee is in a safety sensitive position; and,
- o anticipated return to work date if on leave.

An acknowledgment by an employee with respect to Substance Dependency of drug or alcohol abuse will not be a cause for disciplinary action. Notwithstanding such, an employee's request for assistance will not be a defense to the imposition of disciplinary action where a violation of this or other policies/workplace rules has occurred.

Employees who enter a treatment program will be required to sign a form authorizing the administrators of such program to release to the Company information regarding the employee's progress and degree of commitment to the program.

The Company will exercise reasonable care and caution to maintain confidentiality relating to an employee's participation in a treatment program.

With respect to reentering the workforce upon being treated for Substance Dependence, Pathway will require the employee, upon returning to work, to sign a "last chance agreement", in which after he/she returns to work, the employee will promise to abstain from using substances to which he or she was previously addicted to and to submit to random testing and searches in order to keep up to date with the employee's recovery process.

This "last chance agreement" also provides for the ability of Pathway to terminate the employment of the employee in the event of he/she fails to comply with these obligations.

## **14. COMPLIANCE**

Non-compliance with this Policy may result in the appropriate disciplinary measures, up to and including dismissal from employment.

Disciplinary action may be taken as assessed on a case-by-case basis. The nature of an Employee's position, previous instances of reporting for work in an Impaired/Unfit for Work state and whether or not an error or accident has occurred as a result of that Impaired/Unfit for Work state will be considered in the determination of an appropriate disciplinary measure.

## **15. HISTORY**

This policy was updated by Pathway as of October 18, 2018.

This Substance Use Policy comes into force as of October 24, 2018