



MANAGEMENT REPORT

Date: July 19, 2018
Author: Balwinder Rai, Director, Human Resources
VanDOCS #: DOC/2018/302833
Meeting Date: July 25, 2018
TO: Library Board
FROM: Balwinder Rai, Director, Human Resources
SUBJECT: Alcohol, Controlled Drugs and Medications Policy

SUMMARY

This report recommends adoption of the Alcohol, Controlled Drugs and Medications policy modelled on the City of Vancouver's updated policy.

PURPOSE

The report is for decision.

RECOMMENDATION

That the Board adopt the Alcohol, Controlled Drugs and Medications policy.

COMMITTEE DISCUSSION

The Committee discussed the definition of at work and on break, areas related to the Code of Conduct, potential appropriate situations for exceptions, and issues that may arise as a result of the Canada Cannabis Act of 2018. They agreed to modify formatting in sections 1.1 (a) and (b) for clarity, and amended the review period for the policy to three years. The Committee noted that this policy will replace the former Substance Abuse policy of the City of Vancouver, which VPL staff have historically followed, and this Alcohol, Controlled Drugs and Medications policy will apply to VPL staff following approval by the Board.

BOARD POLICY

The VPL Board does not have an existing policy on this topic.

BACKGROUND

VPL has historically followed the previous City of Vancouver Substance Abuse policy. Best practices for human resources include a policy of this nature. The Alcohol, Controlled Drugs and Medications policy replaces the Substance Abuse policy.

DISCUSSION

The City of Vancouver's policy is aligned with best practices in the field and with legislative obligations under *WorkSafeBC* and the *BC Human Rights Code*. VPL has recommended adopting the policy without significant changes. This will continue the zero tolerance approach of the former City of Vancouver policy, which states that staff cannot drink alcohol or take drugs while at work, while incorporating the option for authorized exceptions. VPL will continue to encourage employees to seek assistance when dealing with substance abuse disorders.

As part of the Library's commitment to promoting a healthy and safe work environment for all its employees and members of the public, this policy emphasises safety as a priority, and recognizes that cannabis, along with all other controlled substances, remains prohibited in the workplace.

The Canada Cannabis Act of 2018 becomes law later this year. This policy takes the new legislation into consideration and when this new law becomes effective, the policy already will reflect the legal changes. This policy will continue to apply whether cannabis is legal or not as it falls under the purview of controlled drugs and medications, whether it is for recreational use or is medically prescribed.

NEXT STEPS

Following adoption of the policy, VPL Human Resources will publish the new policy and discuss it with staff at meetings.

FINANCIAL IMPLICATIONS

There are no financial implications to adopting this policy.

FINAL REMARKS

As the legal landscape changes, it is a best practice for organizations to have a policy that outlines the official position on controlled substances.



BOARD POLICY

SUBJECT: Alcohol, Controlled Drugs, and Medications	
CATEGORY: Human Resources	POLICY CODE: VPL-BD-HR-015-2018

Objective

The Vancouver Public Library and those who perform services on its behalf, have a shared responsibility to maintain a safe and healthy work environment. The use of Alcohol, Controlled Drugs and Medications can have a serious adverse effect on the health, safety and productivity of employees, on the work environment and the public.

The purpose of this policy is to:

- Set expectations regarding the use of Alcohol, Medication or Controlled Drugs that may render an employee unfit for work, impair performance or cause risk of harm to health and safety; and
- Ensure employees are aware of the Library's commitment to a safe workplace, and the potential serious consequences which may flow from breaches of this policy.

Considering the foregoing, the Library is committed to:

- Promoting a safe, healthy and productive working environment for all of its employees, contractors, and members of the public who interact with the Library.
- Providing encouragement and opportunities for individuals affected by a Substance Use Disorder to seek early assistance and pursue recovery.
- Effectively managing substance use issues which:
 - Impact the workplace, or
 - Affect an individual's ability to safely, reliably and efficiently perform their duties.
- Working with all parties to accommodate individuals affected by a Substance Use Disorder and managing the associated risks, particularly in safety sensitive positions.

Scope

This policy applies to all VPL employees and contractors performing work or providing services on behalf of the Library.

Definitions

Alcohol: includes wine, beer, distilled spirits and any liquid containing ethyl alcohol, whether or not intended as a beverage. It is not intended to include other products containing alcohol which are not intended for consumption, provided such products are used as directed.

Controlled Drug: includes any substance which affects physical or mental capacity (other than Alcohol, Medication or food), the possession, use, or sale of which is prohibited, restricted or controlled by law.

Medication: means a drug that is intended by the manufacturer, a physician, or the user for the treatment of a physical or mental condition, whether or not the drug is prescribed by a physician.

Substance Use Disorder: as defined by the *Diagnostic and Statistical Manual of Mental Disorders* (DSM–5) and commonly referred to as “addiction”.

Policy Statements

1. Responsibilities

- 1.1 All VPL employees and contractors performing work or providing services on behalf of the Library are to familiarize themselves with this Policy and adhere to it.

This includes specific responsibilities, in respect of:

a. Possession:

- i. To not cultivate, manufacture, distribute, offer or sell Controlled Drugs:
 - while at work or on break,
 - while attending at Library or City premises in their capacity as a VPL employee, or
 - while operating a Library or City owned or leased vehicle.
- ii. To not possess a Controlled Drug:
 - while at work or on a break,
 - while attending at Library or City premises in their capacity as a VPL employee, or
 - while operating a Library or City vehicle,unless:
 - a. the Controlled Drug is legally in the possession of the employee or contractor; and
 - b. the Controlled Drug is contained in its original, sealed and unopened packaging.
- iii. To not possess open Alcohol
 - while at work or on break,
 - while attending at Library or City premises in their capacity as a Library employee, or
 - while operating a Library or City vehicle.

An exception can be made for business or protocol functions where Alcohol consumption is specifically authorized in advance by the Director, Human Resources or the Chief Librarian.
- iv. To not distribute, offer or sell Medication for which a prescription is required
 - while at work or on break,
 - while attending at Library or City premises in their capacity as a Library employee, or
 - while operating a Library or City owned or leased vehicle.

b. Consumption:

- i. To abstain from use of Alcohol, Medication or Controlled Drugs prior to commencing work in a manner that could render them unfit to perform their duties safely and efficiently.
- ii. To abstain from use of Alcohol and Controlled Drugs
 - while at work or on break,
 - while attending at Library or City premises in their capacity as a Library employee, or
 - while operating a Library or City owned or leased vehicle.An exception can be made for business or protocol functions where Alcohol consumption is specifically authorized in advance by the Director, Human Resources or Chief Librarian.
- iii. To act responsibly with regard to the use of Medication, whether over-the-counter or prescribed by a physician, to prevent adverse effects on work performance. Individuals are responsible to consult a physician or pharmacist when the potential effects of a Medication or combination of Medications on work performance are unknown to the individual. Any potential mental or physical impairment or other adverse effect associated with the use of a Medication which affects work performance must be brought to the attention of a responsible manager immediately.

c. Performance:

- i. To report fit for duty whenever attending work, and remain fit for duty while on Library business or premises.
- ii. To notify a manager or director in responding to a call-in situation, that they are not fit for duty.
- iii. To notify a manager or director if they observe another employee or contractor whose ability to work appears to be affected by alcohol, a drug or other substance.

d. Treatment and Accommodation:

- i. To assume responsibility for substance use issues, seeking advice and following appropriate treatment to address substance use issues. Employees may access assistance through the Employee and Family Assistance Program (EFAP), their personal physician or appropriate community services for help with any alcohol or drug use issues that may be affecting work performance or attendance.
- ii. To co-operate in the accommodation process, including providing necessary medical information in a timely manner, and making all reasonable efforts to treat Substance Use Disorder. If an employee refuses or fails to disclose relevant information, this may result in delay, either in accommodation or return to work, or may impede the Library's ability to accommodate any disability.

1.2 Employees who are subject to a License Check under the VPL policy "Employees Driving Library (City) Owned or Leased Vehicles" are additionally responsible for:

- a. Immediately advising their manager of any loss or suspension of their driver's license when such loss or suspension:
 - i. Is required to be reported under the National Safety Code (NSC). (The NSC governs commercial vehicles licensed with a gross weight of more than 5,000 kg or has a seating capacity of 10 or more passengers plus the driver) and/or;
 - ii. Impacts work-related driving.

- b. Immediately informing their manager if they have been charged with any impaired driving offence (whether for drugs or alcohol). Impaired driving includes (but is not restricted to) refusing to provide a sample for testing at the request of a police officer.

2. Accommodation

- 2.1 The Library recognizes its duty to accommodate employees with disabilities, including Substance Use Disorder, to the point of undue hardship.
- 2.2 All parties have a shared responsibility concerning Substance Use Disorder treatment. The Library:
 - a. Recognizes that Substance Use Disorder is a treatable disability, subject to relapse, where early intervention greatly improves the probability of a lasting recovery.
 - b. Encourages employees affected by Substance Use Disorder to seek treatment and rehabilitation as soon as possible.
 - c. Depending on the circumstances, may assist employees with their treatment and rehabilitation efforts.
- 2.3 The Library is:
 - a. Not obligated to accommodate beyond the point of undue hardship.
 - b. Not required to continue to employ any person whose job performance is impaired beyond the limit of reasonable accommodation because of a Substance Use Disorder.
 - c. Not required to continue to employ or to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired beyond the limit of reasonable accommodation as a result of addiction to Alcohol, Medication or Controlled Drugs.

3. Confidentiality

- 3.1 Personal information collected, used or disclosed by the Library is in accordance with the B.C. Freedom of Information and Protection of Privacy Act (FIPPA) and the Library's Protection of Privacy Policy.
- 3.2 Medical information is the personal property of the employee, however, failure to provide may impact an employee's Return to Work, Stay at Work or entitlement to benefits or the accommodation process.
- 3.3 Unless the employee otherwise provides consent, the Library will:
 - a. Maintain the confidentiality of information obtained under this Policy. The Library will use obtained information only for the purposes of administering this Policy, where limited disclosure is necessary for related health and safety concerns (e.g. where there is deemed to be a potential for risk to self, others or the Library), or as required by law.
 - b. Only disclose to the employee's supervisor, manager or director information related to the employee's fitness for work and any applicable restrictions; and further, such disclosure will only be undertaken where necessary for a legitimate work purpose.

Non-compliance Consequences

Consequences flowing from a contravention of this Policy will be determined on a case by case basis, taking into account the relevant circumstances. However, in general:

1. Employees who contravene this Policy may be subject to:
 - a. In the case of culpable conduct, discipline up to and including termination of employment.
 - b. In the case of non-culpable conduct, measures such as, but not limited to: removal from active duty; drug and/or alcohol testing; transfer to non-safety sensitive duties; medical assessment; monitoring programs.
 - c. In the case of hybrid conduct (e.g. Substance Use Disorder related conduct which contains elements of culpable and non-culpable behavior), any combination of the measures outlined in (a) and (b) above, depending on the circumstances of each case.
2. Employees who are in safety sensitive positions are additionally responsible for understanding that more significant consequences may result from their contravention of this policy, as impaired performance creates more serious safety risks for themselves and others.
3. Contractors performing work or providing services on behalf of the Library who contravene this policy may be subject to termination of their contract.

Policy Administration Roles and Responsibilities

Director, Human Resources	Oversees and recommends updates to the policy as required.
SFHR Committee	Reviews policy as required and recommends changes to the Board
Board	Approves policy and revisions to the policy
Chief Librarian	Administers the policy

Related Policies

- Code of Conduct
- Employees Driving Library (City) Owned or Leased Vehicles
- Occupational Health & Safety Policy
- Protection of Privacy
- Whistleblowing – Reporting, Investigation and Protection

Approval History

ISSUED BY:	Library Board	APPROVED BY:	Library Board	DATE:	2018/??/??	NEW POLICY
DATE OF NEXT REVIEW		2021/??/??		REVIEW CYCLE	3 Years	

Appendices

Further support to this policy is provided by:

- a. The Employee & Family Assistance Program (EFAP) provider.
- b. Supplementary Processes (as follows) which may be developed as required, or in response to changes in the law or applicable jurisprudence.

Supplementary Processes - Drug and Alcohol Testing

1. Alcohol and/or drug testing may be used in the investigative process regarding Alcohol and drug issues at the work place.
2. An employee will not be unreasonably asked to undergo alcohol or drug testing.
3. The Library may decide to require that an employee undergo alcohol or drug testing in three situations:
 - a. Reasonable cause, where an employee exhibits, or evidence points to, behavior sufficient to give the Library's reason to believe that the employee may not be fit for duty due to alcohol or drugs. Observed behaviours may include slurred speech, smelling of alcohol, etc.
 - b. Post incident / Near miss, where a significant event has occurred and there is a need to inquire into that event to determine the cause. This is done only in cases where there is a possibility that the event may have been caused by an employee's substance use. Testing is only completed by a qualified service provider and paid for by the employee's business unit.
 - c. Post treatment (random testing for monitoring abstinence), where a medical professional has recommended testing as part of relapse prevention or post treatment regime. In most cases monitoring is recommended following treatment, to mitigate safety risks, especially when the employee is returning to a safety sensitive position or where supervision is limited. Depending on the circumstances, abstinence monitoring may be recommended in non-safety sensitive positions. Testing is only completed by a qualified service provider and paid for in accordance with the employee's individual Return to Work Agreement and/or other plans.