

STATEMENT of POLICY and PROCEDURE			
Chapter:	Human Resources	SPP No.	HR 6.06.ON
Section:	Health and Safety	Issued:	Dec. 16, 2019
Subject:	ALCOHOL and DRUGS in the WORKPLACE	Effective:	Jan. 1, 2020
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1 POLICY

- 1.01 The **Community Resource Centre** is committed to firmly and fairly enforcing the principle that its employees or independent contractors must not be impaired while at work or while conducting the **Community Resource Centre** business (whether at a **Community Resource Centre** workplace or elsewhere).
- 1.02 No employee may possess, consume, sell or transport alcohol or illicit drugs or recreational marijuana while in the course of their duties, including during lunch and/or rest periods or while on the premises of the **Community Resource Centre** or while conducting **Community Resource Centre** business (whether at a **Community Resource Centre** workplace or elsewhere). For greater certainty:
- (a) No employee may possess or consume alcohol on the premises of the **Community Resource Centre** or while conducting **Community Resource Centre** business (whether at a **Community Resource Centre** workplace or elsewhere), unless the consumption is specifically authorized by the **Community Resource Centre** as part of a social event sponsored by the **Community Resource Centre** for employees and/or clients.
 - (b) No employee may possess or consume illicit drugs at any time while on the premises of the **Community Resource Centre** or while conducting **Community Resource Centre** business (whether at a **Community Resource Centre** workplace or elsewhere).
 - (c) Subject to paragraph 7.02 below, no employee may possess or consume recreational marijuana at any time while on the premises of the **Community Resource Centre** or while conducting **Community Resource Centre** business (whether at a **Community Resource Centre** workplace or elsewhere).
 - (d) No employee can enter the **Community Resource Centre's** premises or be impaired while on the premises of the **Community Resource Centre** or while performing their duties for the **Community Resource Centre**, or while conducting **Community Resource Centre** business (whether at a **Community Resource Centre** workplace or elsewhere) due to the use of alcohol, illicit drugs or from the use of recreational or medical marijuana.
- 1.03 No employee may make any commitments on behalf of the **Community Resource Centre** if they are impaired by alcohol or illicit or recreational or medical drugs.
- 1.04 Employees who suspect that they have alcohol or drug dependency are encouraged to disclose it to their supervisor, seek advice or accommodation and follow appropriate treatment. In order to support employees who wish to address issues relating to alcohol or drug consumption, the Employee Assistance Program (EAP) will provide counselling and resources to assist such efforts

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2 PURPOSE

2.01 The **Community Resource Centre** is committed to ensuring the health and safety of all employees and the public at large, maintaining the integrity and reputation of the **Community Resource Centre**, and to providing special consideration for substance dependencies and medically necessary drug use. Otherwise and subject to paragraphs 7.01, 7.02 and 7.03 below, the **Community Resource Centre** does not tolerate the consumption, possession, sale or transportation of illicit or recreational drugs or alcohol by employees while on duty or on the premises of the **Community Resource Centre**. 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 use disorder.

3 SCOPE

3.01 This Statement of Policy and Procedure applies to all employees while at work and while conducting **Community Resource Centre** business (whether at the workplace or elsewhere).

3.02 **Independent contractors** are expected to either adopt this Policy and its Procedures as their own or to develop and enforce their own policies regarding alcohol and drugs in the workplace, which will be provided for the Organization's reasonable review prior to any work being performed by the independent contractor on behalf of the **Community Resource Centre**, as it relates to their and their subcontractors' employees (if any) when engaged in work on behalf of the **Community Resource Centre** or while at any **Community Resource Centre** workplace.

4 RESPONSIBILITY

4.01 **Management** is responsible for:

- (a) Ensuring the consistent administration of this policy.
- (b) Enforcing firmly and fairly the principle that employees must not be impaired while at work or while conducting **Community Resource Centre** business (whether at a **Community Resource Centre** workplace or elsewhere).
- (c) Communicating to employees about the risks and potential consequences of substance use, substance use disorder and impairment 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.
- (d) Providing education and training to help employees, supervisors and others to identify impaired behaviour and/or to recognize warning signs that may indicate that they or another employee may have a substance use disorder, 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.

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- (e) Providing employees who have a substance use disorder with appropriate access to programs, services, benefits or work accommodation in order to assist them in recovering from their dependency in accordance with SPP HR 5.04.ON — Accommodation on the Basis of Disability.
- (f) Ensuring that independent contractors are made aware of the **Community Resource Centre's** expectations with respect to their obligation to either adopt the **Community Resource Centre's** Policy and Procedures or to alternatively develop and enforce (upon receiving prior written consent from the **Community Resource Centre** to the same) their own alcohol and drugs in the workplace policy and procedures.
- (g) Communicating with employees about the need to maintain a workplace that is free from impairment caused by alcohol or drug (whether illicit, prescribed or recreational) use. This includes answering questions about this Policy and its related Procedures.
- (h) Early and regular identification and management of performance issues related to impairment caused by alcohol or drug use and substance disorder or dependence. If an employee's work performance has deteriorated to an unacceptable level or an employee's actions jeopardize their own health and safety, the health and safety of others or the reputation of the city, managers and supervisors are responsible for taking appropriate remedial action.
- (i) Taking appropriate remedial action, including but not limited to, documenting performance issues; providing written feedback to the employee along with the documented details of any impairment caused by alcohol or drug use or substance use disorder/dependency related events; and/or making a suggested or formal referral for an assessment to the Employee and Family Assistance Program (EFAP). A return-to-work program should be contacted for assistance with this process.
- (j) Encouraging employees to self-disclose any conditions or concerns, including alcohol or drug use or substance use disorder/dependency that might impair their job performance or compromise their or others' health and safety. Supervisors and managers need to facilitate a working environment that is conducive to self-disclosure.
- (k) Encouraging employees to disclose any conditions or concerns including alcohol or drug use or a substance use disorder/dependency regarding a co-worker that might impair their job performance or compromise health and safety.
- (l) Identifying and addressing any situation where an employee appears to be impaired/unfit for work that could impact the employee's ability to perform their job in a safe, competent or efficient manner.
- (m) Prohibiting, without exception, the operation of a motor vehicle and/or machinery by an employee who appears to be impaired/unfit for work.
- (n) Abiding by the Alcohol and Drugs in the Workplace policy and procedures.
- (o) Maintaining confidentiality and employee privacy in accordance with policies and the law.
- (p) Facilitating and supporting the safe, healthy and productive return to work of an employee who receives treatment for alcohol and drug use or substance use disorder/ dependency.

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4.02 **Employees** are responsible:

- (a) For minimizing the risk of unsafe and unsatisfactory performance due to alcohol or drug use (whether illicit, prescribed or recreational) and for reporting fit to work and remaining fit for work throughout their shift. This means being able to perform assigned duties safely, competently and productively without any limitations due to any substance use or the after-effects of any substance use, including impairment. Employees must not consume any substances (alcohol or drugs) prior to reporting to work, during breaks or at any other time during their workday. This requirement applies to telecommuting employees during work hours, notwithstanding that they are working from home.
- (b) For performing their duties safely and acceptably without any limitations due to the inappropriate use or after-effects of alcohol or drugs.
- (c) For disclosing any prescription drug use (e.g., medical marijuana) that could hinder their performance or render them impaired.
- (d) For advising their supervisor if they reasonably believe that another employee has a substance use disorder/dependence or that another employee is or has been impaired while at work or while conducting **Community Resource Centre** business (whether at a **Community Resource Centre** workplace or elsewhere).
- (e) For not engaging in or suffering the continuing effects of, misuse of medication while at work, while conducting **Community Resource Centre** business (whether at a **Community Resource Centre** workplace or elsewhere).
- (f) For using medications responsibly, ensuring that their ability to perform work safely, competently or efficiently is not impaired.
- (g) When on standby or on call, for remaining fit for work and not impaired, and for not declining a call.
- (h) When attending a training event/conference/seminar or when otherwise appearing at an event as a representative for the **Community Resource Centre** where alcohol is served, for using alcohol responsibly, ensuring that they are not impaired.
- (i) When attending a business or staff function at which alcohol is served, for only consuming alcohol when the function:
 - does not take place in the workplace;
 - occurs after standard **Community Resource Centre** business hours;
 - is otherwise approved by the Manager of the employee's department;
 - is held at a licensed premise;
 - is managed in a way that limits the risk for accidents, including identifying and eliminating potentially harmful situations; and
 - provides for ready access to alternate forms of transportation for employees leaving the event, including taxis or public transit.

4.03 The **Executive Director** will:

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- (a) Approve any exceptions to this policy only in situations that are required to serve a legitimate business purpose.
- (b) Approve a business or staff function at which alcohol will be served and the process and procedures to follow.

5 DEFINITIONS

- 5.01 “**Alcohol**” is 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 as are included in this definition.
- 5.02 “**Employee**” is any full-time or part-time employee, any temporary or contract employee, any volunteer or any student or intern worker.
- 5.03 “**Illicit Drugs**” is 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 and stimulants) and includes prescription drugs that have not been lawfully prescribed to the employee.
- 5.04 “**Impaired**” means the inability to safely, competently or efficiently perform work duties without limitation resulting from alcohol or substance use, after-effects of alcohol or substance use or otherwise being under the influence of alcohol or substances.
- 5.05 “**Standard Drink**” means 1.5 oz of hard liquor (40% alcohol), 5 oz of wine (12% alcohol) or 12 oz of beer (5% alcohol).
- 5.06 “**Temporary suspension**,” for the purpose of this policy, means removal from the workplace and being sent home immediately by taxi or other safe means.
- 5.07 “**Workplace**” means the location where the employee is performing assigned job duties and may include **Community Resource Centre’s** premises, client premises, conference locales or an employee’s vehicle if used for business purposes during working hours.
- 5.08 “**Fit for Work**” means 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.
- 5.09 A “**Prescribed Drug**” or “**Medication**” is a drug obtained legally, either over the counter or as

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properly prescribed by a registered and regulated health professional.

- 5.10 “**Substance**” is any substance that is ingested, consumed or otherwise taken and includes alcohol, illicit drugs, recreational drugs and prescribed drugs or medications, the use of which represents a misuse of the medication.
- 5.11 “**Undue Hardship**” is the limit of **Community Resource Centre’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 **Community Resource Centre**, having regard to health, safety and other considerations.
- 5.12 “**Misuse of medication**” is the intentional or reckless 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.
- 5.13 “**Substance use disorder**” or “**Substance dependency**” is 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 use disorder 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.
- 5.14 “**Independent contractor**” is any person(s) providing services or goods to **Community Resource Centre** under a contract or other agreement not paid through **Community Resource Centre’s** payroll system.

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

Human Rights Code (Ontario)

Liquor Licence Act (Ontario)

Occupational Health and Safety Act (Ontario)

Cannabis Control Act, 2017 (Ontario)

Smoke-Free Ontario Act, 2017 (Ontario) and Regulations

Cannabis Act (Canada)

An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts (Canada)

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Controlled Drugs and Substances Act and Regulations (Canada)

SPP HR 5.04.ON — Accommodation on the Basis of Disability

SPP HR 5.05.ON — Conduct and Behaviour

SPP HR 5.06.ON — Discipline

SPP HR 6.11.ON — Smoking/Vaping in the Workplace

7 PROCEDURE

7.01 Prescribed Drugs/Medication

- (a) All employees who are required to use prescription and over-the-counter medication, including medical marijuana, will do so responsibly. Employees are expected to consult with their physician or pharmacist to obtain the proper paperwork and determine if the medication used may cause impairment.
- (b) Employees are required to notify and disclose to their managers if they are under a medical program of treatment that requires the consumption of prescription drugs, including medical marijuana which may cause impairment. Notification of the treatment program should include the drug and dosage prescribed, the frequency of the dosage and, in the case of medical marijuana, the licence or authorization to use.
- (c) Managers must make an initial assessment of whether the impairment is likely to jeopardize the safety of the employee, co-workers or members of the public.
- (d) The **Community Resource Centre** may require an employee who is using prescription medication or over-the-counter medication, including medical marijuana, which is labelled or known to the employee to cause impairment to provide proof, reasonable in the circumstances, that such use is necessary and recommended by a qualified medical practitioner for the treatment of a medical condition or disability.
- (e) The **Community Resource Centre** may require an employee who is using prescription medication or over-the-counter medication, including medical marijuana, which is labelled or known to the employee to cause impairment to be assessed by a qualified medical practitioner in order to determine the expected level of impairment from such a program and to advise management of any accommodation that may be required.
- (f) Employees who are using prescription medication or over-the-counter medication, including medical marijuana, which is labelled or known to the employee to cause impairment may request accommodation in accordance with SPP HR 5.04.ON — Accommodation on the Basis of Disability.
- (g) Any authorized consumption of medical marijuana in the form of marijuana cigarettes must be in accordance with SPP HR 6.11.ON — Smoking/Vaping in the Workplace.
- (h) Employees are prohibited from sharing their prescription medications, including medical marijuana, with co-workers. A violation of this prohibition will lead to disciplinary action up to, and including termination for cause.

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- (i) All accommodation of an employee using prescription drugs or medical marijuana is on a case-by-case basis and according to the employee's need and in accordance with SPP HR 5.04.ON — Accommodation on the Basis of Disability.
- (j) Employees must follow the accommodation agreement made for and with them in accordance with SPP HR 5.04.ON — Accommodation on the Basis of Disability, to be fit for work and remain fit for work throughout their workday. 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.
- (k) If, in the judgment of a manager, an employee's ability to safely or satisfactorily perform their duties has been impaired by prescription drugs or medical marijuana, the manager must immediately take such steps as are necessary to prevent the person from causing any injury to themselves or others and may, if necessary, place the employee on a temporary suspension.

7.02 **Recreational Marijuana or Illicit Drugs**

- (a) Employees must not use, possess, distribute, offer or sell illicit drugs or drug paraphernalia in the workplace. Subject to 7.01, smoking, vaping or ingesting any form of recreational marijuana, consuming edibles made of marijuana or using oil derived from marijuana in the workplace is strictly prohibited during work hours, during lunch or meal breaks and during any other breaks inside and away from the workplace (i.e., telecommuting during work hours) and on organization premises or at organization-related events.
- (b) Recreational marijuana or illicit drugs will not be accepted at any work-related functions, even if alcoholic beverages may or may not be served.
- (c) All employees who use recreational marijuana during non-work hours will do so responsibly and will ensure they are fit for work and remain fit for work throughout their workday. 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.
- (d) Subject to 7.01, employees must not consume any substances (legal or illegal) prior to reporting to work, during breaks or at any other time during their workday. This requirement applies to telecommuting employees, notwithstanding that they are working from home.
- (e) Employees must understand that where there is reasonable cause to believe that the employee is impaired/unfit for work or may be unable to perform their job safely, competently and efficiently, they will either be removed from duty and put on a temporary suspension, accommodated through other duties, or, where the employee has not disclosed any conditions that may be contributing to their impaired/unfit-for-work state, they 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

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will be considered in the level of discipline that may be imposed.

- (f) Where there is reasonable cause to believe that an employee is engaging in substance use or has a substance use disorder that might hinder the employee's ability to perform their assigned duties safely, competently or productively, or which may compromise the employee's or other employees' health and safety, the employee will be encouraged to self-disclose any conditions that might be contributing to their inability to do their job. The **Community Resource Centre** will accommodate a declared substance use disorder/dependency up to the point of undue hardship in accordance with SPP HR 5.04.ON — Accommodation on the Basis of Disability. If, in the judgment of a manager, an employee's ability to safely or satisfactorily perform their duties has been impaired by illicit or recreational drugs, the manager must immediately take such steps as are necessary to prevent the person from causing any injury to themselves or others and may, if necessary, place the employee on a temporary suspension.
- (g) All accommodation of an employee with substance use disorder/dependency is on a case-by-case basis and according to the employee's need and in accordance with SPP HR 5.04.ON — Accommodation on the Basis of Disability.
- (h) Employees must follow the accommodation agreement made for and with them in accordance with SPP HR 5.04.ON — Accommodation on the Basis of Disability, to be fit for work and remain fit for work throughout their workday. 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.

7.03 Alcohol

- (a) Employees must be fit for work and not impaired while at work or while conducting organization business (whether at a **Community Resource Centre** workplace or elsewhere). It is the organization's expectation that employees must not report for duty while impaired by alcohol.
- (b) Employees must not engage in the unauthorized consumption of alcohol while on duty or while in the workplace (inside or outside the **Community Resource Centre's** premises), except where otherwise provided for in this policy. Employees will only distribute, offer or sell alcohol if they are required to do so as part of their job duties.
- (c) All work-related functions at which alcoholic beverages may be served must have the advance and written approval of the **Executive Director**. Under some circumstances, the **Community Resource Centre** may also sponsor special events at which alcoholic beverages may be available.
- (d) The **Community Resource Centre** will arrange for alternate transportation for individuals who have consumed alcohol to the point of impairment. Such transportation may include the provision of bus tickets, taxi chits or the use of designated drivers.
- (e) The **Community Resource Centre** may call police if an individual refuses alternate transportation and it appears likely that the individual will drive while impaired.

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- (f) While attending any work-related function, on or off **Community Resource Centre** premises, an employee who consumes alcoholic beverages is expected to do so in a responsible manner. Each employee is expected to know their own tolerance for alcohol.
- (g) An employee who suffers from alcohol dependency may be entitled to accommodation pursuant to SPP HR 5.04.ON — Accommodation on the Basis of Disability.
- (h) If, in the judgment of a manager, an employee's ability to safely or satisfactorily perform their duties has been impaired by alcohol, the manager must immediately take such steps as are necessary to prevent the person from causing any injury to themselves or others and may, if necessary, place the employee on a temporary suspension.

- 7.04 Employees identified as having a substance use disorder/dependency or who are voluntarily seeking or receiving treatment for substance use disorder/dependency (whether from illicit, prescription or recreational drugs or alcohol) must:
- (a) 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 **Community Resource Centre** 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 their employment.
 - (b) Participate in work accommodation, if necessary and if available during the course of treatment, rehabilitation or follow-up programs.
 - (c) 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 a return-to-work program 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.
 - (d) 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 the **Community Resource Centre** has been assured that they do not pose a health and safety risk in the position to which the individual will be returning. Benefit entitlement during this period will be reviewed.
 - (e) Participate in any further treatment or follow up care that is necessary when they return to the workplace to prevent recurrence or relapse.
- 7.05 All employees must recognize that problems related to alcohol and drug (illicit, prescribed or recreational) use or dependence does not excuse inappropriate behaviour or unsafe work performance.
- 7.06 Subject to an exception under this policy, a breach of this policy may result in disciplinary action up to and including termination in accordance with and pursuant to SPP HR 5.06.ON — Discipline.