

FIT FOR DUTY POLICY

This document is the parent policy for any College or divisional procedures. Questions regarding this policy are to be directed to the identified Policy Administrator.

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| Functional Category: | Human Resources |
| Approval Date: | January 12, 2022 |
| Effective Date: | January 12, 2022 |
| Policy Owner: | Vice President, People and Culture |
| Policy Administrator: | Director, People and Talent Operations |

Objective:

NorQuest College (college) is committed to the safety, health and wellness of its students, employees and the community. The college recognizes that the improper use of drugs and alcohol by employees can have adverse effects in the workplace. All members of the college community will foster an impairment-free work and learning environment.

Authority to establish this policy is derived from the [NorQuest College Board of Governors Policy No. 5](#), which delegates authority to the President and CEO to establish policies and procedures for the college’s management and operation.

Policy:

This policy, in conjunction with legislative requirements and the college’s other policies, is intended to establish consistent expectations regarding members of the college community being fit for duty, and to assist in providing a safe, healthy and productive environment for all employees, and for the community as a whole.

- Employees must be able to safely and effectively undertake their work-related activities. Employees shall report to work fit for duty and remain fit for duty.
- Employees, contractors and volunteers have a duty to disclose to their manager or People and Talent Operations when they are impaired, have consumed a substance that may cause impairment, or are otherwise not fit to undertake their workplace activities.
- If unexpected circumstances arise where an employee is asked to perform unscheduled services and they are impaired, it is the responsibility of that employee to disclose that they are not fit for duty.
- Members of the college community who suspect that an individual is impaired are responsible for reporting the concern to their manager. If there is an immediate safety risk, Security should be contacted.
- A manager is required to stop individuals from performing work-related activities if they are demonstrating signs of impairment. An employee who does not appear to be fit for duty may be required to leave work and comply with a request for testing as set out herein.
- Individuals shall not use, distribute, or offer for sale drugs (including cannabis) while on the college’s property, at a workplace or while otherwise acting in the course of their employment with the college.
- The college respects and fulfills its legal and contractual obligations. In the event of a conflict or inconsistency between this policy and a

provision in the relevant acts or collective agreements, the provisions in the acts or collective agreements shall apply.

- Employees shall comply with all other applicable policies, procedures, rules, regulations and legal requirements that are imposed by any of the college's partners, related to alcohol, illicit drugs, cannabis or medications.
- Responsible and lawful alcohol or medication use is permitted on college property where such use is not in breach of federal, provincial, or municipal laws, or related college policies or procedures, provided that:
 - the expectations around use are observed;
 - that consumption is controlled so there is no inappropriate behavior at the function or potential for impaired driving afterwards; and
 - alternative transportation arrangements are made available.
- In the case of any college social event, appropriate regard will be taken for the safety and well-being of the individuals present and the community.
- Breaches of this policy may result in remedial action and/or legislative penalties, up to and including termination of employment for just cause or, severing of the relationship with the employee. The college has the authority and the discretion to suspend any employee who is believed to be involved in an incident that could lead to disciplinary action pending the results of any investigation into that incident.

Medicinal Use Requirements

- Employees who require the use of medication, including medicinal cannabis, while on the college's property, at a workplace or learning environment, or while otherwise acting in the course of their work for the college must, prior to using any such medication:
 - Consult with their medical professional about whether the medication could interfere with their ability to remain fit for duty;
 - Advise the college if the medication may interfere with their ability to remain fit for duty, and provide the college with an authorization/prescription from a licenced treating physician;
 - Consent to and facilitate communication between the college and their medical professional, where necessary, to allow the college to seek information needed to determine if the impairing side effects of the medication can be accommodated;
 - If accommodations can be made to allow for the use or possession of the medication, comply with the terms of any such accommodations.
- An employee shall not be in violation of this policy if that employee is in possession of medication where:
 - the use of the medication does not adversely affect the ability to remain fit for duty, and is used for its intended purpose and in the manner directed by the employee's physician or pharmacist or the manufacturer of the drug, or
 - there are potentially unsafe side effects associated with the use of the medication and the employee has notified People and Talent Operations before starting work of any potentially unsafe side

effects, and the employee complies with conditions and limitations set by the college respecting the possession and use of the drug before reporting to work and while on college property, at a workplace or while otherwise acting in the course of their work for the college.

- Employees are to keep medications in closed packaging and in a locked space or vehicle.

Disclosure and Rehabilitation

College employees may be unable to comply with this policy because they have a substance use disorder. Any such employee may be regarded as having a disability under human rights legislation. This does not mean that addicted individuals will be allowed to work while impaired.

The college is committed to providing education and harm reduction supports to employees regarding the use of substances that may cause impairment, and acknowledges that it has a duty to accommodate employees who have a substance use disorder and that it will accommodate such employees as is legally required.

- Employees who suspect that they have a substance use disorder or an emerging drug or alcohol problem must speak with their manager, or with a member of People and Talent Operations to seek advice and to follow appropriate treatment before their job performance is impacted.
- The college encourages employees who suspect that they may have a substance use disorder to request help voluntarily. The employee may contact the Employee and Family Assistance Program directly or they may approach their manager or union representative for assistance in accessing resources.
- The college will endeavor to direct employees to any resources that will assist in addressing their substance use disorder and make all reasonable efforts to accommodate the employee. Each case will be reviewed on a case-by-case basis.
- Employees that voluntarily seek help will not be subject to disciplinary action. However, the help must be accessed prior to being notified that they must report for a test under this policy, or prior to engaging in activities, which may lead to disciplinary action under this policy. Accessing assistance or declaring a problem does not eliminate the requirement for maintenance of a satisfactory work level.
- The college expects the employee to fully participate in any rehabilitation effort. Voluntary participation in a rehabilitation program of any kind does not eliminate the need for the employee to maintain satisfactory job performance.
- Employees who return to work following the completion of treatment for a substance use disorder shall be required to enter into a written agreement, which will outline the conditions governing the return to work and the consequences for failing to comply with those conditions.

Investigations and Testing

- Where there are reasonable grounds to believe that an employee is not fit for duty, the manager must consult with People and Talent

Operations. The individual will be taken to a private place to be interviewed and given an opportunity to provide an explanation for their behaviour or condition.

- The employee shall not be permitted to continue to work while such Employee's Fitness for Duty is being determined.
- If the manager conducting the interview still believes that the employee is not fit for duty, the manager shall take one or more of the following actions:
 - Referral for medical attention if there are immediate medical concerns;
 - If the employee is employed in a safety sensitive position, referral for a drug and alcohol test as outlined in this policy;
 - Any other actions deemed appropriate in the circumstances, including seeking further guidance from People and Talent Operations.
- The employee may be temporarily removed from their duties or reassigned pending completion of any investigation.
- Testing will be required whenever the college has reasonable grounds to believe that the actions, appearance or conduct of an employee in a safety sensitive position while on duty are indicative of the use of drugs and/or alcohol.
- Post-Incident / Near Miss Testing will be required if there are reasonable grounds to believe that an employee in a safety sensitive position was involved in an incident or a near miss.
- The college will retain a laboratory to conduct drug testing and alcohol testing. Summaries of the features of this testing and of the testing protocols are available upon request.
- Drug and alcohol test results can be negative, positive, refusal to test, or cancelled with additional comments.
 - A negative test result means the employee is in compliance,
 - a positive test result means non-compliance,
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 - a refusal to test result means non-compliance, and
 - a cancelled test result cannot be relied upon to determine compliance or non-compliance.
- All test results will be provided in a confidential written report and in accordance with applicable privacy legislation from the laboratory to the policy administrator.

Confidentiality and Consent

Confidentiality will be maintained in information resulting from an employee's disclosure of a substance dependency or an emerging drug or alcohol problem, except where the disclosure of any such information is necessary for related health and safety concerns, or as legally required.

Definitions:

College Community: persons involved in conducting college affairs or using college property. This includes students, employees, contractors, volunteers and visitors while they are on college property or are using college property.

Drug: includes any substance, chemical or agent the use or possession of which is unlawful in Canada or requires a personal prescription or authorization from a licensed treating physician, or the use of which is regulated by legislation such as cannabis, or any other psychoactive substance, and any non-prescription medication lawfully sold in Canada, and drug paraphernalia.

Employee: Includes a person who is engaged by NorQuest College to perform a service in accordance with existing terms and conditions of employment, employment contracts or collective agreements.

Fit for Duty: in a state where an individual is able to perform assigned tasks acceptably, and in a manner that does not threaten or endanger the safety or health of themselves or others.

Impaired/Impairment: the reduction of an individual's physical or mental effectiveness due to influences that are not normally present. Impairment may be caused by a variety of situations (e.g. alcohol, drug use, fatigue, medical condition or treatment).

Incident: an occurrence, circumstance or condition that caused or had the potential to cause damage to person, property, reputation, security or the environment.

Medication: a drug obtained legally either over the counter or through a prescription or authorization from a licensed treating physician or specialty nurse. For further clarity, this includes medically authorized cannabis.

Near Miss: A close call event that happened as a result of an exposure to a hazard, but where no actual loss occurred.

Reasonable Grounds: information established by the direct observation of an employee's conduct or other indicators, such as the physical appearance of the employee, the smell associated with the use of alcohol or drugs on their person or in the vicinity of their person, their attendance record, circumstances surrounding an incident or a near miss and the presence of alcohol, drugs or drug paraphernalia in the vicinity of the employee or the area where the employee worked.

Safety Sensitive Position: any position where the job function, including non-routine and emergency duties, involves responsibility for actions or decisions, which if not performed correctly, could directly cause or contribute to a danger to the health or safety of employees, contractors, students, the public or the environment. The college reserves the right to designate positions as safety sensitive positions, based on its review of the duties and responsibilities of its positions, and upon notice to employees.

Substance Use Disorder: a condition where an employee's use of alcohol or drug leads to health issues or problems at work, school or home. It may

lead to clinical impairment or distress. This includes a drug or alcohol problem, dependency or addiction.

Workplace: means all or any part of a building, structure or other enclosed area in which employees perform the duties of their employment, whether or not members of the public have access to the building, structure or area as of right or by express or implied invitation, and includes reception areas, corridors, lobbies, stairwells, elevators, escalators, eating areas, washrooms, lounges, storage areas, laundry rooms, enclosed parking garages and work vehicles.¹ For clarification this includes any mobile equipment in an area owned, operated or leased by the college used by a worker in an occupation.

Related NorQuest College Information:

- [Code of Conduct Policy](#)
- [Smoke Free Campus Policy](#)

Related External Information:

- Alcohol at College Events Procedure (to be developed)
- [Employee and Family Assistance Program](#)
- [Tobacco and Smoking Reduction Act](#)

Next Review Date:

November 2025

Revision History:

October 2018: new
 August 2019: Compliance Office template & reorganization update
 January 2021: updated to reflect current division names, added link to EFAP, and updated definitions

¹ *Tobacco, Smoking and Vaping Reduction Act* Section 1(i)