



## Human Resources Committee Agenda

Thursday, October 18, 2018  
Council Chamber  
Administration Centre, Walkerton

### 1. Declaration of Pecuniary Interest

### 2. Action Items

A. Fit for Work Update (attached)

B. Closed Meeting

A. That the Committee move into a closed meeting pursuant to

- Section 239 (2) (b) of the Municipal Act, 2001, as amended, to discuss personal matters about an identifiable individual, including municipal or local board employees; and,
- Section 239 (3.1) of the Municipal Act 2001, as amended for the purpose of educating or training members.

B. Approval of Minutes - August 2, 2018

### 3. Rise and Report

### 4. Act on Recommendations

That in accordance with the Procedure By-law, staff be authorized and directed to give effect to the actions of the Human Resources Committee in respect of all resolutions passed during the October 18, 2018 meeting.

### 5. Next Meeting

November 1, 2018

### 6. Adjournment



## Committee Report

**To:** Warden Paul Eagleson  
Members of the Human Resources Committee

**From:** Marianne Nero  
Director of Human Resources

**Date:** October 18, 2018

**Re:** HR Policy E6 - Fit for Work Update

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### Recommendation:

That the updated HR Policy E6 - Fit for Work be adopted.

### Background:

The federal government passed Bill C-45, the Cannabis Act, to legalize recreational cannabis effective October 17, 2018. Although there are no statutory provisions in Ontario's Occupational Health and Safety Act ('OHS') that specifically addresses substance use in the workplace, it is best practice to implement a policy to deal with drug and alcohol use including the use of cannabis as part of due diligence requirements.

The primary impacts in the workplace with respect to cannabis legalization includes keeping a safe work environment, ensuring policies are implemented that protect the safety of all employees, address workplace impairment arising from substance abuse and drugs (both legal and illegal), including medical cannabis, while balancing the obligations at law pertaining to accommodation, specifically the Ontario Human Rights Code (the 'Code').

The County of Bruce is up-dating our current HR Policy E6 - Alcohol/Drug/Emotional Problems to reflect a new title of E6. Fit for Work. This update includes setting expectations and clarifying employee obligations in relation to impairment in the workplace. The 'Fit for Work' Policy sets out general obligations that apply to all employees. This policy affirms employee responsibilities surrounding impairment in the workplace and coming prepared, "fit for work".

The County has approached the potential impacts of cannabis in the workplace within the context of a "fitness for work" framework. An amended policy entitled, "Fit for Work" has been developed to be rolled out to employees and supervisors.

The purposes of the "Fit for Work" policy is to:

- Confirm employees' responsibilities to be fit for duty which includes being free from any adverse effects of drugs or alcohol;

- Communicate expectations regarding substance use, misuse and abuse;
- Inform employees that recreational cannabis is not allowed in the workplace at any time or while in the course of duty;
- Promote and encourage early diagnosis and treatment for employees who may suffer from a drug and/or alcohol disability;
- Confirm the County's commitment to support and provide reasonable efforts for accommodating employees suffering from drug or alcohol dependencies; and
- Respect the dignity and privacy of employees.

The County's benefit plans do not include medical cannabis as an eligible drug in plan coverage. To date medical cannabis is not an approved drug under the Canadian Food and Drug Act and does not yet have a Drug Identified Number (DIN). At this time, drug testing for cannabis use is not included in the up-dated policy. If a future need is identified, we will investigate applicable case law and workplace obligations at that time.

**Financial/Staffing/Legal/IT Considerations:**

No Impact.

**Interdepartmental Consultation:**

The draft has been shared with the Senior Management Team.

**Link to Strategic Goals and Elements:**

The update of the 'Fit for Work" policy does not link to strategic goals but is consistent with the County's adopted Health and Safety Policy which states that the County will comply with the Occupational Health and Safety Act and applicable regulations.

**Approved by:**



Kelley Coulter  
Chief Administrative Officer



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Policy: E6 - Fit for Work

Department: Human Resources

Effective Date: December, 1998

Revision Date: October 18, 2018

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## 1. Coverage

All employees while at work, while conducting County business (whether at a County Workplace or elsewhere).

## 2. Policy Statement

The Corporation of the County of Bruce expects that all employees report to work fit for duty (whether a County workplace or elsewhere). The County is committed to the health, safety and mental wellness of our employees and recognizes that impairment caused by fatigue, stress, alcohol, drugs or medication misuse or abuse can adversely affect workplace safety and job performance. The County is committed to support employees who require rehabilitation or other corrective actions.

To help ensure a safe and healthy workplace, the County reserves the right to prohibit certain items and substances from being brought on to, or present on County premises.

## 3. Expectations

The following expectations apply to employees and management alike while conducting work on behalf of the County, whether on or off County property:

1. Employees are expected to report fit for duty and able to perform their duties safely and to standard; employees must remain fit for duty for the duration of their shift;
2. Employees are encouraged to inform their supervisor and human resources about use of medications or prescription drugs, or personal circumstances that may impair performance or compromise safety;
3. When on standby or in on-call situations, must remain Fit for Work and not Impaired, or decline the call;
4. Employees shall advise their supervisor in the event they have concerns about a co-worker's fitness for duty;
5. The County shall assist and accommodate employees who disclose a substance dependence;
6. Assistance and/or accommodation shall be coordinated with the Human Resources department;
7. Employees needing rehabilitation shall be encouraged to seek professional care and support through the Employee Assistance Program, or through their personal health care professional;
8. Employees who present unfit for work could be asked by their supervisor to leave the workplace;
9. Employees who refuse to co-operate in rehabilitation and/or who continue to present as a safety risk to themselves or others shall be subject to progressive discipline in accordance with established procedures;
10. The possession, use, distribution and sale of non-medically required drugs or alcohol and drug paraphernalia on County property is prohibited or while conducting County business.
11. The distribution and sale of medically prescribed drugs on County property is also prohibited.

#### 4. Procedure

1. Where a supervisor or manager suspects a fitness for work, poor work performance, attendance, employee relations or other problems the supervisor will conduct an interview with the employee. The supervisor will make the employee aware of issues as observed, documented or reported. The supervisor will set specific goals including time frames for review. The supervisor will provide the employee with contact information for the Employee Assistance Program. The details of the interview are to be recorded by the supervisor and filed with Human Resources.

In the event an employee is deemed unfit for work and is present in the workplace the Supervisor or Manager will arrange for safe transportation to their home or hospital. An employee unfit for work will not be allowed to drive. Should an employee refuse safe transportation and make the decision to drive their personal vehicle the County is obligated to, and will, contact the police to make them aware of the situation. A meeting will be scheduled for the following work day to review the incident and determine the appropriate course of action.

- i. Where an employee self-reports an inability to report fit for work the supervisor will consider workplace impact in consultation with Human Resources. If there is a threat to safety the employee may be sent home on paid leave pending review or pending treatment should that be necessary. In the event the issue is not an immediate safety risk, the employee may be accommodated in the workplace within parameters of modified work on a specific schedule with end date.
- ii. The supervisor will ensure that any accommodation is adhered to and following the implementation of any recommendations or following a return to work that they document continued issues or improvement and relay outcomes to the department head and Human Resources.

**NOTE:** An employee may initiate a meeting with the supervisor and is encouraged to do so in the event they are struggling.

2. Where a supervisor has met and outlined expectations with an employee and the employee has failed to demonstrate improvement, in consultation with Human Resources steps may be taken to address the issue through the discipline process as outlined in policy A3 – Discipline and Dismissal. Again, the employee is provided with clear expectations and a time frame for immediate improvement.

