



# CITY OF CORNER BROOK

## Policy & Procedure

<b>Index</b>	Properties and Facilities	<b>Section</b>	All City Workplaces		
<b>Title</b>	Cannabis Policy	<b>Policy Number</b>	08-04-03	<b>Authority</b>	
<b>Approval Date</b>	July 23, 2018	<b>Effective Date</b>	July 23, 2018	<b>Revision Date</b>	

### ***Purpose:***

The City of Corner Brook is accountable to create a safe environment for council, employees, contractors, and members of the public. This duty includes ensuring there is no use of illegal substances in or affecting the workplace, or misuse of substances before or during work hours that may impair the ability to perform work functions responsibly and safely.

### ***Policy Statement:***

All individuals working for the City of Corner Brook, including mayor and council, employees, contractors, and volunteers, are expected to report “fit for work” and be able to perform assigned duties safely and acceptably without any limitations due to the use of, or the after effects of the usage of alcohol, illicit drugs, non-prescription drugs, prescribed medications, or any other substance that may impair judgment or performance.

Cannabis is known to cause a slowed response time, it can impair thinking, judgment, coordination and memory and can cause time distortion.

The City of Corner Brook has taken the position that the use of any drug(s) causing impairment is not permitted in safety sensitive work environments and the use of such a drug and/or drugs must be disclosed. The City of Corner Brook is firm on having zero tolerance for any recreational drug use in the workplace.

Any individual failing to adhere to this policy, including failure to disclose drug usage will be subject to discipline up to and including dismissal.

## ***Definitions:***

**City of Corner Brook Employee:** is any individual working for, or receiving compensation from, the City of Corner Brook; including those in part-time, seasonal or contractual positions.

This definition also applies to any work term student and/or student undergoing on the job training with the City, whether they are in receipt of remuneration or not.

**Workspace:** A workspace refers to any indoor or other enclosed space in which employees perform the duties of their employment, and includes any adjacent corridor, lobby, stairwell, elevator, lunchroom, washroom, company vehicle or other common area frequented by such employees while they are at work. Workspace examples include, but are not limited to, Public Works Depot and Garage, Storage Buildings, Fire Hall, City Hall, Water Treatment Plant, Civic Centre, Margaret Bowater Park, PRV stations, and any grounds associated with these workspaces.

Workspace also includes any location in which an employee is located due to their work assignment. This workspace would include an exterior location, including, but not limited to: roadways, sidewalks, parks, open spaces, parking lots, or private property. All vehicles used for City purposes (leased, rented or owned) are considered to be a workspace under this policy.

**Cannabis:** AKA marijuana, marihuana, weed, pot, reefer, ganja, etc. is derived from the flowering bud of the female cannabis plant. The cannabis plant, most commonly cannabis sativa, contains a family of chemically related 21 carbon alkaloids, which are termed cannabinoids. Cannabinoids are a class of chemical compounds that act on cell receptors in the brain and body. Delta-9-tetrahydrocannabinol (THC) is the most studied component of cannabis and is the chemical responsible for the psychoactive effect or “high”.

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.

Cannabis can also be ingested by pill form or in food, or absorbed through the skin via creams, salves, or skin patches.

**Medical Usage:** Currently, cannabis is being used “medically” to treat a wide range of medical conditions. “Medical Marijuana” is available with a medical authorization form from a treating physician. The College of Family Physicians of Canada has no approved medications that use the delivery method of smoke. Therefore, even though it is available with a medical authorization, medical marijuana is not a Health Canada approved prescription.



**Recreational Usage:** Any use of cannabis for “non-medical” purposes and without “medical authorization” from a treating health care professional is considered recreational for the purpose of this policy. All recreational use of marijuana is strictly prohibited in the workplace.

**Safety-sensitive Position:** Any position 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. Positions involving safety sensitive decisions and position(s) that require the use of judgment and interpretation are also included in this definition.

Safety-sensitive positions include, but are not limited to:

- City Manager
- Directors
- City Clerk
- Managers and/or Supervisors involved in direct supervision
- Supervisor of Occupational Health & Safety
- Water Treatment Plant Operators
- Power Engineers
- Classified Operators
- Mechanics
- Water Distribution System Operators
- Development Inspectors
- Firefighters & Fire Department Managerial Staff
- 911 Call Takers

While a position may not be classified as “safety-sensitive” most if not all City employees have associated safety-sensitive related job duties and/or tasks. As such, disclosure of cannabis usage is mandatory for all employees of the City of Corner Brook.

**Impairment:** According to “Impaired at Work: A Guide to Accommodating Substance Dependence” (CHRC, 2017a), the appearance of impairment at work is described as: odor of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, and poor coordination.

**Disability:** Any previous or existing mental or physical disability and previous or existing dependence on alcohol or a drug.

**Reasonable Cause Testing:** When indicators lead to a reasonable conclusion that the employee may be unable to work safely or make safety sensitive decisions because of substance use, they may be required to undergo testing. Such indicators include but are not limited to, first hand observation of employee conduct, physical appearances (i.e., bloodshot eyes, imbalance, staggering, etc.), smells associated with drugs or alcohol on or around the employee, alcohol and/or drug related paraphernalia around the employee or the area in which they work.

**Post Incident Testing:** When an employee was directly involved in a significant incident that caused, or had the potential to cause (aka, near miss), damage to a person, property, the environment, security or to the employers reputation and it’s reasonably necessary to rule out impairment as a possible cause.

**Workplace Accommodation:** Any change in the working environment that allows a person with a disability or limitation to properly carry out their job duties. This includes changes to physical workspace, adaptations to the equipment or tools used, change in work hours, change in responsibilities or duties, or job sharing. Accommodations can be temporary, periodic, or long term depending on the employee's medical condition.

Canadian law prohibits any discrimination listed in section 2 of the Canadian Human Rights Act (CHRA), and employers have a duty to accommodate employees to avoid such discrimination. The City of Corner Brook will accommodate employees who fall into any of the groups protected by the CHRA up to the point of undue hardship; this includes taking into account the employee's mental and physical disability, safety, and cost

## ***DETAILED ACTION REQUIRED***

### ***Responsibilities:***

Mayor, Deputy Mayor, and Council (or its designated committee) will:

- Review, amend, and adopt changes to this policy;
- Adhere to this policy

The City Manager will:

- Bring recommended changes of this policy forward to Council for consideration and approval;
- Adhere to this policy;
- Address any breaches of this policy; and
- Ensure disciplinary action is imposed for contraventions of this policy

The Directors will:

- Recommend to the City Manager changes to this policy;
- Adhere to this policy;
- Address any breaches of this policy; and
- Ensure disciplinary action is imposed for contraventions of this policy

The Human Resources Manager will:

- Adhere to this policy;
- Act as a first line of contact for any employee disclosures as they relate to medical use of cannabis and dependency/addictions;
- Actively participate in referrals and the Return to Work process
- Provide a leading role in investigations as they relate to prohibited use of cannabis as per this policy, including providing the respective director(s) and the City Manager with a written report, summarizing the investigation findings; and
- Ensure neutrality and confidentiality as required in association with the above responsibilities.



The Occupational Health & Safety Supervisor will:

- Adhere to this policy;
- Act as a first line of contact for any post-incident investigation that caused or had the potential to cause direct and significant damage to property, and/or injury to the employee, others around them, the public and/or the immediate environment;
- Act as a resource and provide support and guidance to the directors, managers, supervisors, and the Occupational Health & Safety Committee members during all post-incident investigations;
- Assist with determining the “root cause” of an incident and whether or not substance usage could be ruled out as a determining factor to the incident; and,
- Ensure neutrality and confidentiality as required in association with the above responsibilities.

Employees Will:

- Ensure they adhere to this policy;
- Ensure their participation in recreational cannabis use does not interfere with their ability safely perform their work duties;
- Ensure they do not engage in any form of cannabis use on City property, or during working hours;
- Ensure that they do not engage in any form of cannabis use up to 4 hours before reporting to work or while being on-call;
- Ensure they do not engage in any form of cannabis use while being on-call;
- Ensure that all cannabis use for medical purposes (with a medical authorization) is disclosed to either the direct supervisor or the Human Resources Manager;
- Report any suspected violation of this policy to their Manager, Director, or the Human Resources Manager; and
- If an employee has or is suspected to have a dependency and/or addiction they report this in the form of disclosure to either their supervisor or the Human Resources Manager.

### ***General Provisions Regarding Cannabis Usage in the Workplace***

The City of Corner Brook will not pass judgement on the morality of cannabis use and will not discriminate against employees for such usage.

Under no circumstance is the use, possession, storage, or sale of recreational cannabis permitted in the workplace. The City of Corner Brook has zero tolerance for recreational use in the workplace. All usage of cannabis via medical authorization must be disclosed to the employer prior to the employee engaging in any work.

Employees are required to disclose any dependency or suspected dependency to the employer. Upon such disclosure the employer will assist the employee with finding and receiving the appropriate medical help to assist with their rehabilitation process.

The City of Corner Brook has an obligation to accommodate employees that are engaging in medical usage or have a dependency to cannabis. This obligation extends to undue hardship.

The City of Corner Brook, the employee, and the union have a requirement to work together to assure a non-judgmental and non-discriminatory process unfolds when a disclosure and/or return to work program has occurred or is taking place.

### **Disclosure of Medical Usage**

All employees are required to disclose the medical usage of cannabis prior to performing any work duties. Failure to report medical usage may result in discipline which could lead to termination. The City of Corner Brook takes the safety of its employees, as well as the members of the public seriously and will evaluate all medical usage on a case-by-case basis to determine possible accommodation.

As part of this process, the employee and the employee's union representation, if applicable, have a requirement to participate in the accommodation process. The employee must accept any suitable and reasonable accommodation put forward by the City of Corner Brook. The City of Corner Brook is committed to ensuring that all accommodations are meaningful and provide the employee equal compensation for equal hours worked.

### **Disclosure of a Dependency or Suspect Dependency**

Any employee that has a diagnosed dependency or has suspicion that they may have a dependency to cannabis has an obligation to disclose that dependency to the employer.

Disclosure of this information shall occur to either the employee's direct supervisor or someone in a supervisory capacity or to the Human Resources Manager. All disclosures will be taken without judgement and without discrimination. The City of Corner Brook will take the upmost caution with confidentiality when dealing with any employee disclosure.

### **Post Incident Drug & Alcohol Testing**

Drug and Alcohol Testing will occur with any incident where the investigation could not reasonably rule out Drugs and/or Alcohol as a causing factor.

The City of Corner Brook will immediately launch an investigation into any incident or near miss that caused, or had the potential to cause, damage to a person, property, the environment, security or to the employer's reputation.

The City of Corner Brook has a commitment to safety and will quickly respond to any and all incidents and/or near misses. Upon investigation, if impairment cannot be ruled out as a determining factor as to the cause of the incident, post incident testing will occur.

As soon as it is determined that Post Incident Testing is required, an independent medical provider will be contacted immediately to perform testing. The employee(s) requiring testing will be transported immediately via City vehicle to an independent medical facility for such testing. The employee(s) requiring testing will be escorted to the testing facility by a direct supervisor or someone in a non-unionized supervisory capacity.



## **Reasonable Cause Testing**

When indicators lead to a reasonable conclusion that the employee may be unable to work safely or make safety sensitive decisions due to impairment, they may be required to undergo testing. Reasonable Cause Testing will be carried out when one or more of the following are observed:

- Dizziness, drowsiness, faint or lightheadedness, fatigue, headache
- Impaired memory and disturbances in attention, impaired concentration and ability to think and make decisions
- Disorientation, confusion, feelings of extreme slow time
- Suspiciousness, nervousness, episodes of anxiety resembling a panic attack, paranoia (loss of contact with reality), hallucinations (seeing or hearing things that do not exist)
- Impaired motor skills, perception, loss of full control of bodily movements, falls
- Throat irritation and constant coughing
- Smells associated with substance usage
- Bloodshot eyes
- Drug and/or Alcohol paraphernalia either seen on the employee or in their immediate work area
- Other

The City of Corner Brook will carry out Reasonable Cause Testing when it has been concluded by at least two employer representatives that there is sufficient evidence to support such testing. All evidence will be documented as per the requirements set out by the Human Resources division.

Reasonable Cause Testing will be carried out in the same manner as that of Post Incident Testing, in which the test will be performed using an independent medical provider and the employee(s) will be transported to the testing facility via City Vehicle, escorted by a supervisor.

## **Negative Results**

If the oral test is negative, the result will occur immediately. At that time, the employee will be assessed by the independent medical provider to ensure that the employee is not impaired via any other means (example, an employee can appear impaired due to sleep deprivation).

If the employee, for whatever reason is not cleared “fit to work”, the employer will evaluate the conditions as outlined by the independent medical provider and work with the employee to ensure a speedy return to work process.

If the employee has been deemed “fit to work”, the employee may return to regular duties as scheduled.

Any and all recommendations put forward by the independent medical provider will be evaluated on a case-by-case basis to ensure all employees are treated without judgment and discrimination.

## **Non-Negative Results**

The City recognizes that a “Non-Negative” test does not necessarily equate to a “positive” test for impairment.

If the results are “Non-Negative”, the employee will be removed from the job site and all scheduled duties for the remainder of that working day. As soon as possible, an appointment will be made with an independent medical provider to complete a “fit for work” evaluation.

Based on the results of the “fit for work” evaluation, the City will review the recommendation(s) put forward by the medical professional for the employee on a case-by-case basis to ensure employees are treated without judgement and free of discrimination. Where and when possible, the City will accommodate the employee based on the results as determined by the assessment of the medical professional. However, the City must also consider the severity of the incident that led to testing and whether or not it warrants a return to work at that time.

An appointment will be made for the following business day, for the employee to meet with their respective Director, the employee’s Manager, the Human Resources Manager, and a union representative if necessary. During this meeting the incident as well as the return to work will be discussed. The City will not make any commitments as to whether or not a return to work will occur at this stage.

The City recognizes that once a Non-Negative test result is obtained further testing is required. Additional testing can be lengthy in duration and as a result the employee may be left in limbo. During this time, the City will work closely with all parties involved (employee, union, medical professionals, etc.) to determine whether or not a return to work is appropriate.

If a violation of this policy were to occur that resulted in an incident and a positive post-incident drug or alcohol test, discipline would be warranted up to and including termination.

### **Return to Work Program & Accommodation**

The City of Corner Brook will treat all employees that are seeking treatment for dependency or who are under medically authorized cannabis use, without judgement and discrimination. The City of Corner Brook will accommodate employees to the best of its ability in non-safety sensitive duties. The City recognizes that the return to work process requires planning and monitoring to achieve the greatest outcome possible. As such, the City has committed to working with employees, union representatives, and medical professionals to find the best accommodation available to achieve the greatest success.

Under a Return to Work program, the employer is entitled to reasonable medical information sufficient to determine whether an accommodation can be found. As such, the employee may be required to visit with an independent medical provider to obtain a second opinion to support the accommodation request. The City requires all medical information pertaining to medical cannabis usage and accommodation to be provided by a medical professional that has specialized training in the interaction between marijuana impairment and appropriate work restrictions.

### **Seeking Guidance and Advice**

If a City employee has questions or is unsure as to cannabis usage as it pertains to this policy, they should consult with their immediate supervisor/manager or the Human Resources division.

### **Consequences of Improper Drug Usage or Non-disclosure**

A City employee, who fails to comply with this policy, may be subject to disciplinary action, up to and including, termination.

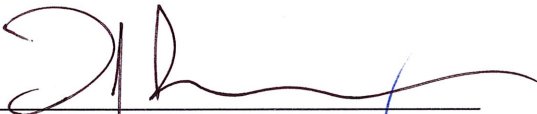



## **Appeal**

A City employee who does not agree with a decision made under this policy may appeal the decision to the City Manager. The appeal must be in writing, and outline the specific points that are being appealed, and the requested redress.

### ***Related Policy:***

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.

  
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MAYOR

  
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CITY CLERK

