



TITLE: Drug and Alcohol

Approved by Council
Revised by Council

Date: August 25, 2026
Date:

PURPOSE OF POLICY

The purpose of this Policy is to establish the Municipal District of Pincher Creek (the “MD”) expectations for appropriate behaviour, the consequences for non-compliance, to provide consistent guidelines for all employees, and to clearly communicate to employees suffering from drug and/or alcohol dependency the accommodation and supports available.

POLICY STATEMENT

1. The MD is committed to ensuring the health and safety of its employees, contractors, and the public at large. The MD recognizes and accepts the responsibility to provide its employees with a safe, healthy, and productive work environment. Employees have the responsibility to report to work capable of performing their tasks productively and safely. The use of drugs, including illegal drugs, the improper use of prescription or non-prescription medication, and the use of alcohol, cannabis, or other intoxicants can have serious adverse effects on the safety of the workplace for employees, contractors, and the public at large.

DEFINITIONS

2. For the purpose of this policy, the following definitions shall apply:
 - a. “Drugs” shall mean any substance, inclusive of illicit drugs, restricted drugs, and medication, as defined by this Policy, the use of which has the potential to cause impairment or intoxication, changing or affecting the way a person thinks, feels, or acts. For the purposes of this Policy, drugs of concern are those that inhibit a worker’s ability to perform his or her job safely and productively.
 - b. “Illicit Drug” means any drug or substance that is not legally obtainable and whose use, sale, possession, purchase, or transfer is prohibited by law (for example, street drugs such as heroin and cocaine).
 - c. “Restricted Drug” means any drug or substance capable of causing intoxication or impairment which is legally obtainable for recreational use and whose sale, purchase, possession, or transfer is restricted by law (such as cannabis).
 - d. “Medication” refers to a drug obtained legally by an employee and used as indicated or directed, including but not limited to those obtained by the employee with a doctor’s prescription or medical document, as contemplated by the *Access to*

Cannabis for Medical Purposes Regulation (as amended, repealed and replaced from time to time), and non-prescription or over-the-counter products.

- e. “Under the influence” of drugs, alcohol, intoxicants or any controlled or uncontrolled substance for the purpose of this Policy is defined as the use of one or more of these substances to an extent that an employee is:
 - i. unable to perform in a productive manner;
 - ii. in a physical or mental condition that creates a risk to the safety and well-being of the individual, other employees, or the property of the MD or any member of the public; or
 - iii. displaying signs or symptoms of impairing substance use, including but not limited to the smell of alcohol or drugs, slurred speech, and/or atypical behaviour.
- f. “Drug or alcohol dependency” means a mental, physical, or psychological dependence on drugs, alcohol, or other impairing substances which is considered by a physician to be a medical condition/disability as contemplated by Human Rights law.
- g. “Recreational drug/alcohol or other substance use” means with recreational use of drugs, alcohol, or other impairing substances, there is no mental, physical or psychological dependence; therefore, this is not considered a medical condition or mental, physical, or psychological disability as contemplated by Human Rights law.
- h. “Safety-sensitive positions” shall include any position where the performance of duties with impaired physical or mental abilities creates a reasonably foreseeable risk of injury, physical harm, or danger, including, but not limited to those employees who are required or permitted to operate the MD’s vehicles or their own personal vehicles, or equipment, for employment-related purposes. This includes but is not limited to those employees who are required to operate a vehicle, heavy machinery, hoists, portable and stationary power tools, and utility operations equipment in the course of municipal work.

TREATMENT AND ACCOMMODATION

- 3. Any employee actively suffering from drug or alcohol dependency which may impair or restrict the performance of their duties is **required** to disclose the dependency to their immediate supervisor without delay. The MD recognizes its responsibility to assist and accommodate employees suffering from drug or alcohol dependency to the extent reasonably possible, including providing access to the MD’s Employee Assistance Program (“EAP”) and respecting an employee’s need for medical leave as with any other illness. The MD will take reasonable precautions to the extent possible to protect the employee’s confidentiality given the sensitive nature of the issue.
- 4. Employees who are concerned that a colleague may be suffering from drug or alcohol dependency are strongly encouraged to report their concerns to the employee’s immediate supervisor or the Chief Administrative Officer and, if possible, encouraging the colleague to disclose and seek assistance through the EAP. While the MD will make its best efforts to protect employees’ confidentiality when a concern is reported, it may be necessary for the

MD to disclose certain information, including but not limited to the identity of the reporting employee, to the employee in question in order to properly investigate concerns.

PROHIBITIONS

5. During an employee's working hours, whether on the MD's premises or while conducting employment-related activities off the MD's premises, including during meal periods, scheduled breaks, and on-call shifts, no employee shall:
 - a. use, consume, possess, distribute, sell or be under the influence of Illicit Drugs;
 - b. use, consume, possess, distribute, sell or be under the influence of Restricted Drugs;
 - c. use, consume, possess, distribute, sell or be under the influence of alcohol, unless authorized by the MD for a specific limited purpose - While the MD expects that all of its employees will comply with this rule on a day to day basis, it is recognized that, for some employees, MD-approved and appropriate social functions within the course and scope of their work hours will occur at which reasonably limited consumption of alcohol is customary and appropriate without express authorization. Some common examples for illustration purposes may include conference cocktail reception, MD-approved social lunch/dinner, or a promotional activity or event such as a Christmas party. However, it is critically important that all employees understand that even at these events, where alcohol consumption is permitted, alcohol should only be consumed on a social basis to reasonable levels which ensure professional and responsible behavior by employees at all times; or
 - d. use, consume, possess, distribute, sell or be under the influence of any other intoxicants, whether a controlled or uncontrolled substance.
6. An employee shall not, under any circumstances, consume alcohol or use, consume, ingest, or inhale Illicit Drugs, Restricted Drugs or other intoxicants while in care and control of, or responsible for, any MD vehicle or equipment, or while using the employee's personal vehicle for work-related purposes.
7. If an employee is called back to work after regular working hours to perform work-related duties and has been consuming alcohol or using drugs or other intoxicants, it is the employee's responsibility to:
 - a. ensure that they do not perform any employment duties, including operate a motor vehicle, while under the influence of alcohol, Illicit Drugs, Restricted Drugs, Medication or any other intoxicant or substance, if impairment has resulted; and
 - b. notify the employee's supervisor who is attempting to call them in that they are unable to perform their duties at that time.
8. The legal use of Medication in compliance with physician directions is permitted at work only if it does not impair the employee's ability to perform his or her work effectively and in a safe manner. Employees are required to disclose to their immediate supervisor the use of Medication which may reasonably be expected to affect their work performance or the

safe execution of their duties. The MD is committed to accommodating an employee's necessary use of Medication without suffering undue hardship. When prescribed Medications are on the MD's property due to the dosing schedule, such Medication must be controlled and monitored by the employee.

TESTING

9. Reasonable Cause Testing:

- a. The MD may conduct testing for the presence of alcohol, or drugs when it has reasonable cause to believe that the actions, appearance or conduct of an employee while on duty (including while on call) indicates that the employee is under the influence of Restricted or Illicit Drugs or alcohol. While the MD reserves this right for all its employees, employees should understand that the necessary threshold to establish reasonable cause in the eyes of the MD will be lower for employees in safety-sensitive positions, given the potential consequences involved.
- b. The basis for the decision to test will be documented as soon as possible after the action has taken place and identified to the employee prior to the test being conducted. The referral for the test will be based on specific, personal observations resulting from, but not limited to:
 - i. observed use or evidence of use of Restricted or Illicit Drugs or alcohol (e.g. smell of alcohol or cannabis);
 - ii. erratic or atypical behaviour of the employee;
 - iii. changes in physical appearance of the employee;
 - iv. changes in behaviour of the employee;
 - v. changes in speech patterns of the employee;
 - vi. discovery of drugs, inclusive of medication capable of causing impairment, alcohol, intoxicants or related paraphernalia found in locations to which an employee has sole or primary access, including employees' lockers or assigned vehicles/equipment; or
 - vii. following a serious incident or accident where the possibility of drug or alcohol impairment cannot be easily ruled out from review of the circumstances, including a "significant incident" as contemplated by Occupational Health & Safety legislation, and a situation which created significant potential or risk for an incident or accident, even if an incident or accident did not ultimately result (i.e. a "near miss").
- c. In addition, the MD may conduct reasonable cause testing upon receipt of a complaint or concern by a co-worker or third party that an employee may be using drugs, alcohol or other substances contrary to this policy. In such circumstances, the MD shall record the name and contact information of the complainant as well as the details of the concern or complaint. The MD shall provide the details of the concern or complaint to the accused employee and, in appropriate circumstances, shall also provide the complainant's identity to the accused employee to allow

them the opportunity to provide a full and complete response to the allegations. The MD shall also reasonably consider the surrounding circumstances, and the presence or absence of any other evidence or indicators of drug or alcohol impairment prior to making a final decision on reasonable cause to test in these circumstances.

- d. In all situations where the MD believes an employee is unfit to be at the workplace; a responsible escort will be used to escort the employee home.

10. Return To Work Testing:

- a. When an employee returns to work following a disclosure that the employee suffers from a drug and/or alcohol dependency and subsequent treatment, the MD may require the employee to undergo a return-to-work test. Further random, unannounced testing may be required for up to one year after the employee returns to work.

11. Testing Procedures:

- a. Any testing undertaken pursuant to this policy, including analysis of results, shall be performed by a qualified professional. Where appropriate, results shall be confirmed by laboratory testing, which shall be performed at an accredited laboratory, at the expense of the MD.
- b. Where reasonably possible, all testing conducted pursuant to this policy shall be conducted respectfully and, in a manner to minimize the intrusive nature of the tests. The Health and Safety Specialist will contact the alcohol and/or drug testing provider to schedule a test. The process is to be completed as soon as possible after the incident or observation which is deemed to be within the guidelines of this policy. The drug and/or alcohol testing will be performed in compliance with the testing procedures as defined by the drug and/or alcohol testing facility. The supervisor will also ensure arrangements for transportation, of the employee to be tested, to and from the testing facility by a MD representative, to ensure the employee does not operate a vehicle.
- c. The employee shall be notified of the result of the test.
- d. The MD will store test results in a secure location with access restricted to the MD's management, the MD's Health and Safety Specialist or employees with a demonstrable need for access to test results, to preserve employee privacy. Test results will not be disclosed to third parties without prior written consent of the employee, subject only to a legal requirement for the MD to produce employee test results.

DISCIPLINE

12. The MD views the rules contained in this policy to be of the utmost importance. This is a zero-tolerance policy; any deviation from the above terms will result in disciplinary action that may include immediate termination. In all cases the MD will investigate any suspected or confirmed violation of this policy. An employee may be held out of service with pay until the investigation is concluded. All employees will be provided with a copy of this policy as advance notification that any resulting dismissal will be considered as “dismissal for just cause” and not subject to notice or pay in lieu of notice.
13. As indicated above, any employee actively suffering from a drug or alcohol dependency is required to disclose the addiction immediately, and the MD recognizes its responsibility to assist and accommodate employees suffering from such a condition. However, if an employee neglects or refuses to disclose a drug or alcohol dependence to the MD, in violation of this policy, the MD may deal with breaches of this policy based on the understanding that the employee is not suffering from drug or alcohol dependency, but has simply disregarded this policy, in which case immediate and strict disciplinary action will be taken. Further, failure to disclose an active drug or alcohol dependency, which may potentially interfere with the diligent and safe performance of an employee’s duties in the workplace, is itself a violation of this policy.

RETURNING TO WORK

14. Seeking voluntary assistance for drug or alcohol dependence will not jeopardize an employee's employment with the MD, so long as the employee continues to cooperate and seek appropriate treatment for their disclosed problem and is able to treat and control the problem to facilitate a return-to-work within the reasonably foreseeable future.
15. Any employee who suffered from, or is suffering from drug or alcohol dependency and who is subsequently authorized and accepted by the MD to return to the workplace shall receive a return-to-work letter outlining conditions of the return to the workplace which will normally include, but are not limited to, the following:
 - a. Requirement to continue treatment, counselling and assistance programs or procedures recommended by the employee’s advising physician or addiction counsellor;
 - b. Express obligation to immediately cease performance of duties and notify a supervisor in the event the employee finds themselves under the influence at any time during work hours following a return to the workplace;
 - c. Requirement to provide written medical confirmation that the employee has any ongoing condition under control and can safely return to the workplace without danger to the employee or others;
 - d. Requirement to provide reasonable regular updates from the employee’s physician or addiction counsellor confirming that the employee continues to follow recommended treatment programs and continues to be fit for performance of duties without danger to themselves or others; and

- e. An express warning to the employee that future violations of the Policy, and/or the return-to-work letter conditions, will lead to further discipline and serious consideration of immediate termination for just cause.
16. Employees suffering from drug or alcohol dependency who fail to co-operate with assistance or treatment programs or engage in repeated infractions of this policy, will be subject to the normal disciplinary sanctions, up to and including immediate termination for just cause.



Rick Lemire
Reeve



Roland Milligan
Chief Administrative Officer