



## The Corporation of the Town of LaSalle

<b>Date</b>	October 4, 2018	<b>Report No:</b>	30 CL- <del>28</del> -18
<b>Directed To:</b>	Mayor and Members of Council	<b>Attachments:</b>	1. Fit for Duty Policy
<b>Department:</b>	Council Services	<b>Policy References:</b>	
<b>Prepared By:</b>	Rick Hyra, Human Resources Manager		
<b>Subject:</b>	Fit for Duty Policy		

### RECOMMENDATION:

That the report (CL-~~28~~<sup>30</sup>-18) prepared by the Human Resources Manager dated October 4, 2018 regarding the attached Fit for Duty Policy be APPROVED AND that Council AUTHORIZE Administration to make further changes to this Policy as may be required in the future.

### REPORT:

On October 17, 2018 the Federal Government will legalize cannabis for all individuals 19 years of age and older. The attached Fit for Duty Policy has been prepared in order to reinforce the importance of having employees report to work in a physical and mental condition that allows the employee to complete their duties in a safe manner.

Given that the legalization of cannabis is new, it is anticipated that changes to the existing Provincial *Cannabis Act, 2017* will be made. On September 27, 2018, the Provincial Government introduced new legislation (*Bill 36, the Cannabis Statute Law Amendment Act, 2018*) that contains several amendments to previous legislation. As of October 4, 2018, Bill 36 had completed Second Reading and pending the outcome of this Bill changes to this policy may be required in a timely manner.

Rick Hyra, MBA, B. Comm., CHRL, CRM  
Human Resources Manager

Reviewed by:							
CAO 	Treasury	Clerks	Env. Services	Planning	Parks & Rec	Building	Fire

# The Corporation of the Town of LaSalle

## Fit for Duty Policy

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### Scope

This policy applies to all employees of the Town of LaSalle.

### Purpose

To ensure that employees are fit to perform their duties while at work and to protect the safety of all employees in accordance with Section 25 of the *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*:

#### *Duties of employers*

#### *Section 25 (2)*

- h) take every precaution reasonable in the circumstances for the protection of a worker*

### Definitions

**Alcohol** means any type of hard liquor, beer, wine, coolers, liqueurs, etc. or other product containing alcohol such as rubbing alcohol, mouthwash, etc.

**Cannabis** means any type of product derived from the cannabis plant including the leaves, flowers, oils, hashish, edible products, etc.

**Illegal drugs** means any type of medication not specifically prescribed to the individual such as opioids, fentanyl, etc., or street drugs such as cocaine/crack, heroin, acid, etc.

**Fit for duty** means reporting to work in a physical and mental condition that allows the employee to safely perform the assigned duties and responsibilities to an acceptable standard and in a manner that does not compromise or threaten either the employee or another individual's health and safety. For greater clarity, the requirement to report fit for duty does not preclude an employee from reporting to work while afflicted by a minor, transient illness or injury such as a headache, cold, etc. provided that the illness or injury does not pose a reasonable and/or foreseeable threat of injury to either the employee or another individual.

## **Fit for Duty**

1. Employees are required to report to work fit for duty.
2. Employees shall not consume, possess, sell, or distribute alcohol, cannabis and/or illegal drugs while at work.
3. Employees who are not fit for duty as a result of either alcohol, cannabis, or illegal drugs are to immediately report their condition to their Supervisor or Manager. The Supervisor or Manager shall assess the situation and take immediate, appropriate action, including by way of example:
  - a. re-assigning the employee to non-safety sensitive work, if reasonable to do so
  - b. arranging for the employee to be transported home
  - c. contacting Human Resources for assistance
4. In accordance with Section 28 of the *Occupational Health and Safety Act, R.S.O. 1990, c. O.1* employees are to report to their Supervisor any hazard. For example, another employee that is believed to be working under the influence of alcohol, cannabis, or illegal drugs may create a hazard in the workplace.

### *Duties of workers*

#### *Section 28 (1)*

- d) *report to his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows*

The Supervisor or Manager shall assess the situation and take immediate, appropriate action as outlined above.

5. Any employee who suffers from substance abuse or any other disability may seek assistance and accommodation from the employer. Employees are required to seek such accommodation immediately and prior to any incident, accident or breach of this policy.

In the event that an employee does not seek such assistance and then later becomes involved in an incident or accident and is found to be under the influence of alcohol, cannabis, or illegal drugs, such employee will be subjected to proportional discipline. Employees are encouraged to speak with their Supervisor or Human Resources for confidential assistance.

6. Any employee prescribed medical cannabis will be required to inform their Supervisor or Manager of the prescription prior to consuming the medication

when required to work. Further medical information may be required by Human Resources in order to determine the level of accommodation required.

### **Employee Assistance Program**

A free and confidential Employee Assistance Program is available to all employees and dependents of the Corporation. In the event that you wish to utilize this confidential service, please contact 1-877-207-8833 and identify yourself as a Town of LaSalle employee.

### **References**

- *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*
- *LaSalle Return to Work Policy*