



## Substance Abuse & Fitness for Duty Policy

### 1. Policy Statement

Limen recognizes that employees who use or are impaired by drugs or alcohol while performing work endanger not only themselves but their co-workers and others affected by the work. Limen's policy with regard to such conduct is one of zero tolerance and employees must be aware that any violations they commit may result in disciplinary action up to and including termination.

However, Limen also recognizes that addiction to drugs or alcohol is a serious health problem. The intent of this Policy is to accomplish the health and safety goal in a manner that is fair, humane and consistent with employees' accommodation rights under discrimination laws. The ultimate goal is not to punish but help employees identify and get help for their substance abuse issues so that they can return to work healthy, safe, happy and productive.

### 2. Purpose

The objective of this substance abuse policy is to ensure that all employees report to work fit for duty. Adopting this Policy is a reasonable precaution that Limen is required to take to protect the health and safety of workers under Section 25(2)(h) of the Ontario *Occupational Health and Safety Act* (OHS Act).

### 3. Scope

This Policy applies to all individuals that work for Limen including but not limited to full-time, part-time, temporary and contract employees, independent contractors, volunteers and employees of third party contractors or subcontractors that Limen Group Const. Ltd engages to perform work at its facilities.

#### a. Union Employees

This Policy applies to both union and non-union employees but is not intended to supersede or circumvent the provisions of any current collective agreement that Limen has negotiated with an employee's union. In the event of a conflict between this Policy and a collective agreement, the latter shall control.

#### b. Contractor Employees

This Policy applies to individuals employed by contractors and subcontractors that perform work at Limen facilities and jobsites, but is not intended to supersede or circumvent the provisions of any current collective agreements that those contractors or subcontractors have negotiated with their own workers and their unions. In the event of a conflict between this Policy and a contractor employment agreement or collective agreement covering the worker, the latter shall control.

### 4. Definitions

For the purposes of this Policy:



- **“Drugs”** includes:
  - Narcotics and illegal drugs;
  - Marijuana whether used or obtained legally or illegally; and
  - Legal prescription and over-the-counter medications and drugs that cause or have the potential to cause impairment and render an employee not fit for duty.
  
- **“Fit for duty”** means a state of physical and mental that allows an individual to perform his or her job duties safely and effectively without impairment due to the use of or after-effects of alcohol, illegal drugs, legal medications or other health conditions.
  
- **“On duty”** includes reporting for and performing work, including:
  - Scheduled work;
  - Unscheduled call-in work;
  - Work performed on Limen facilities;
  - Work performed for Limen away from Company facilities, including but not limited to driving or traveling to and from work.
  
- **“Safety-sensitive job”** means positions that have a direct and substantial impact on the health and safety of the employee, other workers, customers, visitors, the public, property and/or the environment, including but not limited to those involving driving, operation of machinery or equipment, handling of toxic substances and others determined by Limen
  
- **“Substance abuse”** means the use of alcohol, illegal drugs, legal marijuana and medications and other substances that can impair a person’s judgment, clarity and functioning and render him/her not fit for duty.

## 5. Requirements for Employees

All employees and workers covered by this Policy are required to:

- i. Come to work fit for duty;
- ii. Work safely in accordance with Section 28 of the OHS Act;
- iii. Refrain from using or being impaired by alcohol or drugs while they are on duty;
- iv. Refrain from possessing, purchasing, selling, distributing or engaging in any other conduct involving alcohol or illegal substances or paraphernalia while they are on duty;
- v. Refrain from misusing or being impaired by prescription or non-prescription drugs while they are on duty;
- vi. Notify their supervisor if they suspect that a co-worker is unfit for duty; and
- vii. Submit for drug and alcohol testing in accordance with the Limen Testing Policy.



## 6. Legal Marijuana

### a. No Exemption for Legal Marijuana Use

All employees must understand that marijuana is an impairing drug and that using it at work or coming to work under the influence renders them unfit for duty in violation of this Policy. This is true regardless of whether their use of marijuana is legal under federal drug laws.

### **LEGAL MARIJUANA USE IS NOT A JUSTIFICATION FOR BEING UNFIT FOR WORK!**

### b. Employee Duty to Notify

Employees must notify their supervisor if they are using legally prescribed medical marijuana or other legal prescription and non-prescription drugs that may cause impairment for the treatment of a medical condition. Off-duty and legal use of such drugs does not violate this Policy as long as employees are fit for duty at all times when they are on duty.

## 7. Support for Employees with Substance Abuse Issues

Although Limen reserves the right to discipline, it also recognizes that addiction and substance abuse is a health problem. Limen is prepared to help employees get the counselling, treatment, rehabilitation and support they need to overcome those problems. Please contact the health and safety manager, Lucy De Sa, at 416-638-8880 ext. 260, for guidance and assistance.

## 8. Self-Reporting

Limen strongly encourages employees with substance abuse problems to step forward and request help voluntarily. Employees who do self-report will not be subject to discipline as long as they have complied with their obligation to be fit for duty under this Policy.

## 9. Fitness for Duty Medical Assessments

Employees must undergo medical assessments to ensure they are fit for duty before being placed in a safety-sensitive job. Assessments will address substance abuse and be performed:

- Prior to employment when individuals are applying for safety-sensitive jobs;
- Before current employees are transferred from non-safety-sensitive to safety-sensitive jobs; and
- Periodically for as long as the employee remains in a safety-sensitive job.

Medical assessments will be performed by qualified healthcare professionals following appropriate medical practices and results will be kept confidential to the extent required by personal privacy laws.

## 10. Disciplinary Investigations

Limen may open a disciplinary investigation to check whether an employee is engaged in substance abuse or otherwise in violation of his/her fitness for duty obligations under this Policy in response to:

- Complaints or concerns by co-workers, supervisors, etc.;
- Declining performance;
- Erratic behaviour;
- Involvement in safety incidents including near misses;
- Arrests for impaired driving, drug offences and similar violations; and
- Other indications that the employee has substance abuse issues or is otherwise not fit for duty.

Investigations will be carried out in accordance with Limen's Disciplinary Investigation Procedures.

#### **11. Privacy**

Limen recognizes that all personal information is protected under privacy laws and will keep it confidential and secure and refrain from using or disclosing it except as permitted or required by law.

#### **12. Consequences of Violations**

Violation of this Policy is grounds for discipline up to and including termination in accordance with the Limen Progressive Discipline Policy. Employees with substance abuse issues on administrative leave may also be referred for counseling or assistance through the Limen Employee Assistance Program or outside agencies.

#### **13. Assistance & Reinstatement**

Limen reserves the right to place employees with substance abuse issues on administrative leave and enter into Last Chance Agreements offering them the opportunity to return to work if they successfully complete the terms of their treatment and rehabilitation program, pass drug and alcohol tests and meet other conditions of reinstatement.

#### **14. Employee Right to Accommodations**

Limen recognizes that drug and alcohol addiction is deemed a disability under the Ontario *Human Rights Code*. Accordingly, in administering the disciplinary and other provisions of this Policy, addictions and other substance abuse related to disabilities, such as use of medical marijuana or prescription drugs for chronic pain and debilitating conditions, will be treated as non-culpable violations and employees will be offered reasonable accommodations based on their individual circumstances and capabilities to the point of undue hardship.



Antonio Lima, President

April 16 2019

Date