



EMPLOYEE SUBSTANCE USE POLICY

Nipissing First Nation's mission is to continue to protect our Nation's inherent rights and to empower the membership of Nipissing First Nation to work together in a positive, progressive manner to improve well-being and quality of life, to be socially and economically independent, culturally strong and self-governing. A key element of this mission is the commitment to ensuring the health and safety of all employees while at work.

POLICY STATEMENT

No person shall attend work while their ability to do so is impaired by the consumption of drugs or alcohol. No person shall be in possession of alcohol, drugs or any items that, if consumed, could impair the employee's ability to work unless such possession is authorized by law and approved as an accommodation measure.

POLICY

It is a violation of this policy for employees to be in possession of or be impaired by any substance, including legal, prescribed or illicit drugs or alcohol while at work on Nipissing First Nation property.:

Anyone found in possession of substance which causes impairment. will be refused access or will immediately be removed from the work place or work site.

It is a violation of this policy to knowingly or neglectfully allow an employee to work or enter the work place or work site while impaired. It is a violation of this policy for an employee to provide to others illegal or illicit drugs while on duty.

Employees in safety sensitive positions who are required to take any substance in order to maintain health must inform their supervisor if the consumption of that substance could lead to impairment. Employees in safety sensitive positions who suspect they have a substance abuse problem (legal or illegal) are required to disclose their dependency that could lead to impairment and their ability to do their work. All information shared through this process will be kept in strict confidence in accordance with NFN privacy and confidentiality policies and procedures. Nipissing First Nation will then assess whether an obligation to accommodate exists, what reasonable accommodation should be offered, and whether the use of the drug can be safely accommodated without compromising the health and safety of the employee or any other person they may interact with.

Failure to disclose such use or addiction will result in discipline being imposed, up to and including termination of employment, if an employee is subsequently determined to be impaired while at work.

DEFINITION(S)

"**illegal drugs**" means a controlled substance listed in the Federal Legislation, medication, or other chemical substance that:

- Is not legally obtained.
- Is legally obtainable, is not being used legally, or is not being used for the prescribed purpose.

"**employees**" for the purpose of this policy means any person in a full-time, part-time, seasonal, contract, volunteer, student placement or other positions wherein they are carrying out responsibilities on behalf of or for Nipissing First Nation.

"**legal drugs**" means prescribed or over-the-counter drugs (medication) that are legally obtained by the employee and used for the purpose(s) for which they were intended, or a controlled substance that the employee

has obtained legally, is legally authorized to possess, and/or the use of which has been authorized by a medical professional. This definition includes legal recreational marijuana or medical marijuana.

"drugs" means illegal drugs and legal drugs including alcohol.

"impaired" means working while your ability to do so has been compromised to any degree by consuming alcohol, drugs or a combination of the two.

"NFN property" means equipment, machinery, and vehicles owned, leased, rented or used by Nipissing First Nation.

"safety sensitive position" means any work position in which an employee working while impaired may place themselves, the public, clients, co-workers, or others in danger. Nipissing First Nation considers any work shop assignment, or any assignment involving driving of a motorized vehicle to transport personnel, materials or equipment, to be a safety sensitive position.

"visitor" means any person attending the office who is not an employee as noted above.

EXPECTATIONS

The following expectations apply to employees and management alike while conducting work on behalf of the First Nation;

- Employees are responsible for observing this policy and ensuring it is observed by others
- Employees are expected to arrive to work and remain fit for duty and able to perform their duties safely and to standard for the duration of their time at work;
- Employees in safety sensitive positions are required to disclose the use of a drug that could lead to impairment in the workplace;
- Employees will not use, possess, distribute, or sell drugs or alcohol during work hours, including during paid and unpaid breaks, as this is strictly prohibited;
- Employees are prohibited from reporting to work while their ability to perform work is impaired as a result of recreational cannabis, alcohol and/or any other non-prescribed substances;
- Employees on physician approved medication must communicate to management any potential resulting safety risk or hazard;
- Employees are required to immediately report to a supervisor any observed violation or possible violation of this policy; and
- Each Employee is required to read the Employee Substance Use Policy and sign the acknowledgement and agreement, which will be put in their employee file.

Every manager and/or supervisor is responsible for investigating and addressing suspected employee impairment promptly.

ACCOMODATION

NFN understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability. Employees are not excused from their duties as a result of their dependencies. Employees are encouraged to communicate if they have a dependency or have had a dependency so that their rights are protected and if they can be accommodated appropriately.

Any employee who suspects that they might have an emerging drug or alcohol addiction is expected to seek appropriate treatment promptly. NFN will work with the individual who requests accommodation in an effort to ensure that the measures taken are both effective and mutually agreeable, up to the point of undue hardship.

All medical information will be kept confidential by NFN, unless otherwise required by law.

SUSPICION OF IMPAIRMENT

Employees must cooperate with a manager and/or supervisor's investigation under this policy, and shall refrain from interfering with such an investigation or acting in any manner against another employee for reporting a violation of the policy or seeking enforcement of the policy.

The following procedure may be enacted if there is reasonable belief that an employee is impaired at work:

1. If possible, the employee's manager or supervisor will first seek another manager's or supervisor's opinion to validate the suspected impairment of the employee.
2. Next, the manager(s) and/or supervisor(s) will consult privately with the employee to determine the cause of the observation, including whether substance misuse has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations such as the employee exhibiting unusual behaviour including but not limited to slurred speech, difficulty with balance, watery or red eyes, or dilated pupils, or if there is an odour of alcohol, cannabis or any other substance. The employee should not be permitted to return to their assigned duties in order to ensure their safety and the safety of other employees or visitors to the workplace.
3. If an employee is considered impaired and deemed "unfit for work," this decision is made based on the best judgement of two members of management and DOES NOT require a breathalyzer or blood test.
4. An impaired employee will not be allowed to drive. NFN may arrange a taxi or other transportation to safely transport the employee to their home address or to a medical facility. The employee may be accompanied by a manager or supervisor or another employee if necessary. The employee should be advised if they choose to refuse NFN organized transportation and decide to drive their personal vehicle, NFN is obligated to and will contact the police to make them aware of the situation.
5. A meeting may be scheduled to review the incident and determine a course of action which may include a monitored referral program as part of a treatment plan.

POSSESSION AT WORK

Possession of alcohol, drugs, and drug paraphernalia on while at work is strictly prohibited. NFN property encompasses all NFN owned or leased property used by employees, including without limitation parking lots, vehicles, facilities, and office furniture.

Possession of alcohol, drugs, and drug paraphernalia is also prohibited while employees are acting on behalf of the organization off of NFN premises. This includes attending events as a NFN representative.

AGREEMENT FOR THE CONTINUATION OF EMPLOYMENT

Nipissing First Nation reserves the right to require an agreement for the continuation of employment in some circumstances concerning an employee's commitment to address substance abuse issues. The agreement will outline the conditions governing the employee's return to the job and the consequences for failing to meet the conditions.

DISCIPLINARY ACTION

Employees may be subject to disciplinary action up to and including termination of employment for failure to adhere to the provisions of this policy, including but not limited to:

- Failure to meet prescribed safety standards as a result of impairment from alcohol or drugs; and
- Engaging in illegal activities (for example, selling drugs or alcohol while on NFN premises).

Note: If a visitor to the office is deemed to be impaired, NFN reserves the right to refuse services until the visitor is deemed to be no longer in an impaired state.

Approved this 19th day of December, 2023.

ACKNOWLEDGEMENT AND AGREEMENT

I, _____, acknowledge that I have read and understand the Employee Substance Use Policy of Nipissing First Nation. I agree to adhere to this policy and will implement this policy in regards to employees working under my direction. I understand that if I violate the rules set forth by this policy, I may face disciplinary action up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

Witness: _____

*Given the serious consequences to the health and safety of employees and others, a violation of this policy will be considered a **LIFE THREATENING** infraction and will be dealt with in accordance with the Discipline Policy.*