

SCOPE:

As we are all increasingly aware, the abuse of alcohol and drugs is a problem that has a direct negative impact on the workplace and on the strength of Canadian business as a whole. The connection between substance abuse and the safety, morale and job performance of the individual employee and of his/her co-workers is well known.

As a responsible employer, and a company dedicated to the pursuit of excellence, CDN. Power Pac (CPP) is concerned with eliminating the dangers and effects of alcohol and drug abuse from the workplace and from the job sites, and therefore has a zero tolerance policy for substance abuse. CPP's Substance Abuse Policy (hereinafter referred to as "Policy"), is aimed at establishing a work environment that is as safe and productive as possible for all employees. The Policy has been incorporated into the terms and conditions of employment with CPP.

POLICY:

Concern for the health, safety and wellbeing of our employees, our customers and the public will continue to be a major commitment of CPP. Our company recognizes that alcohol and drug abuse is a safety, health and security problem. CPP expects all employees to assist the company and fellow employees in maintaining a work environment that is free of alcohol and illicit drugs.

The possession or consumption of alcohol or illicit drugs, or the misuse of prescription or "over the counter" drugs is prohibited on CPP's premises or work sites, or in circumstances deemed by CPP to present a serious risk to the interests of our company in terms of employee and public safety, CPP's financial integrity, the security and safety of its property, or the protection of its public reputation.

The use of alcohol or drugs which may affect safety or job performance, or which impairs the health of the employee, will be treated as major misconduct, a serious violation of this policy and possible cause for termination of employment.

In the event that a Contractor who has contracted work out to us has a more stringent drug and alcohol policy, their policy may take precedent over CPP's policy. Employees working in that particular situation will be notified if this is the case.



Harold Kinsey

February 1, 2014

Work Rules Governing Substance Use:

CDN Power Pac will not allow a person to work, or to remain on CDN Power Pac's premises, or on company's work sites, whenever there is reasonable cause to believe that a person has consumed alcohol, has ingested illicit drugs or is improperly using prescription or "over the counter" drugs, such that there is any risk whatsoever that such person's ability to conduct himself/herself and to discharge his/her functions properly and safely is impaired. For the purpose of this program, reasonable cause shall mean any observation of impaired motor skill proficiency, impaired judgment or unusual conduct, or any reliable information provided to CDN Power Pac of such consumption, either at work or an inappropriately short time prior to reporting for work.

All employees are expected to perform to the standards set forth in their respective job descriptions. Declines in work performance due to substance abuse will be addressed initially in the same manner as performance deterioration for any reason. However, the use of alcohol or illicit drugs or the misuse of prescription or "over the counter" drugs on CDN Power Pac's work sites, in CDN Power Pac's vehicles (*whether owned or contracted*), or while conducting CDN Power Pac's business, is a violation of this program and shall be cause for disciplinary action, including termination of employment.

Any employee taking a legal drug medication (*including medicinal marijuana*), whether or not prescribed by a licensed medical practitioner, which is known to possibly affect or impair judgment, coordination or perception so as to adversely affect the ability of the employee to perform his/her work in a safe and productive manner, must notify his Manager or Supervisor prior to engaging in CDN Power Pac's business. The Manager or Supervisor will determine whether that person can remain at work or whether work restrictions are required.

Employees reporting for work:

- are expected to be sober, well rested and fit for duty;
- if under the influence of alcohol or drugs, must advise their Supervisor upon reporting for work, or when contacted to work on an emergency or other unscheduled basis;
- if perceived by a Supervisor or other employee to be under the influence of alcohol or drugs, the employee will be immediately removed from the workplace and be evaluated by the Manager or Supervisor;
- if unfit for duty, the employee's condition will be noted and will result in disciplinary action.

Work Rules Governing Substance Abuse (cont.)

Employees that are contacted to report to work for emergency or other unscheduled reasons:

- must advise the person contacting them if they have consumed alcohol or drugs within twelve (12) hours of reporting;
- must, if requested by a Manager or supervisor, submit to sobriety testing, including physical testing of motor skills and reactions;
- if perceived to be under the influence of alcohol or drugs will be immediately removed from the workplace and be evaluated by the Manager or Supervisor.

An employee in a position involving public contact or whose duties impact his safety or the safety of others who may not be impaired, but who displays evidence of alcohol consumption - such as alcohol on the breath - will be removed from the workplace, and may be subject to disciplinary action.

Off-duty consumption of alcohol and drugs which adversely affects an employee's job performance, or which could jeopardize the safety of other employees, CDN Power Pac's customers, the public or CDN Power Pac's property, is proper cause for disciplinary action including termination of employment.

Administration:

CDN Power Pac reserves the right to temporarily remove, reassign or suspend any employee pending a determination of fitness for work, safety risk, and assessment of substance abuse problem or completion of investigation into a possible violation of this program. To help ensure a safe, healthful and productive work environment, CDN Power Pac reserves the right to carry out reasonable searches of individuals and their personal effects when entering CDN Power Pac's premises or CDN Power Pac's work sites. Entry onto CDN Power Pac's premises or work sites constitutes consent to a search of the person and his/her personal effects, including, without limitation, packages, briefcases, purses and lunch boxes, or of any office, locker, closet, desk or vehicle on CDN Power Pac's premises or CDN Power Pac's work sites.

For the purpose of administering this program and policy, any alcohol or drug testing shall be performed at a medical facility designated by CDN Power Pac, or by the General (Prime) Contractor. CDN Power Pac will not accept test results from any facility other than the one designated by the parties mentioned above.

In circumstances of a positive test, an employee has the right to request a retest of the original specimen within thirty (30) days of notification. The employee will pay costs incurred for a positive retest.

The Owners of CDN Power Pac may authorize alcohol to be present at CDN Power Pac functions.

It is incumbent upon the persons organizing the event to conduct the event in a manner, which, through control of the duration of beverage service or other means, promotes moderation and is in keeping with the integrity, security and safety of CDN Power Pac, its employees and customers.

Alcohol and Drug Testing:

CDN Power Pac, under its discretion, may require that employees undergo an alcohol and drug test within ninety (90) working days after the start of their employment. Continued employment with CDN Power Pac is conditional on negative alcohol and drug tests.

Employees *may be* required to undergo drug and alcohol testing under the following circumstances:

- the employee is involved in an on-the-job accident or near miss, regardless of whether that person sustained injury;
- where a Supervisor has reasonable cause to believe an employee has acted in contravention of this program;
- during or after a rehabilitation program for a period of up to twenty-four (24) months;
- when required in the ordinary course of business as stipulated in a contract between CDN Power Pac and a General Contractor on a particular work site.

An employee who fails to report at a CPP designated facility for an alcohol or drug test, refuses to submit to an alcohol or drug test, or tampers or attempts to tamper with a test sample is in violation of this program and is subject to disciplinary action including termination of employment for cause.

An employee whose drug and alcohol test is confirmed to be positive may also be under review by the Union Local 424 Brotherhood of Electrical Workers, and/or apprenticeship board depending on circumstances of said positive test.

Further Information and Guidelines:

For Further information on Alcohol and Drug Abuse Programs and Policies, employees can refer to the following web-sites;

- Canada Alcohol and Drug Rehab.
<http://www.canadadrugrehab.ca/Alberta-Alcohol-Drug-Rehab-Programs.html>
- iRecover Alberta.
<http://serenityranch.ca/>
- Addiction and Substance Abuse in Alberta.
<http://www.albertahealthservices.ca/amh/Page3338.aspx>
- Local 424 Benefits Program Employee & Family Assistance.
<http://www.ebfa.ca/index.html>

MEDICINAL MARIJUANA AND LEGALIZATION;

Overview:

The issue of marijuana, or more specifically delta-9-tetrahydrocannabinol (THC) is topical and controversial. It becomes apparent, at this writing, that marijuana will soon be legalized in Canada, in some form, and on some level, for recreational use. The possession of marijuana for medical purposes has already been enshrined in law, and reinforced by Supreme Court rulings.

As such, it behooves employers to understand this drug as much as possible, the effect it may have in the workplace, particularly with respect to safety sensitive duties, and what type of guidelines should exist in terms of procedure and policy for those individuals using the drug.

Good policy must be informed by good data. It is here that we face our first challenge. The words of one of the foremost researchers in marijuana and human performance are useful to quote here:

"If there is one thing I have learned from studying marijuana for more than a decade, it's that proponents and opponents of the drug will put opposite spins on these findings," says Harrison Pope, a Harvard professor of psychiatry and leader of (the) research. "One day I will get a letter that will say, 'we are shocked that you are so irresponsible as to publish a report that claims marijuana is almost harmless. That is a terrible disservice to our children'. The next day I will get a letter complaining that 'I am irresponsible for implying there something wrong with smoking marijuana. You have set back the legalization of marijuana movement by twenty years'. As a scientist, I am struck by how passionately people hold opinions in both directions no matter what the evidence says. The other striking thing is how little we actually know about the effects of a drug that is been smoked for thousands of years and been studied for decades."

Firstly, marijuana is inevitably compared with alcohol and this is a mistake. The two are radically different drugs, operate on different brain subsystems, in different mechanisms, and are excreted from the body in a different fashion. The impairment caused by alcohol is quite separate and distinct to the impairment caused by marijuana, and even more complex is the impairment seen when these two drugs are combined. Secondly, the actions of marijuana are extremely complex and nuanced. This is not a "sledgehammer" drug, and consequently its effects, both acute, subacute and chronic, are often subtle and may be missed if the correct experimental design is not used.

Cannabis, employment, and the workplace:

The effects of cannabis use on cognition in the context of work and everyday life, or whether off-site cannabis use endangers a worker or his colleagues while at work, has not been systematically investigated. One study that examined association between cannabis use and cognitive performance, mood and human error at work found that cannabis use was associated with impairment in both cognitive function and mood, though cannabis users self-reported no more workplace errors than controls. Users also displayed lower alertness, slower response organization, working memory problems at the start, and psychomotor slowing and poorer episodic recall at the end of the working week.

Cannabis, employment and the workplace (cont.)

Subtle effects on cognitive function may be exacerbated with fatigue or work -related demands. During an economic downturn, cannabis use was recently shown to increase unemployment among users. Combined with alcohol, vaporized cannabis yields higher maximum concentrations of blood THC (than without alcohol) detected 8.3 hours later, possibly explaining why performance is more impaired if cannabis is combined with alcohol in this manner.

Also useful as a source of information is the document;

"Information for Health Care Professionals Cannabis (marihuana, marijuana) and the cannabinoids".

(Current version 2013– soon to be updated.) This document contains 1,000 references.

Medical Marijuana and the Safety-sensitive Jobsite:

Marijuana is unique in that, in recent history, hundreds of “dispensaries” have opened, particularly on the West Coast, in a situation without parallel in the world of medical therapeutics. It strains credulity to believe that this plethora of retail outlets is necessary to dispense a drug for therapeutic reasons when no other medication has merited this treatment. The strongest parallel to the hundreds of retail outlets selling marijuana is that of liquor stores, leading to the arguable conclusion that the “dispensaries” are in fact selling recreational marijuana to recreational users, and that the “medical” necessity of this drug is simply a ruse to obtain what is still an illegal intoxicant by other means. Equally unparalleled is the proliferation of companies and individual physicians providing marijuana “prescriptions” based on Skype interviews or Internet contact, absent of any of the usual history taking or physical examination essential to the provision of quality medical services. In the face of these cultural realities, it is easy to understand the skepticism of safety sensitive industry as they confront the topic of medical marijuana in the workplace.

Another objection is that marijuana has not been subjected to rigorous double blinded, cross over controlled studies, has not been licensed for any particular therapeutic purpose, and in the words of the Health Canada website: *“Cannabis is not an approved therapeutic product and the provision of this information should not be interpreted as an endorsement of the use of this product, or cannabis generally, by Health Canada. Despite the similarity of format, it is not a Drug Product Monograph, which is a document which would be required if the product were to receive a Notice of Compliance authorizing its sale in Canada. (This document) is a summary of peer-reviewed literature and international reviews concerning potential therapeutic uses and harmful effects of cannabis (marihuana) and cannabinoids. It is not meant to be comprehensive and should be used as a complement to other reliable sources of information. (This document) should not be construed as expressing conclusions from Health Canada about the appropriate use of cannabis (marihuana) or cannabinoids for medical purposes.”* As such, it is easy to dismiss all users of cannabis as recreational, in the same manner as “prescriptions” of alcohol were provided by complicit physicians during prohibition to enable recreational drinkers to access their beverage of choice in the face of government proscription.

Medical Marijuana and the Safety-sensitive Jobsite (cont.)

Notwithstanding the foregoing, it is entirely possible that marijuana, or derivatives thereof, will prove to have some form of medical benefit. It would be wrong to dismiss wholesale the idea that cannabinoids are of no medical use^{3,4,12}. As such, employers will be increasingly confronted with individuals of varying degrees of sincerity, insisting that THC is a medical necessity for them, and supported by a physician's medical opinion, albeit of varying degrees of validity. Such an individual may fall under the protections of the Human Rights Act, as suffering from a disability, and deserving of accommodation to the point of undue hardship. Nothing in this paper would prevent such accommodation in non safety-sensitive duties. It is not, however, acceptable to permit individuals, unfit to perform safety sensitive duties by virtue of psychoactive impairment, to perform such duties, merely because they insist that their medical condition requires cannabinoids in order to treat. It is not fair to them and it is not fair to their coworkers. As such, whether the source of marijuana happens to be by medical authorization, based on medical opinion, or obtained for recreational purposes through various sources, the net effect remains the same. ***Any individual seeking to use marijuana on an ongoing basis is unfit for safety sensitive duties.*** Employers would be well advised to seek legal counsel in including medical marijuana in their alcohol and drug policies, and guidance with respect to handling the accommodation claims of employees seeking dispensation to use medical marijuana.

Information taken from; Marijuana and the Safety Sensitive Worker A review for CLRA by: Dr. Brendan Adams M.Sc. MD CCFP, FASAM, ABAM. 2016.