**<< Farm Name >> FITNESS FOR DUTY & SUBSTANCE ABUSE GUIDE**

Scope

This guide is for individuals that work for << Farm Name >> including but not limited to full-time, part-time, temporary, seasonal, and contract workers, independent contractors, self-employed persons, volunteers, visitors, and workers of third-party contractors or subcontractors that << Farm Name >> engages to perform work at its facilities.

Definitions

For the purposes of the Fitness for Duty and Substance Abuse Policy Statement and this guide:

 “Drugs” includes: Narcotics and illegal drugs; Marijuana/Cannabis 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 physical and mental state 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 << Farm Name >> facilities; Work performed for << Farm Name >> 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 worker, 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 << Farm Name >>.

“Substance abuse” means the use of alcohol, illegal drugs, legal marijuana or Cannabis and medications and other substances that can impair a person’s judgment, clarity and functioning and render him/her not fit for duty.

Smoking/Vaping

* There must be no use of tobacco products in << Farm Name >> buildings, vehicles, or equipment (unless otherwise indicated). Workers who wish to smoke or use tobacco products must do so during rest or lunch breaks only and in the designated areas.
* Smoking & vaping are banned in any places where smoking is banned by Smoke Free Places Act.
* Proper clean up and disposal of tobacco products is required.

No Exemption for Legal Marijuana/Cannabis Use

Understand that marijuana/cannabis is an impairing drug and that using it at work or coming to work high renders them unfit for duty in violation of this Policy. This is true regardless of whether their use of marijuana/cannabis is legal under federal drug laws. Legal marijuana/cannabis use is not a justification for being unfit for work.

Duty to Notify

Workers will notify the farm owner if they are using legally prescribed medical marijuana/cannabis 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 workers are fit for duty at all times when they are on duty.

**For Cause Testing:**

For cause testing is required where << Farm Name >> reasonably believes that a worker may be under the influence of drugs or alcohol. Grounds for such reasonable belief include but are not limited to:

* The presence of drugs or alcohol on or about the worker’s person or in the worker's vicinity;
* Conduct or behavior of the worker that suggests impairment or influence of drugs or alcohol;
* A report of drug or alcohol use while the worker is at work or on duty;
* Negative performance patterns; and/or
* Excessive or unexplained absenteeism or tardiness.

**Post-Incident Drug & Alcohol Testing**

The main reason for conducting drug and alcohol testing is to measure impairment, not to deter drug or alcohol use or monitor moral values among workers.

Workers may be tested for alcohol and drugs in accordance << Farm Name >> testing policies. The farm owner will accompany workers to the screening site for testing. Refusal to submit to testing will be grounds for immediate termination under this Policy. All records of testing are kept confidential.

* Alcohol and drug testing is required after a significant work-related incident as part of a full investigation into the circumstances. The decision to refer a worker for a test will be made by the farm owner investigating the incident.
* A significant incident is defined as:
	+ A fatality or serious personal injury to any individual;
	+ An environmental spill with significant implications;
	+ Significant loss or damage to any property, equipment or vehicles;
	+ Significant loss of any revenues; or
	+ A near-miss incident that had the potential to cause significant injury or damage.

In the case of an incident, the following procedures apply:

1. Workers must report the situation to the farm owner as soon as possible following an incident.
2. Workers are expected to participate fully in any subsequent investigation into the incident.
3. Whether the incident is significant or not (i.e., categorized as minor, noticeable or a near miss), testing will be sufficiently justified when a worker provides reasonable cause through atypical behaviour or appearance.
4. Only workers who are identified, with reasonable grounds, as having been directly involved in the chain of acts or omissions leading up to the event will be referred for a test.
5. A test is automatic after a significant incident, unless there is clear evidence that the acts or omissions of workers could not have been a contributing factor (such as the incident was the result of structural or mechanical failure).
6. Workers to be tested must not use drugs or alcohol for eight hours after the incident until tested or advised that a test is not required.
7. The farm owner is trained in the recognition of the signs of impairment above and in the procedures below. Investigations will be carried out in accordance with << Farm Name >> investigation & reporting procedures. The farm owner will differentiate between behavior that is properly characterized as an illness or disability, and behavior that is not.
8. Should an illness or disability be present, << Farm Name >> deems to work with the worker towards a goal of rehabilitation and the duty to accommodate under the Canadian Human Rights Code.

Support for Employees with Substance Abuse Issues

Although << Farm Name >> reserves the right to discipline, it also recognizes that addiction and substance abuse is a health problem. << Farm Name >> is prepared to help workers get the counseling, treatment, rehabilitation and support they need to overcome those problems. Workers may request help to treat an addiction as well.

Assistance & Reinstatement

<< Farm Name >> reserves the right to place workers 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.

Reference:

1. Nova Scotia Occupational Health and Safety Act.
2. Canada Human Rights Code.
3. Nova Scotia Human Rights