

PROVINCE OF NEW BRUNSWICK		AD - 2707
ADMINISTRATION MANUAL SYSTEM		
Section STANDARDS AND APPLICATION OF HEALTH AND SAFETY	Subject SUBSTANCE USE IN THE WORKPLACE	

1. POLICY STATEMENT

- 1.1** As an employer, the government of New Brunswick is committed to providing a safe, healthy and productive work environment where employees, the general public and the community are protected from the potential adverse consequences of substance use.
- 1.2** This policy is designed to address substance use in the workplace by an employee that may negatively impact the safety, competency or efficiency of that employee, other employees, or put members of the public at risk of harm in any way.
- 1.3** The use, sale, distribution, production of, or impairment due to: alcohol, illicit drugs, recreational cannabis, or medications that have not been legally obtained or properly prescribed to the employee is prohibited in the workplace.
- 1.4** Non-compliance with this policy may result in the appropriate measures, up to and including dismissal.

2. APPLICATION

This policy applies to all employees in Parts I, II and III of the New Brunswick Public Service while at work or conducting government business in the workplace or elsewhere.

3. DEFINITIONS

3.1 Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol (grain alcohol), or other low molecular weight alcohols including methyl (methanol) and isopropyl alcohol (rubbing alcohol). Beverage alcohol includes but is not limited to beer, wine, distilled spirits and very low alcohol products (e.g. beer with 0.5% alcohol by volume) as are included in this definition.

PROVINCE OF NEW BRUNSWICK		AD - 2707
ADMINISTRATION MANUAL SYSTEM		
Section STANDARDS AND APPLICATION OF HEALTH AND SAFETY	Subject SUBSTANCE USE IN THE WORKPLACE	

3.2 Cannabis

A substance from the cannabis plant used medically or recreationally. Tetrahydrocannabinol, or THC, is the chemical compound in cannabis responsible for its potentially impairing effects. Delivery methods of cannabis include but are not limited to pipes, rolling papers, bongos, hookas, vaporizers, one-time use devices, extracts, oils, or edibles.

3.3 Employee

Includes any full-time, part-time, casual, temporary, seasonal, or contract employee of the government of New Brunswick. Also, any volunteer, student or intern worker providing services to the government of New Brunswick.

3.4 Fit for Work

An Employee is able to perform the duties of the job with efficiency, competence and in a safe manner as compared to established or generally-accepted performance standards. Medical documentation may be required to validate an employee's fitness for work.

3.5 Illicit Drugs

Any drug or substance that is not legally obtained by the employee and whose use, sale, possession, purchase or transfer is restricted or prohibited by Canadian law. These may include but are not limited to: street drugs such as cocaine, heroin, hallucinogens, stimulants, and prescription drugs that have not been legally prescribed to the employee or are obtained through drug diversion.

3.6 Drug Diversion

The term includes any unaccountable loss, theft, use for unintended purposes, or tampering of a drug. For purposes of this policy, drug diversion is a medical and legal concept involving the transfer of any legally prescribed drug from the individual for whom it was prescribed to another person for any illicit use, including any deviation that removes a prescription drug from its intended path from the manufacturer to the intended patient.

3.7 Impaired/Unfit for Duty

The inability to safely, competently or efficiently perform work duties without limitation resulting from substance use, after effects of substance use, or otherwise being under the influence of substances.

PROVINCE OF NEW BRUNSWICK ADMINISTRATION MANUAL SYSTEM		AD - 2707
Section STANDARDS AND APPLICATION OF HEALTH AND SAFETY	Subject SUBSTANCE USE IN THE WORKPLACE	

3.8 Medication

A drug obtained legally, either over the counter as treatment for an existing medical condition or as properly prescribed to the employee by a registered and regulated health professional.

3.9 Misuse of Medication

The intentional or unintentional use of medication in a way or for a purpose that was not intended, or under circumstances that risks the health or safety of the employee, his/her co-workers, the general public, and/or the workplace.

3.10 Safety Sensitive Position

A safety-sensitive position is one in which drug or alcohol impairment could result in direct or indirect risk of injury to the employee, others, the environment, or damage to equipment or property. Positions that require an employee to operate any type of motor vehicle can be considered safety sensitive.

3.11 Substance

Anything ingested, consumed or otherwise taken that could cause impairment. This includes but is not limited to alcohol, cannabis, illicit drugs, and medications.

3.12 Substance Use Disorder/Dependency

Substance Use Disorder is defined as a cluster of cognitive, behavioral and physiological symptoms indicating that the individual continues to use the substance or substances despite the presence of significant substance related problems in areas such as social, recreational, interpersonal, occupational, and/or psychological functioning. Symptoms cause clinically significant impairment or distress and occur within a 12-month period. Substance Use Disorder can be considered mild, moderate or severe depending on the nature and number of presenting symptoms. Diagnosis of a Substance Use Disorder is usually made by a health professional legally qualified to do so.

PROVINCE OF NEW BRUNSWICK		AD - 2707
ADMINISTRATION MANUAL SYSTEM		
Section STANDARDS AND APPLICATION OF HEALTH AND SAFETY	Subject SUBSTANCE USE IN THE WORKPLACE	

3.13 Workplace

The workplace includes but is not limited to the physical work site, washrooms, lunch rooms, meeting rooms, training sessions, business travel, conferences, work related gatherings, the employee or client’s home (if deemed a worksite) or worksite, or any other premises at which an employee is conducting business on behalf of the government of New Brunswick. The workplace may extend to events outside of work hours depending on the nature of the event.

4. RESPONSIBILITIES:

4.1 Shared responsibility

The employer and all employees share responsibility for understanding and preventing substance use in the workplace.

4.2 Employer

The Government of New Brunswick will:

- acknowledge that Substance Use Disorders/Dependencies are treatable conditions and early intervention improves the probability of a lasting recovery.
- firmly and fairly enforce the principle that its employees must not be impaired while at work, or while conducting government business.
- communicate to employees about the risks and potential consequences of substance use, Substance Use Disorder, and impaired employees in the workplace.
- provide education and training to help employees, supervisors and others to identify impaired behavior and/or recognize warning signs that may indicate that they or another employee may have a Substance Use Disorder, and to identify the appropriate response and next steps including rights to confidentiality for the employee.
- encourage employees who self-disclose a potential substance use disorder to consult a substance abuse expert for a diagnosis.
- provide employees who have a diagnosable substance use disorder with appropriate leave to access substance use professionals and rehabilitation programs in accordance with [AD2202](#) – Sick Leave Policy or the appropriate collective agreement, and reasonable work accommodation in order to assist them overcome their dependency, to the point of undue hardship.

PROVINCE OF NEW BRUNSWICK ADMINISTRATION MANUAL SYSTEM		AD - 2707
Section STANDARDS AND APPLICATION OF HEALTH AND SAFETY	Subject SUBSTANCE USE IN THE WORKPLACE	

- in anticipation of return to work for bargaining employees, Union involvement will be required on a case-by-case basis for consultation on the terms for testing of employees where there is some form of monitoring agreement for a self-declared Substance Use Disorder.
- maintain the confidentiality of employee personal information and personal health information related to substance use at all times.
- ensure documentation containing employee personal information and personal health information related to substance use is securely collected, used, and stored in accordance with the [Right to Information and Protection of Privacy Act](#).

4.3 Employees

All employees will:

- be fit for work and remain fit for work throughout their work day, or on-call.
- not report for duty while impaired as a result of substance use.
- not use, possess, distribute, offer or sell alcohol, cannabis, illicit drugs, or illicit drug paraphernalia in the workplace.
- perform their work duties safely, competently and efficiently, without any limitations arising from substance use, including medications, or the after-effects of substance use that risks their health, safety, the health or safety of any other person, or damage to equipment or property.
- advise their supervisor if they believe that they are, or could become impaired in the workplace as a result of substance use, or the use or misuse of medication in accordance with the [Occupational Health & Safety Act](#), Section 12(c).
- report to their supervisor the existence of any hazard of which they are aware, including if they believe another employee has a substance use disorder, or is, or has been impaired while at work or while conducting government business in accordance with the [Occupational Health & Safety Act](#), Section 12(c).
- self-disclose to their supervisor that they may have a Substance Use Disorder, or are prescribed a medication or authorized cannabis which may render them unfit for duty.

PROVINCE OF NEW BRUNSWICK		AD - 2707
ADMINISTRATION MANUAL SYSTEM		
Section STANDARDS AND APPLICATION OF HEALTH AND SAFETY	Subject SUBSTANCE USE IN THE WORKPLACE	

- recognize that problems related to substance use or Substance Use Disorder do not excuse inappropriate behavior, unsafe work performance, or being unfit for duty.
- actively participate in work accommodation, if necessary and if available, during the course of treatment, rehabilitation or follow-up programs.
- if required, provide fitness for work documentation within a reasonable timeframe, established by the employer, to facilitate reasonable work accommodation.
- be tested for substance use when a critical incident such as a major accident, significant event or near miss has occurred and there are facts to support that an employee occupying a safety-sensitive position was in a condition of impairment or intoxication (the purpose of this testing is to determine the root cause of the incident), or where it is recommended as a part of a broader follow-up medical, rehabilitation treatment or return to work plan.
- understand that the [EFAP](#) (Employee Family Assistance Program) is accessible and other programs will continue to be used and supported in conjunction with the testing following a critical incident or self-disclosure of a Substance Use Disorder.
- recognize that disciplinary action may result from a positive test or the refusal to comply with a demand to submit to testing. Disciplinary action will be assessed on a case-by-case basis through an application of the “just cause” provisions in the various collective agreements.
- recognize that failure to abide by the responsibilities listed above may result in disciplinary measures, up to and including dismissal.

5. PROCEDURE

- 5.1** Employees with Substance Use Disorders are encouraged to voluntarily seek help from a substance abuse expert. To help facilitate this, the government of New Brunswick supplies access to the Employee and Family Assistance Program (EFAP).

PROVINCE OF NEW BRUNSWICK ADMINISTRATION MANUAL SYSTEM		AD - 2707
Section STANDARDS AND APPLICATION OF HEALTH AND SAFETY	Subject SUBSTANCE USE IN THE WORKPLACE	

5.2 When an employee brings, to their supervisor, a concern regarding the effects of a substance on their, or another employee's job performance, the supervisor consults with Human Resources to determine the options available for the employee. The supervisor and Human Resources maintain employee confidentiality.

5.3 The supervisor, or their designate, should observe employees for signs of obvious impairment or altered performance behaviours. Supervisors should consult their departmental Human Resources for specific instructions for handling workplace impairment.

6. COMPLIANCE

Non-compliance with this policy may result in appropriate disciplinary measures, up to and including dismissal.

7. PRIVACY & CONFIDENTIALITY

Personal information and personal health information required pursuant to this policy will be collected, used, retained, and protected by parties in accordance with the [Right to Information and Protection of Privacy Act](#).

8. AUTHORITIES

[Human Rights Act](#)

[Occupational Health & Safety Act](#) Section 12(c)

[Right to Information and Protection of Privacy Act](#), Sections 38, 41, 42, and 44

[Financial Administration Act, Section 6](#)

[Motor Vehicle Act](#)

Treasury Board Minute JM2018-07-31-01

9. INQUIRIES

- Employees and Supervisors may contact Human Resources staff at SNB.
- Human Resources staff may contact Treasury Board at (506) 453-8574.