



FIT FOR DUTY POLICY

Policy Category	Corporate Services
Policy Search Name	<i>C – Fit for Duty Policy</i>
*Anishinabek Standard	
<i>Place of Learning</i>	<i>F. Fosters extensive on-going participation, communication and interaction between Kenjgewin Teg and community personnel.</i>
<i>Educators</i>	<i>N/A</i>
<i>Students</i>	<i>N/A</i>
<i>Curriculum</i>	<i>N/A</i>
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*These are organizationally adapted standards from the World Indigenous Nations Higher Education Consortium (WINHEC) and the Alaska Comprehensive Centre/Alaska Native Education approved by the Kenjgewin Teg Board of Directors, 2015.

1.0 Background and Purpose

1.1 Kenjgewin Teg is proud to have a reputation for hiring quality people and setting high standards of work performance, but that reputation is meaningless unless we succeed in keeping our people and products, the public, and the environment in which we operate safe from harm. It is widely recognized that stress, fatigue or being under the influence of Drugs or alcohol while on the job poses serious safety and health risks, not only for the individual involved but for all those who work with or otherwise come into contact with that individual. Kenjgewin Teg believes that maintaining a Drug and alcohol-free workplace and minimizing highway and work-related accidents are crucial steps to ensuring that our employees, and the families and communities that depend on them, remain safe. This belief has been the foundation of Kenjgewin Teg’s policy of Zero Tolerance for the manufacture, sale, distribution, purchase, possession or transportation of Drugs or alcohol to, on or from organization property. The Fitness for Duty policy is designed to better define and implement that goal. As an industry leader, Kenjgewin Teg has set a goal for its operations of no workplace incidents or injuries.

1.2 Kenjgewin Teg has reviewed the operational, social, medical, ethical and legal aspects of instituting the Fitness for Duty policy and program in Canada. While each of these factors is in constant flux, Kenjgewin Teg recognized from past incidents the need to take a stand and establish a policy and corresponding procedures that both recognizes and seeks to eliminate the problem while at the same time protecting and supporting valued Employees.

2.0 Definitions

“alcohol”	Means an intoxicating liquid which is designed and manufactured for human consumption and which meets the scientific definition of alcohol.
“organization business”	Refers, without limitation, to all activities undertaken by Employees and by contractors and their Employees in the course of Kenjgewin Teg's operations, whether conducted on or off organization property.
“organization property”	Means any land, building, work or part thereof owned, leased or occupied by Kenjgewin Teg and any motor vehicle, piece of equipment, container or other means of transportation (collectively, “vehicle”), owned, leased, rented or used by Kenjgewin Teg and any private vehicle used in the course of organization business.
“organization driver”	Includes those Employees and contractor Employees whose duties involve driving a vehicle (as defined under “Organization property”).
“contact group”	Means those named individuals, as published by Kenjgewin Teg from time to time, whose responsibilities include receiving and responding on a confidential basis to information generated by the Program.
“drug”	For the purposes of the Program a Drug is any substance, including without limit alcohol, illegal Drugs and prescribed medications the use of which has the potential to change or adversely affect a person’s physiological and/or psychological state. Drugs of concern are those that potentially inhibit a person’s ability to perform their job safely and productively. Specific Drugs of concern include, but are not limited to, alcohol, marijuana, cocaine, opiates, phencyclidine, and amphetamines.
“employee”	Means any person employed by Kenjgewin Teg or by a contractor working on Kenjgewin Teg property, whether in a full or part time position, and includes office and managerial staff. In the case of Employees working for a contractor, reference herein to Kenjgewin Teg shall be deemed to refer to or include the contractor as appropriate.
“fitness for duty”	Means a state (physical, mental and emotional) which allows the individual to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of that individual or others. Final determination of what constitutes "Fit for Duty" for any specific task will lie in the sole discretion of the principal employer, manager or supervisor using the guidelines provided by this Program and, where applicable and appropriate, other available assessment procedures.
“incident”	Means an event which intentionally or unintentionally causes, or could have caused (a near miss), injury or damage.
“medical review officer (MRO)”	Means a medical doctor who has been trained and certified in the interpretation and reporting of human Drug testing for substances abuse.
“on-the-job”	Means anytime that an individual is engaged in organization business while on organization property, whether on or off duty at the time.

“positive”	A positive alcohol test means a blood alcohol concentration equal to or greater than 0.02 grams of alcohol in 100 milliliters of blood. A blood alcohol concentration which is confirmed at 0.04 grams of alcohol per 100 milliliters of blood will be considered a violation of the Program. A positive Drug test means that the quantitative levels in the body of a Drug (excluding alcohol) are over the approved cutoff levels as set out by the U.S. and Canadian Federal Governments and monitored by the Substance Abuse and Mental Health Services Administration, HHS laboratories.
“qualified program administrator”	Kenjgewin Teg will use the assistance of a qualified external party to administer this Program, both to ensure confidentiality and secure arms length administration of the Program.
“reasonable cause”	Includes direct observation of Drug possession or use, irrational or unusual behavior, and reporting to work in an apparent unfit condition (based on specific, contemporaneous, clear observations concerning the individual’s appearance, behavior, speech or body odors) which would reasonably lead one to believe that the individual may be under the influence of a Drug.
“safety sensitive position”	A Safety Sensitive Position is one in which a state of incapacity due to Drug impairment could result in direct and significant risk of injury to the incapacitated individual, others, organization property and/or the environment. These positions depend on alertness, quickness of response, soundness of judgment, and accuracy of coordination of multiple muscle functions and have a direct role in an operation where inappropriate performance of the task could result in harm to oneself, coworkers, invitees, property or the environment. This definition includes all individuals who are required to rotate through or within a safety sensitive area.
“substance abuse professional (SAP)”	An SAP is responsible for determining whether or not an Employee has a Drug dependency or abuse problem and needs assistance to overcome such problem.

3.0 Application

3.1 Focused on safety, prevention and treatment, this policy applies to all employees of Kenjgewin Teg.

3.2 In the event of any inconsistency between the Corporate Services Policies or any other organization policy or procedure and the Fitness for Duty Policy, the provisions of this policy will prevail.

3.3 Violation of this Program will be grounds for intervention as outlined within this policy and may lead to progressive disciplinary action up to and including dismissal.

3.4 Employees who may have Drug or alcohol abuse problems are encouraged to seek assistance prior to such problems affecting on-the-job performance and the safety of their co-workers.

3.5 One of the tools used in Fit for Duty policy is Drug Testing. Kenjgewin Teg recognizes that Drug Testing does not necessarily demonstrate impairment, nor does it necessarily reveal a substance abuse problem or chemical dependency. A verified positive Drug test only means that a Drug or alcohol is in the donor's system.

3.6 Kenjgewin Teg realizes that substance dependency is considered to be a disability under the Human Rights Code and intends to comply with the requirements of the Code and any other applicable laws in the implementation of this policy.

3.7 Unless otherwise stated Drug testing will only be required of those employees who work in Safety Sensitive Positions.

4.0 Policy

Policy Objective

4.1 The operating procedures and practices of Kenjgewin Teg are designed to promote the development and maintenance of the highest possible levels of worker health and safety in an efficient and productive workplace.

4.2 This policy is intended to provide a framework for dealing with the difficult, and often sensitive, issues stemming from substance abuse and related stress and fatigue. Kenjgewin Teg believes that early intervention in such problem areas can assist individuals to better deal with a situation which might otherwise place at risk their own health and safety at risk as well as the health, safety and employment of others.

General Duties of Care

4.3 Each of Kenjgewin Teg employees and contractors covered by these policies and procedures share a legal and moral duty under the Kenjgewin Teg Fit For Duty policy and applicable occupational health and safety legislation to ensure its successful implementation for the safety and wellbeing of all. This includes the duty to identify and report all safety issues and breaches of the policy to Kenjgewin Teg.

A. Duty of an Employer

An employer is required by law to provide a safe workplace and safe systems of work, which includes the elimination of known hazards in the workplace. Part of that duty of care includes taking reasonable precautions to ensure that all employees on Kenjgewin Teg property are in a fit condition to work so as to minimize risks both to themselves and others.

B. Duty of Senior Management

The senior management of Kenjgewin Teg will be responsible for ensuring the adoption and implementation of this program, including:

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- i. Organization wide implementation*
Ensure that frontline managers and any contractors they may oversee or audit understand and implement the program in all their areas of responsibility.
- ii. Provision of resources*
Ensure that adequate resources are allocated for the education, training, counseling and other requirements of the policy throughout Kenjgewin Teg's offices and operations.

C. Duty of Supervisory Staff

Supervisory staff will be responsible for the health, safety and welfare of all individuals under their control or supervision. Specific responsibilities include:

- i. Implementation of the policy in area of responsibility*
Supervisory staff are responsible for the effective implementation of the policy on their respective sites including the briefing of all employees and contractors, the provision of appropriate education and training resources and the review of the policy's application and effectiveness in their areas of responsibility.
- ii. Adherence to the Policy*
Supervisory staff are responsible for ensuring that all individuals in their area of responsibility understand and comply with the requirements of this policy.
- iii. Application of the Policy*
Supervisory staff are responsible for ensuring that the policy is applied fairly and consistently and that all individuals are treated with respect. In particular they will ensure that no employee who seeks assistance will be disadvantaged and that all employment rights are safeguarded.
- iv. Assessing Fitness for Duty*
Where appropriate and practical, supervisors are responsible for assessing the fitness for duty of individuals under their control at the start of, and throughout, each work period.
- v. Action required when an individual is not Fit for Duty*
Supervisory staff are responsible for taking prompt and appropriate action whenever they have reasonable cause to believe that an individual is not capable of working in a safe and effective manner. The exercise of this responsibility may include:
 - immediately, and as unobtrusively as possible, removing the individual from the workplace;
 - documenting all occasions when an Employee has been determined to be not Fit for Duty or when performance is unsatisfactory, and all steps taken by staff to correct the situation including providing effective feedback to the employee concerning their performance or safety;
 - assisting the employee to access support and assistance from local providers or through the Qualified Program Administrator.
- vi. Ensuring confidentiality*
Communication of confidential information is on a "need to know" basis only. In general, Supervisory staff will only be provided with functional ability information in respect of their direct reports. However, if Supervisory staff are in a position where they have knowledge

of or are required to receive sensitive medical or other personal information about an individual of a confidential nature, then they are responsible for establishing and maintaining appropriate procedures and facilities to safeguard such information against unauthorized use or disclosure. Compliance with Kenjgewin Teg's Privacy Policy and with applicable Privacy legislation is required.

D. Duty of Employees

Each employee on Kenjgewin Teg property (whether under the employ of Kenjgewin Teg or a contractor) has a duty to take reasonable care so as not to expose themselves or others to unnecessary health or safety risks. An important part of this duty is ensuring that they are in a fit state to work at the start of, and throughout, each work period.

In order to fulfill this responsibility, each employee has the obligation to:

a) Report for work in a fit condition

All employees must present themselves at work in a condition in which they are able to carry out their duties without risk to themselves or others. This includes ensuring that they are not in an unfit state due to the adverse effects of fatigue, stress, or Drugs.

b) Notify the employer of any actual or potential impairment of Fitness for Duty

Kenjgewin Teg recognizes that there are many legitimate medical causes or other reasons for physical or mental impairment of an individual's Fitness for Duty. In such circumstances, Employees should notify their manager or supervisor of any concerns about, or potential impairment of, their fitness for work. The employee may be required to have their treating medical care professional discuss their circumstances with the medical provider before they are permitted to return to work.

Reporting to Work for an Emergency or Call Out (Duty of All)

4.4 Workers that are contacted to report for work for emergency or other unscheduled reasons must not accept a work assignment if they have reason to believe their ability to work safely and effectively may be impaired by reason of the use of Drugs. Any worker contacted to report in such circumstances has a duty to refuse the assignment and advise the person contacting them that they are doing so because they believe they may be impaired. Workers refusing a work assignment on this basis will not be subject to discipline for the refusal; although they may, depending on the circumstances, be referred to a counseling program following numerous refusals to work because of impairment.

Notification of Breaches of the Policy

4.5 All individuals must notify their managers, supervisors or occupational health and safety representatives of any situation in which this policy may have been breached. This includes:

- a) Any situation in which other individuals appear to be unfit for work
- b) The unauthorized possession or consumption of Drugs on Kenjgewin Teg property or during the work period by another individual
- c) The manufacture, transportation, sale or purchase of Drugs while on organization business or organization property
- d) Any other apparent breach of the policy

All information reported will be dealt with in the strictest confidence save and except where disclosure is required for the immediate protection of the health and safety of the individual in question or others in the vicinity, is mandated by law, or is required in order to fully and properly investigate the incident reported.

5.0 Testing Applications

5.1 Pre-employment Testing:

Kenjgewin Teg will require that applicants for Safety Sensitive Positions undergo a Drug test after being given a conditional offer of employment with Kenjgewin Teg. In the event of a positive test result, the steps set out in Section 8.3 of this policy will apply.

5.2 Reasonable Cause Testing:

When Kenjgewin Teg has reasonable cause to believe that an employee has violated the intent or substance of this policy and is unable to work in a safe manner, it will advise the individual accordingly and request that they submit to a search and testing for Drugs. To ensure the safety of the individual and others working in the vicinity, a Kenjgewin Teg representative (and, in the case of a contractor's employee, a representative of the contractor) will transport the individual as soon as practical to the specimen collection site or, if time and circumstances permit, will arrange for the collection agency to attend on Kenjgewin Teg property. The individual will then be asked to submit to a Drug test.

An employee who is asked to take a Reasonable Cause Test will be considered unfit for work and will be placed on immediate suspension pending the results of his or her test. Should the test results be negative, the employee will be paid for the period of such suspension.

5.3 Post Incident Testing:

Incidents will be investigated by in conjunction with a representative from the Joint Health and Safety Committee when immediately available. Post Incident Testing for Drugs will not be required unless it has been determined that an individual's actions did or could have contributed to the incident and the incident in question involved:

- a) a death
- b) the need for medical treatment resulting from a serious injury that
 - I. places life in jeopardy
 - II. produces unconsciousness
 - III. results in substantial loss of blood
 - IV. results in the fracture of a leg, arm, finger or toe
 - V. results in the amputation of a leg, arm, hand, foot, finger or toe
 - VI consists of burns to a major portion of the body, or
 - VII. causes the loss of sight in an eye
- c) damage to public or private property which is believed to exceed \$5000.00 including the cost of clean-up and recovery, value of lost product, and/or damage to the property of others, or
- d) results in an emergency shutdown of a facility or part thereof.

All employees will be subject to Post Incident Testing for Drugs in accordance with the preceding criteria. Because Post Incident Testing is an investigative procedure, testing is required even in the absence of direct evidence or suspicion of Drug use.

Reasonable Cause and Post Incident Testing will be conducted as soon as reasonably practical following the incident. No testing for alcohol shall occur more than 8 hours after the time of the incident giving rise to the test. In the case of Drugs (excluding alcohol), no testing shall occur more than 32 hours after the time of the incident giving rise to the test. It is recognized that it may not be possible to test an individual after an incident which renders him or her incapable of giving informed consent.

5.4 Return to Duty Testing:

Kenjgewin Teg will require an employee who has tested positive for a Drug or who has completed a treatment program for substance abuse or satisfied the recommendations of a Substance Abuse Professional to undergo a Return to Duty Test for Drugs. A negative test result is required before the individual will be allowed to return to duty.

5.5 Follow-up Testing:

Employees who return to duty following a negative Return to Duty Test for Drugs will be subject to reasonable unannounced follow-up testing as recommended by the SAP.

5.6 Client Requested Testing/Pre-Site Access Testing:

From time to time it may be necessary for Kenjgewin Teg to meet a client or customer's Drug testing requirements (which may differ from those outlined in this policy) in order to qualify for work on their projects or to access their work sites. Prior to agreeing to do so, Kenjgewin Teg will seek legal input regarding the propriety of such requirements and the adequacy of privacy protections accorded Kenjgewin Teg employees who will be assigned to the project or site.

6.0 Refusals and Prohibitions

6.1 Refusal to be Tested and other Breaches of the Policy:

Compliance with the policy, including acceptance of Drug testing, is a condition of continued employment with Kenjgewin Teg. Refusal to be tested will be viewed as a failure to comply with Kenjgewin Teg policy and a breach of the policy. Such a refusal will result in the employee being referred to an SAP for assessment and, depending on the facts of each case (including the nature of the breach, the existence of prior violations, the seriousness of the breach, and the employee's own efforts to correct the situation), could lead to a treatment recommendation, a requirement to attend educational sessions, or to a variety of progressive disciplinary measures by Kenjgewin Teg up to and including termination of employment for cause.

Examples of refusal include:

- i. failing to provide an adequate urine specimen for a Drug test without a valid medical explanation;
- ii. failing to provide adequate breath for an alcohol test without a valid medical explanation;
- iii. failing to submit to a test when requested to do so; or
- iv. engaging in any conduct which obstructs the testing process.

Examples of prohibited conduct under the policy include:

- i. manufacturing, distributing, possessing, using, selling, transferring, purchasing, or transporting illegal or prohibited Drugs while on the job or on Kenjgewin Teg property;
- ii. reporting to work in an apparent unfit condition due to the effects of Drugs;
- iii. using alcohol before the expiry of an 8-hour abstention period following involvement in an incident or before undergoing a Post-Incident Test for Drugs;
- iv. performing or continuing to perform Safety Sensitive functions, including driving Kenjgewin Teg owned vehicles after having been found to have an alcohol concentration of 0.02 grams of alcohol per 100 milliliters of blood or greater but less than 0.04 grams of alcohol per 100 milliliters of blood sooner than 8 hours following administration of the test.

NOTE: It is the responsibility of every individual when on Kenjgewin Teg property to ensure that all prescription and legal non-prescription medications are safely stored, taken only as prescribed or indicated on the package and are unlikely to adversely affect their performance or Fitness for Duty. This means that employees should discuss with the prescribing medical practitioner the nature of their work duties and ascertain any possible side effects of the prescribed or recommended medication that might impact their safety or job performance or the safety and job performance of others on Kenjgewin Teg property. If in doubt about your ability to work safely and efficiently while taking such medication, it is your responsibility to immediately report that concern to your manager or supervisor. Kenjgewin Teg may require a note from the treating physician before permitting a return to work, with all attendant costs being to the account of the employee.

6.2 Specimen Adulteration:

Any employee found to have tampered with or attempted to alter a specimen collected for the purpose of Drug testing will be required to be evaluated by a SAP. Violations under this section will subject the employee to progressive disciplinary action up to and including dismissal for cause. If an employee is permitted to return to work following evaluation by an SAP, he or she will be required to comply with all recommendations of the SAP, attend further educational sessions where appropriate and commit to future compliance with the policy.

6.3 Inability to provide an Adequate Sample:

In the event that an individual is unable to provide a suitable sample of breath for breath alcohol testing or urine for Drug testing, the individual will be required to submit within 5 business days or show the employer documentation of an appointment to be evaluated. The evaluation is to be performed by a licensed medical physician acceptable by the MRO to determine whether a valid medical condition exists for such inability. If the physician determines that a valid medical condition does exist, the test result will be reported to Kenjgewin Teg as “canceled”. If the physician determines that a valid medical condition does not exist or the individual fails to obtain such evaluation within the above timeframe, the test result will be reported to Kenjgewin Teg as a “refusal”.

7.0 Testing Methodology

7.1 Scope:

- a) Workers can only be tested immediately before, during, or immediately after duty. This includes being immediately available for duty.

- b) All Drug testing (excluding alcohol) will be conducted by urinalyses. All testing will be collected, analyzed, and interpreted by certified professionals. Where breath alcohol or saliva testing devices are available, alcohol may be tested using breath or saliva samples by a qualified Breath Alcohol Technician.
- c) Results of these tests will be treated with a high degree of confidentiality.
- d) All urine samples will be collected and then split into two separate sealed containers (split sample collection method) for the protection of the individual being tested. Should the individual dispute the initial test results, he/she has the right to submit a written request (within 72 hours of the initial interview with the MRO) to the MRO to have their split sample tested by an independent accredited laboratory. The split sample testing will be at the employee's expense if the independent laboratory confirms the presence of the Drug which was reported by the first laboratory.

7.2 Drug Testing Procedures:

- a) Administration: Recognizing the need to protect the confidentiality of sensitive medical information, to limit the possible adverse reputational impacts of a request for Drug testing and to ensure fair and equal application of the policy, Kenjgewin Teg has appointed a professionally recognized and centralized body for administering the policy procedures (hereafter, the Qualified Program Administrator).
- b) Administrator: The Qualified Program Administrator is responsible for liaising with and coordinating the work of the collection sites, the laboratory, and the MRO; and is also charged with communicating the details of the policy and its implementation to the Contact Group and advising on educational courses that would foster a better understanding of the impact of Drugs on the individual and worksite.
- c) Methodology: The Drug testing methodology for the policy consists of four steps:
 - 1) collection of the specimen:
All specimens will be collected in accordance with approved protocols of the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA) as adopted by the Standards Council of Canada. Unless otherwise provided, individuals to be tested are required to report to the appropriate collection facility for collection of the specimen.

Urine specimen collection will be done in a private setting without observation by the collector. However, where there is reason to believe that the individual being tested may have altered or substituted a specimen, witnessed collections may be conducted. Collection facilities will send the specimen directly to the certified contracted laboratory which will, in turn, analyze the specimen.

- 2) laboratory processing
The laboratories currently contracted to process all Kenjgewin Teg specimens are SAMHSA accredited/certified laboratories. They will process all specimens in accordance with applicable SAMHSA guidelines and screening cut off concentrations. All positive Drug test results will be confirmed by Gas Chromatography Mass Spectrometry. The results of all specimens processed are then sent to the MRO for final verification.

- 3) a review by the MRO
The MRO appointed by the Qualified Program Administrator will review the files of all employees who receive positive results from the laboratory to determine whether there appears to be any explanation for the positive result other than substance abuse. The individual tested may request an opportunity at this time to submit additional medical information for consideration by the MRO. A confidential physician/patient relationship will be deemed to exist between the MRO and any individual who elects to deliver additional medical information.
- 4) communicating the results
If the MRO receives results from a Drug test indicating that it was "positive", he/she will do the following;
 - (a) Contact the employee who was tested to verify if there is any valid medical reason for use of the Drug in question.
 - If no valid reason exists, the MRO will communicate a verified positive result to Kenjgewin Teg.
 - If the Employee has a valid medical reason for using the Drug, the MRO will report a verified negative result to Kenjgewin Teg.
 - (b) If the MRO receives a positive result but is unable to contact the employee who provided the specimen within 24hrs from receipt of the results, the MRO will ask Kenjgewin Teg to arrange for the individual to contact the MRO. Kenjgewin Teg (or, if the employee's employer is a contractor, the employer) will contact the employee at his/her last known telephone number and advise that the employee has 3 business days in which to contact the MRO, failing which a positive result will be reported to Kenjgewin Teg.
 - (c) The MRO may verify a test result as positive without having communicated directly with the individual tested in three circumstances:
 - the individual expressly declines the opportunity to discuss the test;
 - after making all reasonable efforts, neither Kenjgewin Teg (contractor) nor the MRO has been able to contact the individual within the timelines outlined above;
 - the individual was successfully contacted by Kenjgewin Teg or employer (as documented in writing) and instructed to contact the MRO within 3 business days but failed, without reasonable excuse (including a serious illness or injury or other circumstance that made timely contact impossible), to do so.

If the MRO is advised of circumstances that made timely contact by the individual impossible, the MRO may reopen the verification and allow the employee to present additional medical information regarding the positive test.

- (d) Following completion of the review process, the MRO will report the test results to Kenjgewin Teg in a manner that ensures confidentiality of the information.

7.3 Protection of Privacy:

All records concerning Drug tests maintained by Kenjgewin Teg will be kept in a separate confidential file segregated from any other Kenjgewin Teg records including employee personnel files. All test results will be marked "Confidential /Restricted Access", with only Contact Group members having access. The information will be safeguarded against unauthorized use or disclosure in accordance with Kenjgewin Teg's Privacy Policy and applicable Privacy legislation; and will only be used or disclosed to third parties without the individual's consent in cases where such information is needed to ensure the safety or health of the individual or others and the individual cannot be timely located, disclosure is required by law, or the proposed use or disclosure is otherwise exempt from the requirement of consent under applicable Privacy legislation.

7.4 Need for Medical or Other Assessment:

There are many legitimate medical or other reasons for physical or mental impairment of an individual's fitness for work. In such circumstances, employees will be required to have their treating medical care professional discuss their circumstances with the Kenjgewin Teg medical provider before they are permitted to return to work.

8.0 Action on Test Results

8.1 General:

All positive Drug results obtained by a screening test will be confirmed by Gas Chromatography Mass Spectrometry. A positive test result will lead to an SAP evaluation to determine whether a problem of substance abuse or dependency exists or not. If, after evaluation, it is determined that the employee requires treatment before returning to work, Kenjgewin Teg will require successful completion of a treatment program as a requirement for returning to work. After successful completion of a treatment program, the employee will be subject to all the regular provisions of this policy, as well as periodic unannounced Follow-Up Testing.

8.2 Breath Alcohol Confirmation Test Procedures:

In the case of testing for alcohol with a breathalyzer, if the result of the initial screening test is 20 milligrams of alcohol per 100 milliliters of blood or greater, a confirmation test will be performed. The confirmation test will be conducted not less than 15 minutes after the completion of the screening test. The reason for this requirement is to eliminate mouth alcohol residue leading to an artificially high reading. The result of the confirmation test will be reported. Confirmation tests may also be done at the laboratory through urinalysis.

8.3 Applicants for Employment:

If an applicant tests positive and can establish that he/she suffers from a substance related disability, they will be informed that the conditional offer of employment will be honoured by Kenjgewin Teg provided they submit to the requirements of this policy. If the applicant agrees he/she will be required to sign Conditions of Continued Employment (CCE – an agreement which allows Kenjgewin Teg to accommodate the individual knowing that he/she is not refusing treatment where required) and will be contacted for an interview by a SAP.

This interview will determine whether the applicant requires assistance in resolving problems with substance misuse. If after the evaluation by the SAP, Kenjgewin Teg is advised that the applicant

needs assistance, the applicant will be required to complete the education, assistance or treatment program recommended by the SAP prior to attending at the work site.

In cases where the applicant tests positive but is advised by the Qualified Program Administrator following an SAP interview with the applicant that the applicant does not need any such assistance and is not suffering from a disability, Kenjgewin Teg will review its conditional offer of employment and determine on the individual circumstances of each case whether the conditions for employment have been met or not.

8.4 Current Employees:

As previously noted, Kenjgewin Teg recognizes that a verified positive Drug test does not prove impairment at the time of the test or a chemical dependency or addiction. But it is also widely accepted that Drug use generally does lead to impairment of an individual's perception, motor skills, reaction time and clarity of thought. In order to reduce the risk from the use of Drugs in the workplace, Kenjgewin Teg has established a process to be used after a verified positive result.

The steps outlined below are designed to help employees who may require support (through either voluntary self-declaration of Drug use or delivery of a positive Drug result after testing) to find it.

1) First - the employee signs a Conditions of Continued Employment, which form also allows for the release of information obtained on evaluation by the SAP to Kenjgewin Teg.

2) Second - after the CCE is signed, witnessed, and faxed to the Qualified Program Administrator; arrangements will be made for the employee to be evaluated by an SAP. This evaluation is a brief psychological screening that helps identify individuals who have a high probability of having a substance dependence disorder (chemical dependency); followed by a face-to-face interview with the SAP to determine if the employee needs assistance in overcoming a Drug problem.

3) Third - after successful completion of the SAP evaluation and the recommended rehabilitation program (if any is required), the employee will be allowed to return to work or to a comparable position if Kenjgewin Teg or individual circumstances warrant a change of duties, shift or location. The employee will remain subject to all provisions of this policy.

Both an affirmative SAP report and a negative Return to Duty Drug Test (with periodic follow-up Drug testing to follow) will be required for return to work.

If an employee in a Safety Sensitive Position refuses to participate in a recommended education, rehabilitation or treatment program or to sign the required CCE document or fails, without good reason, to attend the Return to Duty Drug Test or complete the recommended education, rehabilitation or treatment program, he or she will not be considered for further employment.

Employees who are off work as a result of this policy may be entitled to use any applicable Kenjgewin Teg leave benefit or sick time that may be available.

8.5 Self-Declaration and Rehabilitation:

Employees are encouraged to seek assistance from Kenjgewin Teg before Drug problems lead to performance problems. The Employee's decision to self- declare and seek assistance from

Kenjgewin Teg will not become part of his/her personnel file; will not be used as basis for disciplinary action; and will not be used against the employee in any disciplinary proceedings.

However, should the Employee who self-declares and receives assistance from Kenjgewin Teg subsequently breach the terms of this policy, the fact that the employee voluntarily declared a Drug problem and sought assistance will not be a defense to imposition of disciplinary action for the subsequent violation.

Employees who decide to self-declare and voluntarily participate in a treatment program may be granted leave to do so with a conditional right to return to work dependent upon the employee's successful completion of the appropriate treatment regime as determined by a Substance Abuse Professional.

8.6 Storage of Results:

All Drug testing results will be sent to the Contact Group for filing and safeguarding of confidentiality. The Contact Group will include those individuals named and published periodically by Kenjgewin Teg.

8.7 Loss of Driving Privileges:

While an individual's activity on their own time is their business, in certain instances there may be implications for the workplace. For example, if a person drives a Kenjgewin Teg Vehicle on public highways, some charges or convictions may result in loss of driving privileges. An example of a charge or conviction which results in the mandatory loss of a driver's license is impaired driving. Again, Kenjgewin Teg encourages employees to come forward for assistance before problems result in charges or convictions.

Kenjgewin Teg Drivers must report any loss of driving privileges immediately to the appropriate Kenjgewin Teg supervisor. Employees who are on Kenjgewin Teg Business or on Kenjgewin Teg Property must comply with all local, provincial, and federal laws.

9.0 Independent Contractors

9.1 Responsibilities:

All independent contractors (which term includes anyone who operates on or works with any Kenjgewin Teg property under contract to Kenjgewin Teg) will be expected to:

- a) work with Kenjgewin Teg to ensure the successful implementation of the policy in respect of all services and work being performed by the independent contractor and its employees
- b) perform all contracted work and services in a safe manner consistent with established Kenjgewin Teg practices, standards, policies and this policy
- c) read, understand and agree to abide by this policy and implementing all duties and responsibilities accorded an employer hereunder
- d) where required by law or necessity or Kenjgewin Teg, implement a similar policy for all employees when they are travelling to or from and when they are on Kenjgewin Teg property
- e) ensure that all employees are aware of and agree to submit to testing for Drugs as set out in this policy or a comparable policy implemented

- f) ensure that all employees attend for any and all scheduled and unscheduled work Fit for Duty
- g) encourage all employees to self-declare, seek advice and follow appropriate treatment programs if they believe they have a substance dependency or emerging Drug problem
- h) ensure that all employees abstain from the manufacture, transportation, possession or use of Drugs while travelling to or from and when on Kenjgewin Teg property
- i) cooperate with the recommendations of any health care professional
- j) perform any recommended monitoring of aftercare following primary treatment of an employee for a Drug problem
- k) assess the potential for impairment during working hours that could be caused by the legitimate use of medication and manage the risk
- l) report the use of any medication that could have a negative effect on employee performance to Kenjgewin Teg's medical services provider
- m) observe the Fitness for Duty of others on Kenjgewin Teg property and take appropriate action if safety issues are a concern.

Violation of or failure to perform any of the preceding requirements may result in termination of the agreed services.

10.0 Accommodation

10.1 Employee's Responsibility:

A person who requires accommodation in order to perform the essential duties of a job has a responsibility to communicate the need for accommodation to Kenjgewin Teg in sufficient detail to indicate the type and duration of accommodation required and to cooperate in Kenjgewin Teg's efforts to respond to the request.

10.2 Support:

If an employee's Drug addiction or dependency is interfering with that person's ability to perform the essential duties of the job, Kenjgewin Teg will provide the support necessary to enable that person to undertake a rehabilitation program unless it can be shown that such accommodation is not possible without causing Kenjgewin Teg undue hardship.

10.3 Consequences:

The purpose of this policy is twofold: (a) to help those individuals with substance abuse problems and aid in their rehabilitation; and (b) to ensure that employees impaired by Drugs, or the stress and fatigue attendant on Drug use, do not harm themselves or place the health and safety of others at risk by attending on Kenjgewin Teg property or Kenjgewin Teg Business In a condition unfit for work.

Where safety is an issue, employees will be removed from their Safety Sensitive duties. Unless otherwise specified, all employees who violate the policy will be required to see a SAP for evaluation. Multiple violations of this policy will result in progressive disciplinary action up to and including dismissal.

11.0 Roles and Responsibilities

11.1 The President is responsible for the overall management and operation of Kenjgewin Teg.

11.2 The Corporate Services unit is responsible for overall implementation of this policy.

11.3 If a position referred to in this policy is vacant, the policy will not be invalidated. Instead, the President shall designate the roles and responsibilities of that role to another team member(s) and will ensure that Kenjgewin Teg staff and community is informed of the designation(s) as appropriate.

12.0 Evaluation Date – 10/31/2024

12.1 This policy will be reviewed every two years as part of the Board of Director’s policy review cycle and schedule. The evaluation date above represents the first date upon which this policy becomes eligible for review.

Related Legislation, Policies, Procedures, Guidelines and Documents	Kenjgewin Teg Fit for Duty Program C - Conditions of Employment Policy
Policies Superseded by this Policy	<i>Kenjgewin Teg Fit for Duty Program, #126-2015</i>
<i>The official version of this policy is housed in the Office of the President. In case of discrepancy between an online version and the official version held, the official version shall prevail.</i>	