

	<b>Abbotsford Police Department</b> <b>Policy and Procedure</b>	
	<b>Administration</b>	<b>Conduct</b>
	<b>I.C.034</b>	<b>Fitness for Duty</b>

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## PREAMBLE

The Abbotsford Police Department (“AbbyPD”) is committed to the health and safety of its employees and encourages all employees to maintain physical and mental fitness to perform their assigned duties.

AbbyPD, as a public safety and law enforcement agency, is a Safety Sensitive workplace. APD employees and contractors must be able to perform their assigned tasks at a level which does not compromise the safety of the public, or the security of AbbyPD workers, premises and confidential records and information.

It is widely recognized that being impaired by stress, fatigue, drugs, alcohol, or medication 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. The AbbyPD believes that maintaining a drug and alcohol free workplace, preventing impairment in the workplace and minimizing work-related incidents are crucial steps to ensuring that its employees, and the families and communities that depend on them, remain safe.

AbbyPD is committed to helping employees who are dealing with a substance use disorder. AbbyPD believes that these disorders are treatable diseases and will promote self-awareness and voluntary referral for assistance to enable employees with substance use disorders to get well. Information regarding AbbyPD's Employee and Family Assistance Program and extended health care benefits program are available to all employees on the AbbyPD intranet.

AbbyPD employees have an obligation to disclose their own substance use disorder and are encouraged to report a suspected substance use disorder in co-workers, before job performance is affected, or violations of WorkSafeBC Regulations<sup>1</sup> or this policy occur.

## PURPOSE

- (1) To ensure that the AbbyPD maintains a safe work environment, free from impairment by drugs, alcohol, or other causes.

## DEFINITIONS

- (2) **AbbyPD Premises** – includes, but is not limited to, any property permanently or temporarily coming under the jurisdiction of the AbbyPD, including any land, building, facility, parking lot, equipment, or vehicle, whether owned, leased or used by the AbbyPD and wherever located. For the purposes of this policy, the worksite of an employee assigned to a unit external to AbbyPD is considered an extension of the AbbyPD workplace, and therefore “AbbyPD Premises”.
- (3) **Cannabis** – has the same meaning as defined in the [Cannabis Act](#) (Canada).
- (4) **Drug(s)** – includes but is not limited to any substance which affects a person's physical or mental capacity or functioning, which causes a marked change in consciousness, or which has a physiological effect when ingested or otherwise introduced into the body, and includes both legal and illegal forms of such substances, but does not include medications taken pursuant to a valid prescription or cannabis pursuant to a valid medical authorization, and taken in accordance with a physician's directions.

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<sup>1</sup> WorkSafeBC OHS Regulations [4.19 and 4.20 Impairment](#)

- (5) **Decriminalized Drugs** means a quantity of the following Drugs (singular or in combination), not exceeding 2.5 grams total weight, by a person in BC over the age of 18:
- cocaine
  - fentanyl or analogs
  - MDMA (“Ecstasy”)
  - methamphetamine
- (6) **Employee** – for the purposes of this policy means an employee (including but not limited to all union and non-union employees, supervisory and managerial staff, whether casual, temporary, part time, full time or employed for a term certain), a volunteer, independent contractor or service provider.
- (7) **Fit For Duty** – for the purposes of this policy only, means a state (physical, mental and emotional) which is unimpaired, and which allows the individual to perform their tasks competently and in a manner which does not compromise or threaten the safety or health of that individual or others, the environment, or AbbyPD property.
- (8) **Impaired or Impairment** - a deterioration or diminishment of an individual’s physiological ability, functioning, judgment, or condition, that renders them unable to function safely.
- (9) **Medically Authorized** – having an unexpired medical document authorizing the use of Cannabis for medical purposes under the *Cannabis Regulations*<sup>2</sup>.
- (10) **On-Duty** – means the hours an Employee works, is scheduled to work, is called in and attends work, , and includes but is not limited to paid and unpaid breaks, and any overtime hours the Employee is required to, offers to, or does work.
- (11) **Personal File** – the confidential portion of an Employee’s personnel file, if any, containing items such as the Employee’s medical history and accommodated duty assignments. Unless subject to a court order, an Employee’s personal file may only be viewed by the Employee and staff assigned to the Human Resources (HR) Section.
- (12) **Safety Sensitive Position** - a position (permanent, interim or temporary) in which a state of reduced cognitive capacity could result in immediate direct and significant risk of injury to the individual, others, AbbyPD property and/or the environment. These positions depend on alertness, quickness of response,

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<sup>2</sup> **Cannabis Regulations:** <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2018-144/index.html>

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. The AbbyPD Human Resources Branch maintains the list of positions deemed Safety Sensitive by AbbyPD.

- (13) **Substance Use Disorder** – a condition in which the recurrent use of alcohol, drugs or any other substance causes clinically and/or functionally significant impairment, such as health problems, disability, and failure to meet responsibilities at work, school, or home.
- (14) **Use of Drugs** – includes but is not limited to smoking, vaping, eating, ingesting, consuming, drinking, injecting, inhaling, absorbing through the skin, or otherwise introducing a Drug into or onto the body.

## SCOPE

- (15) This policy applies to all AbbyPD Employees.
- (16) Independent contractors engaged by AbbyPD are expected to enforce this policy with their employees, sub-contractors and agents. Any contravention of this policy by an independent contractor or any person acting for, or engaged by, an independent contractor will be considered a breach of contract and may result in the removal of the personnel involved, and/or termination of the contract.

## POLICY

### GENERAL

- (17) All Employees must be able to perform their assigned duties safely and competently, without any Impairment, and specifically without being Impaired due to a physical or mental condition, or the use or after-effect of the use of alcohol, Drugs or other substances (including Medically Authorized Cannabis, physician-prescribed and over-the-counter medication and substances).
- (18) AbbyPD is committed to protecting Employee privacy and to ensuring any intrusion into an Employee's personal life is proportional, the minimum necessary to accomplish the policy's goals, and justified under this policy as necessary to ensure the safety of Employees and the public, and for the purposes of enforcing this policy.
- (19) Unless required by their duty, or as authorized by the Chief Constable or the Director of Human Resources (HR), or otherwise permitted pursuant to this policy, Employees:

- (a) will not consume alcohol, use Drugs, use Medically Authorized Cannabis, or intentionally misuse medications (physician-prescribed or over-the-counter) while:
  - (i) On-Duty;
  - (ii) on or in AbbyPD Premises;
  - (iii) wearing an AbbyPD uniform or
  - (iv) otherwise engaged in AbbyPD business; and
- (b) will not possess Drugs or unsealed containers of alcohol while:
  - (i) On-Duty;
  - (ii) on or in AbbyPD Premises;
  - (iii) wearing an AbbyPD uniform; or
  - (iv) otherwise engaged in AbbyPD business; and
- (c) will not use or possess illegal Drugs or Decriminalized Drugs at any time.

### **POTENTIALLY IMPAIRING MEDICATIONS AND MEDICALLY AUTHORIZED CANNABIS**

- (20) Where any Employee needs to use prescription medication or Medically Authorized Cannabis which could cause the Employee to be impaired while On-Duty, they are required to:
  - (a) notify the Director of HR prior to using the medication or Medically Authorized Cannabis; and
  - (b) provide to the Director of HR a copy of their medical authorization for use of cannabis, or a prescription for use of the medication. Any medical authorization relied on for the use of medical Cannabis must have been issued in accordance with the applicable statutory requirements and must remain valid during the period of use.
- (21) As long as the Employee provides advance notification, together with their medical authorization or prescription in accordance with paragraph (20), AbbyPD will determine whether and how the Employee's use of that medication or Cannabis can be accommodated.
- (22) If an Employee uses such medication or Cannabis in breach of this policy, they will be in violation of this policy.

### **FITNESS FOR DUTY**

- (23) Supervisors have the authority to assess whether an Employee is Fit For Duty. An Employee deemed not Fit For Duty (due to any cause) may be in violation of this policy and may be temporarily relieved from duty and/or removed from the premises.

- (24) Supervisors will document the circumstances which led to a Fit for Duty assessment and the basis for a determination, and will forward assessments and determinations to the Director of HR.

### **DRUG AND ALCOHOL TESTING**

- (25) Employees in Safety Sensitive Positions may be subject to mandatory testing for the presence in their body of alcohol or Drugs, including multiple tests where appropriate, where AbbyPD has reasonable cause to suspect that an Employee is Impaired, due to alcohol or Drug use, while On-Duty or on AbbyPD Premises. The decision to test must be authorized by the Duty Officer or any member of Senior Leadership. The decision to require testing will be based on specific, personal, and documented observations.
- (26) An Employee who has been requested to submit to a Drug and/or alcohol test based on reasonable cause will not consume alcohol or Drugs prior to the test being administered.
- (27) A positive test for the presence of Drugs or alcohol in the Employee's body in the circumstances noted in paragraph (25) may lead to the Employee being temporarily relieved from duty (if not already relieved from duty pursuant to paragraph (23)), and may result in discipline up to and including dismissal.
- (28) Access to testing documentation will be limited to those employees with access to AbbyPD Personal Files, and, if applicable, a Discipline Authority. Testing documentation may be released to other parties, subject to a court order.
- (29) A refusal to comply with a request to submit to a Drug or alcohol test made pursuant to this policy constitutes a violation of this policy, subject to discipline up to and including dismissal.
- (30) Tampering with or otherwise attempting to falsify test results constitutes a violation of this policy, subject to discipline up to and including dismissal.

### **DUTY TO REPORT**

- (31) An Employee must disclose to their supervisor or to the Director of HR if they have a condition that they believe will cause Impairment at work. This includes, but is not limited to, a condition resulting from the consumption of alcohol, the use of Drugs, use of medication, use of Medically Authorized Cannabis, fatigue, stress, mental illness, or injury. The Employee must not wait until a breach of this policy has occurred prior to doing so.
- (32) An Employee must disclose to their supervisor or to the Director of HR if they have or believe they have a Substance Use Disorder. The Employee must not wait until a breach of this policy has occurred prior to doing so.

- (33) Employees are encouraged to report a suspected Substance Use Disorder in other Employees. Maintaining a safe workplace is the responsibility of all Employees.
- (34) Any Employee observing what appears to be an unsafe or harmful condition or act by any person (including but not limited to an Employee reporting to work Impaired or otherwise not Fit For Duty) must report it as soon as possible to their supervisor or to the Director of HR. The individual receiving the report must investigate the reported unsafe condition or act and must ensure that any necessary corrective action is taken without delay<sup>3</sup>.
- (35) Any Employee observing what is, or appears to be, a breach of this policy is obligated to report this breach to their supervisor or to the Director of HR without delay.

**SUBSTANCE USE DISORDER**

- (36) In recognition of the private and sensitive nature of an Employee's disclosure of a Substance Use Disorder, such a disclosure will be:
  - (a) afforded the same discretion as other HR confidential communications; and
  - (b) documented in the Employee's HR Personal File.
- (37) The AbbyPD will work with the Employee and the Employee's physician to address the impact of the self-disclosure on the Employee's work duties to determine whether and how their Substance Use Disorder can be accommodated.

**PERFORMANCE MANAGEMENT AND DISCIPLINE**

- (38) Poor work performance or misconduct that is connected to the consumption of alcohol, the use of Drugs, or the use of any other substance, but the AbbyPD has no reason to believe results from disability, is subject to regular performance management and discipline protocols.
- (39) Where AbbyPD has reason to believe that poor work performance or misconduct is due to disability, even in part, then AbbyPD will apply human rights principles in response to the poor work performance or misconduct in addition or in the alternative to any performance management or discipline imposed.

**NON-COMPLIANCE**

- (40) A violation of this policy may result in discipline, up to and including dismissal.

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<sup>3</sup> WorkSafeBC OHS Regulations [3.10 Reporting unsafe conditions](#).

*The above constitutes policy approved by the Police Board on January 25, 2023. |*