

FITNESS FOR DUTY AND SUBSTANCE ABUSE POLICY

POLICY NUMBER: PC-001-01

DATE APPROVED: November 13, 2020

DATE TO BE REVIEWED: November 13, 2023

DISTRIBUTION: NSCMIRTP registrants

COMMITTEE: Policy and Procedures

DATE(S) REVIEWED (REVISED):

ISSUING AUTHORITY: NSCMIRTP Board

APPROVAL: 

POLICY

NSCMIRTP recognizes that registrants, employees, and volunteers of NSCMIRTP who use or are impaired by drugs or alcohol, while performing work, endanger not only themselves but their co-workers, patients, and others affected by their work. NSCMIRTP's policy regarding such conduct is one of zero tolerance and registrants must be aware that any violations they commit may result in disciplinary action by employers and from the NSCMIRTP. However, the NSCMIRTP also recognizes that addiction to drugs or alcohol is a serious health problem. The intent of this Policy is to protect the public, and to direct employees, registrants, and volunteers of the NSCMIRTP as to what the consequences of impaired work may be.

RATIONALE

The objective of this substance abuse policy is to ensure that all registrants, employees, and volunteers of the NSCMIRTP report to work fit for duty. Adopting this Policy is a reasonable precaution that NSCMIRTP is required to take to protect the health and safety of patients, co-workers, volunteers, the public, and the registrant themselves. Registrants should be aware that disciplinary or rehabilitation means would ultimately lie in the hands of their employer, and as such would be covered under their employers' policies as well. The NSCMIRTP does, however, maintain the right to investigate professional conduct and evaluate fitness to practice. This could result in temporary license suspension until satisfactory remediation/rehabilitation has been determined.

DEFINITIONS

Definitions For the purposes of this Policy:

"Drugs" includes:

- Narcotics and illegal drugs;
- 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 state of physical and mental health that allows an individual to perform their job duties safely and effectively without impairment due to the use of or after-effects of alcohol, illegal drugs, cannabis, legal medications or other health conditions.

“On duty” includes reporting for and performing work, including:

- Scheduled work;
- Unscheduled call-in work;
- Work performed on NSCMIRTP facilities;
- Work performed on the registrants’ place of work facilities;
- Work performed for NSCMIRTP or away from Company facilities, including but not limited to driving or traveling to and from work;
- Work performed for the registrants’ place of work, or 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 employee, other workers, patients, 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 NSCMIRTP and the registrants’ employers.

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

SCOPE

This Policy applies to all individuals that work for NSCMIRTP, as well as the volunteers and registrants of the NSCMIRTP including but not limited to: full-time, part-time, temporary and contract employees, independent contractors, volunteers and employees of third party contractors or subcontractors that NSCMIRTP engages to perform work at its facilities.

PROCEDURE

All employees, registrants and volunteers covered by this Policy are required to:

- i. Come to work fit for duty;
- ii. Work safely in accordance with the NS Occupational Health and Safety Act;
- iii. Refrain from using or being impaired by alcohol or drugs while they are on duty;
- iv. Refrain from possessing, purchasing, selling, distributing or engaging in any other drug/alcohol related conduct while on duty;
- v. Refrain from misusing or being impaired by prescription or non-prescription drugs while they are on duty
- vi. Notify their supervisor if they suspect that a co-worker is unfit for duty; and
- vii. Submit for drug and alcohol testing in accordance with the employers’ policies.



Legal Cannabis

a. No Exemption for Legal Cannabis Use

All employees, registrants and volunteers must understand that 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 is legal under federal drug laws. Legal cannabis use is not a justification for being unfit for work.

b. Employee Duty to Notify

If required by the registrants' employer policy, the registrant must notify their supervisor if they are using legally prescribed medical 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 employees are fit for duty at all times when they are on duty.

Fitness to Practice - Remediation for Employees/Registrants with Substance Abuse Issues

Although NSCMIRTP reserves the right to investigate registrants and employees, which could potentially result in a temporary license suspension, it also recognizes that addiction and substance abuse is a health problem. NSCMIRTP strongly encourages employees and registrants with substance abuse problems to step forward and request help voluntarily. Coming forth with this information would possibly allow the registrant to choose to undergo a remediation process proposed by the Fitness to Practice committee.

Professional Conduct - Disciplinary Investigations

NSCMIRTP may open an investigation to check whether an employee is engaged in substance abuse or otherwise in violation of their fitness for duty obligations under this Policy in response to:

- Complaints or concerns by co-workers, supervisors, the public etc.;
- Declining performance;
- Erratic behaviour;
- Involvement in safety incidents including near misses;
- Arrests for impaired driving, drug offences and similar violations; and
- Other indications that the employee has substance abuse issues or is otherwise not fit for duty.

Investigations will be carried out in accordance with NSCMIRTP's Investigation Procedures. Registrants that do not wish to enter or do not meet criteria of the Fitness to Practice option will be part of a professional conduct investigation.

If a registrant is found to violate the NSCMIRTP drug and alcohol policies, they can face investigations by the Professional Conduct Committee, which could result in a temporary license suspension until



satisfactory remediation/rehabilitation has been determined. If an NSCMIRTP employee or volunteer has been found to violate this policy, they will also face an investigation and disciplinary action.

See Figure 1 for further description of the processes for registrants not fit for duty.

This could be a registrant who has an addiction, or is reported as being “under the influence” of drugs or alcohol at work.

Both committees of the NSCMIRTP, determination of which committee deals with the registrant will be assessed on a case by case basis.

The **Fitness to Practice committee** can either suspend or revoke the registrants license, or the registrant can practice under specific terms.
The **Professional Conduct committee** can suspend the registrants license or result in other disciplinary action.

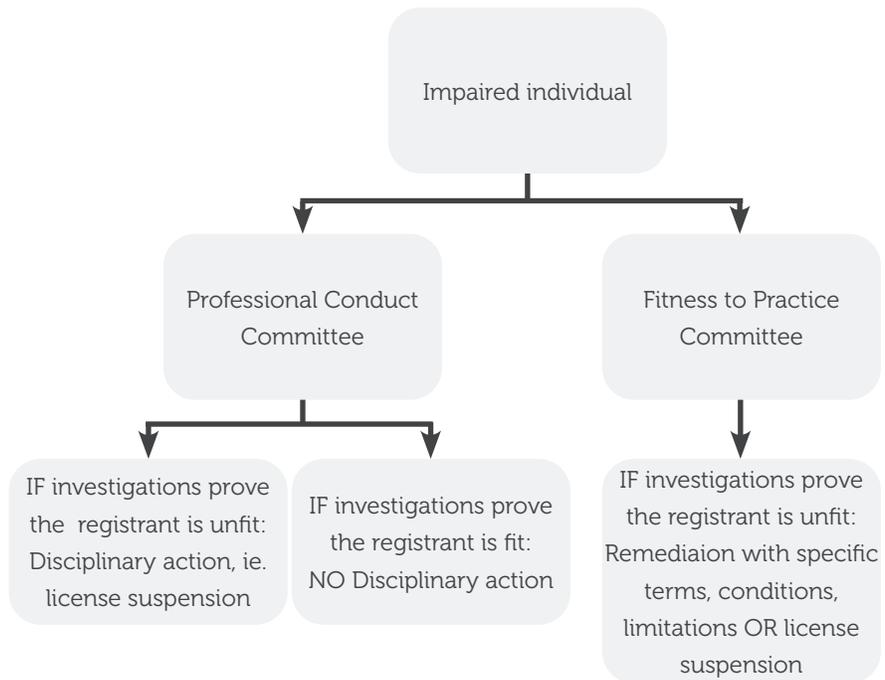


Fig. 1: Processes for registrants of NSCMIRTP who are under investigations for being unfit for duty.

Drug & Alcohol Testing

Registrants may be tested for alcohol and drugs in accordance with NSCMIRTP conditions placed on a license. Refusal to submit to testing will be grounds for investigations which could result in a temporary license suspension.

Privacy

NSCMIRTP recognizes that test results and related information is protected personal information under privacy laws and will keep it confidential and secure and will refrain from using or disclosing it except as permitted or required by law. However, if a registrant is investigated for drug or alcohol impairment, this will be part of the registrants permanent file.

REFERENCES

OHS Insider. (2017) Fitness for Duty and Substance Abuse (Ontario Version).

<https://ohsinsider.com/wp-content/uploads/2017/11/Fitness-For-Duty-Substance-Abuse-Ontario.pdf>