



**Wagmatcook**

***Wagmatcook First Nation***  
***DRUG AND ALCOHOL POLICY***  
**JANUARY 2023**  
**Ver. 2**

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## Policy Revisions

Date	Section	Change Description
April 11 2023	Sec 6	Addition of definitions – #d, i, n
	Sec 8	Included responsibility of DER - #c
	Sec 20	Addition of pre-employment testing procedure
	Sec 27	Updated Table 1 Positive Cust off Levels
	Sec 33	Updated WFN information to Assessment / Rehabilitation
Feb 20, 2025	Sec 27	Updated Table 1 Positive Cust off Levels for new POCT tests

# **PART I – GENERAL**

## **Purpose**

1. Wagmatcook First Nation (“WFN”) is committed to providing a safe work environment for all employees. Recognizing the potential negative effects drugs and alcohol has on operations, particularly the hazards that those individuals who abuse alcohol or drugs in the workplace pose to themselves and their coworkers, WFN has implemented this drug and alcohol policy. This policy serves to remind employees of the risks associated with using alcohol and drugs and will provide the responses for when an employee’s conduct jeopardizes the safety of the workplace. The specific objectives of this policy are to:
  - a. Implement and support zero tolerance for drugs and alcohol impairment in the workplace;
  - b. Prevent anyone from being in a position where employee impairment is a risk to their personal safety;
  - c. Prevent accidents and injuries resulting from the use of drugs and alcohol by WFN employees;
  - d. Encourage and support those with drug and alcohol addictions in achieving and maintaining a drug and alcohol-free life; and
  - e. Provide drug testing procedures for those engaged in safety-sensitive positions.

## **Authority**

2. The Wagmatcook Drug and Alcohol Policy is established under the authority of Chief and Council and may be amended by the Chief and Council.

## **Scope and Application**

3. It is intended that the Wagmatcook First Nation Drug and Alcohol Policy applies to all WFN employees, except where indicated in the policy that application is restricted to safety-sensitive positions or safety-sensitive tasks (see, Part II).
4. For certainty throughout, this policy includes alcohol, cannabis, illegal drugs, prescription, and nonprescription medications.

## **Disciplinary Action**

5. Violations of the provisions of this policy are subject to disciplinary action of employees, up to and including termination of employment.

## **Definitions**

6. The following definitions shall be understood and used in relation to this policy:
  - a. Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

- b. BAC – Breath Alcohol Concentration.
- c. Controlled Substances – Any type of drug that the Federal Government of Canada has categorized as having a higher-than-average potential for abuse or addiction. Examples include stimulants (cocaine, fentanyl, opiates, amphetamines), narcotic analgesics (codeine, morphine, oxycodone), barbiturates and benzodiazepines.
- d. Designated Employer Representative (DER) – A Wagmatcook employer representative who will liaise with the Medical Review Officer (MRO)
- e. Drugs – Any substance that is a controlled substance under the *Controlled Drugs and Substances Act*.
- f. Employee – A person that is a permanent, part-time, seasonal, casual, contract or probational worker for WFN.
- g. Incident - An occurrence, circumstance or condition that caused or had the potential to cause damage to person, property, reputation, security, or the environment.
- h. Manager – Includes team leaders and other persons in authority.
- i. Medical Review Officer (MRO) – an impartial licensed physician who analyzes the specimens for the purpose of Drug and Alcohol testing
- j. Medication – Includes prescription and non-prescription (also called over the counter) drugs.
- k. Near Miss Incident – Any incident which had the potential to result in death or significant injury to any person or damage to WFN property, or any third person property.
- l. Non-negative test result – This is a screening result which requires lab confirmation. These results will be considered inconclusive until confirmed by the lab.
- m. Non-prescription medication – Health products that can be purchased without a doctor’s prescription, also called over-the-counter drugs.
- n. Point of Care Testing (POCT) – specimen collection performed outside the clinical laboratory in close proximity to the employees worksite.
- o. Prescription medication – a pharmaceutical drug that legally requires a medical prescription to be dispensed.
- p. Safety-Sensitive Position – A position in which performance impaired by alcohol or drugs could result in direct and significant risk of injury to employees, contractors, the public or the environment.
- q. Supervisor – The person who directs the work of others.

## **Prevention**

- 7. This policy intends to encourage and support those with drug, alcohol, and substance addictions in achieving and maintaining a drug and alcohol-free quality of life. In doing so, it intends to minimize the risks associated with impaired performance due to substance abuse and prevent accidents and injuries resulting from the use of drugs and alcohol in the workplace.

## **Management Responsibilities**

8. All WFN management/managers will be responsible for:
  - a. Reading, understanding and acknowledging the policy;
  - b. Communicating, implementing, monitoring and enforcing the policy;
  - c. Assign a Manager as the DER who will be the liaison between WFN and the Medical Review Officer (MRO)
  - d. Confronting employees where performance problems affect their immediate ability to do their job or pose a risk to themselves or others and take appropriate action to correct the situation;
  - e. Making suggested or mandatory referrals for assessment or assistance;
  - f. Referring an employee for alcohol or drug testing;
  - g. Handling all testing in a confidential manner;
  - h. Ensuring that all employees of WFN have the required training, qualifications, certifications, and experience required to carry out the work they are hired to undertake; and
  - i. Those designated to conduct testing will have the appropriate training to detect use and impairment.

## **Employee Responsibilities**

9. With respect to the Wagmatcook First Nation Drug and Alcohol Policy, WFN employees will be responsible for:
  - a. Reading, understanding and acknowledging the policy (**See Appendix 1**);
  - b. Complying with the requirements, standards and prohibitions as outlined in the policy;
  - c. Reporting to their supervisor any use of any medication that could have a negative effect on the performance of duties and providing a doctor's certificate for prescription drugs which cause impairment;
  - d. Seeking advice and following the appropriate treatment if they suspect they have a substance dependency; and
  - e. Being aware of co-workers' ability to work and reporting any potential safety problem immediately to their supervisor/manager.

## **Illegal Drugs**

10. Employees of WFN and independent contractors engaged in business or working on WFN premises shall not work under the influence of, possess, sell, distribute, manufacture, or use illegal drugs in the workplace.

## **Alcohol and Cannabis**

11. This policy prohibits the use of alcohol and/or cannabis on the following occasions:
  - a. Employees of WFN and independent contractors will not use, possess or be under the influence of any alcoholic beverages or cannabis substance while engaged in

WFN business or working on WFN premises, vessels, or equipment, including WFN owned vehicles.

- b. Employees and independent contractors on stand-by, or on call, are prohibited from using alcohol or cannabis during this period as they may be required to report for work on short notice.

## **Medications**

12. The misuse of medication both prescribed and over the counter is prohibited under the Wagmatcook First Nation Drug and Alcohol Policy. All employees and independent contractors should be aware of prescription and non-prescription medications that contribute to impairment and safety risks. While taking these medications is not a violation of the Wagmatcook First Nation Drug and Alcohol Policy, the misuse of these medications may be a violation or any side effects from the medication use (or misuse) may pose a safety issue in the workplace and must be disclosed to the employee's supervisor.
13. Any prescription medication, used by the individual, must be prescribed by a licensed health care practitioner and have a valid date requirement. The drug must be used for its intended purpose and in the manner directed by the licensed health care practitioner or the manufacturer of the drug. The use of prescription medications must be disclosed to the MRO, when requested, in order to be in compliance with the Wagmatcook First Nation Drug and Alcohol Policy.

## **Impaired Charges and/or Convictions**

14. Employees of WFN and independent contractors must report to their supervisor all incidents of impaired charges and/or convictions, incurred while engaged in WFN business, working on WFN premises or operating WFN equipment. They must disclose any terms or conditions placed upon them by a court of competent jurisdiction in the event said terms or conditions could impair or prohibit their employment duties.

## **Workplace Rules**

15. When employees are working, are operating WFN vehicles or vessels, are present on WFN premises or are conducting any WFN-related work offsite, they are prohibited from:
  - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (including possession of paraphernalia);
  - b. Being under the influence of alcohol, cannabis, or an illegal drug as defined in this policy; and
  - c. Possessing or consuming alcohol or cannabis.
16. The presence of any detectable amount of any illegal drug, illegal controlled substance or alcohol in an employee's bodily system while performing WFN business is prohibited.
17. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

## **PART II – DRUG TESTING**

### **When Testing May Be Required**

18. Employees engaged in safety-sensitive positions as defined in Part I, s. 5. Examples of safety-sensitive positions include, but are not limited, to the following:
  - a. Transportation/Bus Drivers
  - b. Fishing Vessel Crew (Deckhands, Mates, Captain, etc.)
  - c. Forklift/Heavy Machinery Operators
  - d. Construction Workers
  - e. Warehouse Workers
  - f. Security Guards

### **Confidentiality**

19. Drug tests will be conducted by a trusted laboratory and medical professionals. Results from any drug test will remain confidential.

### **Pre-Employment Testing**

20. Drug testing may be conducted as a condition of employment for safety sensitive positions. Testing process will be as follows:
  - a. Individuals will be contacted to schedule them for their test as a condition of their employment.
  - b. If the test returns with a non-negative result (*presence of drugs or alcohol*), WFN will:
    - i. Advise the individual of their test results.
    - ii. Re-schedule a follow up drug and alcohol test in two (2) weeks from the initial testing date.
    - iii. Inform them of support and assistance available from the Wagmatcook Health Centre.
    - iv. Individuals will not be hired during this period until a negative test is satisfied.

### **Random Testing**

21. Random alcohol and drug testing will occur as follows:
  - a. Random testing of the employees who are in safety-sensitive positions for controlled substances will take place at the discretion of the employer throughout the year;
  - b. The employer may schedule testing and provide notice, or may conduct random testing without notice.
22. With respect to fishers, in addition to the above, drug and alcohol testing may be arranged for fishers prior to departure to sea and/or upon return from sea.



## **For Cause Testing**

23. Testing for reasonable cause will be conducted when WFN or a manager has reasonable cause to believe the actions, appearance and/or conduct of the employee in a safety-sensitive position are consistent with or indicative of the use of drugs and/or alcohol.
- a. The decision to test will be made where possible from documented direct personal observations, including but not limited to:
    - i. Observed use or evidence of use of a substance.
    - ii. Changed, erratic or unusual behaviour.
    - iii. Changes in physical appearance.
    - iv. Changes in speech patterns.
  - b. In the event of reasonable cause to believe that the employee's safety may be adversely affected by drugs and/or alcohol, the employee will be removed from duty and will be asked to provide a sample.
  - c. The basis for the decision to require testing for reasonable suspicion or cause will be documented as soon as possible after the decision has been made. Testing will be completed as soon as possible following the documentation.

## **Post-Accident/Incident Testing**

24. Post-accident testing will occur as follows:
- a. Testing for controlled substances will take place after all "significant incidents" which result in or have the potential for death, injury, or loss/destruction of WFN equipment or injury to personnel or property where the employer has reasonable grounds to believe that the significant incident may have been caused by an act, error or omission of an employee or contract worker.
  - b. Testing will also take place for "near misses" or less serious incidents if they had the potential to result in more serious consequences and where WFN has reasonable grounds to believe that the near miss may have been caused by an act, error or omission of an employee or contract worker.
  - c. All incidents must be reported using the WFN Workplace Incident Report (See **Appendix 2**).
  - d. The senior manager on duty at the time of the incident will determine if a significant or near miss incident has occurred.
25. Post-accident/incident testing must be conducted as soon as reasonably practical following the incident. If testing occurs more than four (4) hours after the occurrence of the incident, the on-site manager must provide, in writing, a reason for the delay.

## **Refusal to Submit to Testing**

26. Refusal to submit a sample to have a test taken, or tampering with a sample is equivalent to a positive test and will be grounds for dismissal.

## Conducting the Testing

27. Drug and alcohol testing will be carried out as follows:

### a. Alcohol Test

- i. A breath test will be conducted using an evidentiary breath analyzer.
- ii. If the test result exceeds the Concentration Cut-off Levels listed in Table 1, the result will be considered a positive result. No confirmation is required for alcohol after this test.
- iii. An accuracy check will be performed on the equipment to validate the result.

### b. Drug Screening Test

- i. Drug screening may be conducted via urine sample or oral fluid
- ii. A supervised urine sample will be collected from the individual.
- iii. A urine test or mouth swab will be performed screening test to determine if any drugs or alcohol present.

If the screening test(s) indicates a positive result, which exceed the concentration cut off-levels in Table 1, for the presence of a drug or metabolite, then a confirmation test must be performed to confirm the levels.

### c. Confirmation Test

- i. Once a non-negative drug screening test is obtained, the individual's sample will be secured and sent to a designated laboratory for confirmation testing to identify the drug or metabolite present and at what concentration.
- ii. If the concentration found is greater than the amounts listed in the confirmation levels in **Table 1**, then the result will be considered positive.

### d. Test Results

- i. Upon completion of the test, the MRO will communicate the results back to the DER.
- ii. Confirmation will be issued from the MRO and will only confirm the test result as a Positive or Negative result.
- iii. Whereas a negative test result is required to return to duty. the employee will be required to provide confirmation to their reporting WFN manager only

**Table 1: Positive Cut-Off Levels**

<b>Substance</b>	<b>Screen</b>	<b>Confirmation</b>
Alcohol (Breath)	.02 BAC	.02 BAC
Amphetamines (AMP)	50 ng/ml	50 ng/ml
Cocaine (COC)	15 ng/ml	20 ng/ml
Opiates (OPI)	30 ng/ml	50 ng/ml
Phencyclidine (PCP)	10 ng/ml	10 ng/ml
Methamphetamine (MET)	50 ng/ml	500 ng/ml
Ecstasy (MDMA)	50 ng/ml	50 ng/ml
6-Monoacetylmorphine (Heroin)	4 ng/ml	4 ng/ml
Oxycodone (OXY)	30 ng/ml	40 ng/ml
Marijuana (THC)	50 ng/ml (urine) 10 ng/ml (oral)	50 ng/ml (urine) 4 ng/ml (oral)
Barbiturate (BAR)	300 ng/ml	300 ng/ml
Benzodiazepine (BZO)	10 ng/ml	10 ng/ml
Methadone Metabolite (EDDP)	100 ng/ml	100 ng/ml
Fentanyl (FYL)	10 ng/ml	4 ng/ml

**Positive Test Results**

28. Any WFN employee in a safety-sensitive position, having been found to be in violation of this policy will be removed from the workplace until they provide:
- a. A drug and alcohol testing result that is below the acceptable limits; and
  - b. Have been assessed by a health care professional, are following all recommended treatment plans of the health care professional and have been cleared to return to work.
29. The employer reserves the right to require, or conduct follow up testing, provided it is done at the employer's expense, and to require the employee to provide updates on compliance with their health care professional's recommended treatment plans.
30. In the event the employee has been through the process in section 24, returned to work and a repeated failure or incident occurs, then the employer may be required to discipline the employee up to and including termination for cause.
31. In the event the failure of a drug test is due to a prescribed drug, then the employee must provide the employer enough information to satisfy the employer that the employee's test result was only due to that prescription, and that the prescription will not impair or cause a safety issue for that employee in the specific safety sensitive work environment or position.

## **Maintenance**

32. Relapse is a possibility in any dependency problem, requiring aftercare and monitoring programs that are necessary for a successful recovery – policy violations while on a monitoring program may be grounds for dismissal.

## **Assessment/Rehabilitation**

33. Employees can find resources and support with their treating health care professional, at the WFN Health Centre or the below resources:

- a. Mental Health and Addictions Program
- b. Therapy and Support
- c. Psychiatrist
- d. Any additional services

34. Although WFN may direct test-positive individuals to undertake qualified assessment/treatment, the cost of these services will not be covered by WFN and there is no guarantee that a job will be held open for anyone who is unable or ineligible to perform their duties during treatment.

## **Policy Violations**

35. The following represent specific violations of Part II of this policy by employees, incurred while engaged in WFN business, or during an on-call period, or working on WFN premises, vessels or equipment:
  - a. Possession of drugs or alcohol;
  - b. Use of drugs and alcohol;
  - c. Misuse/abuse of prescription drugs;
  - d. Refusal to provide a breath or urine sample for testing;
  - e. Tampering with a breath or urine sample;
  - f. A positive test result for drugs or alcohol;
  - g. Obstruction of searches for alcohol, drugs, and drug paraphernalia;
  - h. Impaired charges, convictions and/or loss of driving privileges during or outside work and failure to report these to management;
  - i. Failure to identify significant or near miss incidents requiring testing and failure to request samples for testing following these incidents;
  - j. Failure to document reasons for delays in testing or the basis for the reasonable suspicion or cause for testing; and
  - k. Failure to maintain chain of custody of samples for testing.

WFN will address violations of Part II of this Policy on a case-by-case basis, in compliance with this policy, human rights and prioritizing the safety of its workplace, employees and community.

**Wagmatcook First Nation Drug and Alcohol Policy**  
Employee/Contractor/Contract Worker  
Acknowledgement Form

**Policy Statement**

Wagmatcook First Nation (“WFN”) prides itself on providing a safe working environment for all of its employees. Employees under the influence of drugs or alcohol on the job can pose serious safety and health risks both to themselves and their co-workers.

WFN has, under the authority of the Chief and Council of the Wagmatcook Band, established a Drug and Alcohol Policy to help ensure a safe, healthy, drug and alcohol-free workplace (the “Policy”). The Policy applies to all employees, independent contractors and contract workers engaged in WFN business or working on WFN premises, vessels or equipment.

**Drug and/or Alcohol Testing**

In accordance with the terms and provisions of the Policy, WFN may conduct the following testing for those in safety-sensitive positions:

- Pre-Employment (Safety-sensitive positions only)
- Random testing for drugs and/or alcohol
- Reasonable cause and post-incident drug and/or alcohol testing
- For fishers – pre-departure and/or return from sea testing

The consequences of a positive drug and/or alcohol test are set out in the Policy.

**Acknowledgment and Agreement**

By signing below, I acknowledge that the Wagmatcook First Nation Drug and Alcohol Policy is a required condition of my employment with WFN and that I have read, understood, and agree to comply with the terms and provisions of the Policy, a copy of which has been provided to me.

I further acknowledge that WFN is authorized to enforce the terms and provisions of the Policy. I understand that if I violate the terms and provisions of the Policy I may face disciplinary action, including but not limited to dismissal from my employment with WFN.

Name (Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Department: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

**WFN WORKPLACE INCIDENT REPORT**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

LOCATION:

EMPLOYEE/CONTRACTOR INVOLVED IN INCIDENT:

General Description of Incident:

Witness (attach statement of witness if applicable)

Action Taken:

Action Required:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_