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**AC09**

**DRUG AND ALCOHOL USE**

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Effective Date: 07 November 2018

(Replaces Chief Constable Directive 2018-07)

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**POLICY**

1. The Delta Police Department (Department) is committed to the health and safety of its employees and to providing a safe, healthy and productive workplace.
2. Drug and alcohol use impairs cognitive and physical functioning during a period of initial primary intoxication and persisting thereafter, causing potential serious adverse effect on employees' ability to carry out the Department's public safety and law enforcement mandate. Preventing impairment is crucial to ensuring that Department employees, and those who depend on the services they provide, remain safe.
3. Drug and alcohol use disorders are medically recognized and treatable. The Department is committed to promoting awareness of, and supporting employees who require treatment for these disorders.
4. Employees are expected to assume responsibility for any drug or alcohol use issues, or substance use disorder, that may risk or cause their failure to comply with this Policy, and to seek and follow appropriate treatment to address the issues or disorder. An employee's refusal or failure to disclose associated relevant information may impede the Department's ability to accommodate any disability.
5. This policy applies to all Department employees, including Department employees seconded to another investigative or law enforcement agency, as well as to volunteers and contractors engaged by and performing work for or on behalf of the Department.



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## REASON FOR POLICY

6. This policy:
- a) sets restrictions and expectations regarding the use of drugs and alcohol that may render an employee unfit for work, impair performance, or cause risk of harm to health and safety; and
  - b) ensures that employees are aware of the Department's commitment to a safe workplace, and the potential serious consequences which may flow from breaches of this Policy.

## RELATED POLICIES

AC10 – Rules of Conduct  
AC40 – Restoring Performance Standards  
AC42 – Internal Discipline Rules  
AB44 - Accommodation

## DEFINITIONS

7. In this policy,

**“alcohol”** means wine, beer, distilled spirits and any liquid containing ethyl alcohol intended as a beverage;

**“Department premises”** means any property coming under the jurisdiction of the Department, including any land, building or vehicle (and for the purposes of this Policy includes a seconded member's worksite and vehicle);

**“cannabis”** has the same meaning as defined in the *Cannabis Act*, S.C. 2018, c. 16;

**“drug”** means any substance, other than alcohol, medication or food, which affects physical or mental capacity or functions, the possession, use, or sale of which is prohibited, restricted or controlled by law (includes cannabis);



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“**employee**” means all persons employed with the Delta Police Department, as well as paid or unpaid practicum participants, volunteers, and contracted service providers;

“**impaired**” or “**impairment**” means being subject to deteriorated or diminished mental or physical ability, functioning, judgment, or condition, including but not limited to being unable to function as the employee would under normal or usual conditions, or unable to function safely;

“**fit for duty**” means being able to safely and acceptably perform assigned duties without any limitations due to the use or after-effects of alcohol, drugs or medications;

“**substance use disorder**” means a condition in which the recurrent use of alcohol, drugs or any other substance causes clinically and functionally significant impairment, such as health problems, disability, and failure to meet responsibilities at work, school or home (as defined in by the *Diagnostic and Statistical Manual of Mental Disorders* (DSM–5) and commonly referred to as “addiction”); and

“**use**” in relation to cannabis or 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.

## **PROCEDURES**

### **General**

8. Every employee must:
  - a) report to work fit for duty and not impaired, and remain so while on-duty;
  - b) not do work if not fit for duty or if impaired;
  - c) inform his or her supervisor or the Inspector, Human Resources Branch, if the employee has reason to suspect that he or she is not fit for duty or impaired;
  - d) notify a supervisor or manager, if called upon to work at a time when they are not fit for duty, impaired or otherwise would be in breach of this Policy; and



- e) as soon as possible report to a supervisor or manager, any unsafe behavior or an unsafe action by another employee, resulting from the other employee not being fit for duty or impaired or due to any other cause. (As required by Worker Compensation Act, OH&S Regulation 3.10.)
- 9. A supervisor or manager witnessing, or receiving a report of unsafe behavior or an unsafe action by an employee must investigate and must ensure that any necessary corrective action is taken without delay, and report the matter to the Inspector, Human Resources Branch.
- 10. An employee who believes he or she has, or who has been diagnosed to have a substance use disorder, must disclose the same to the Inspector, Human Resources Branch.
- 11. Employees are encouraged to report, to the Inspector, Human Resources Branch, if they suspect another employee to have a substance use disorder, as maintaining a safe workplace is the responsibility of all employees.
- 12. An employee who has reason to suspect that a service provider to the Department is in contravention of this Policy must report the same to the Duty Officer or Inspector, Human Resources Branch, for a determination whether the individual is to be removed from Department premises and provision of the services terminated.

### **Drug and Alcohol Use and Possession**

- 13. Unless required by their duty, authorized in writing by the Chief Constable or a delegate of the Chief for the purposes of this policy, or otherwise permitted by policy, employees:
  - (a) may not consume or use any drug or alcohol while:
    - on-duty or on a break during on-duty hours,
    - on or in Department premises,
    - wearing a Department uniform, or
    - otherwise engaged in Department business; and

may not possess any drug or alcohol while:

  - (i) on or in Department premises,



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- (ii) wearing a Department uniform, or
  - (iii) otherwise engaged in Department business.
14. The Department will not supply or serve drugs or alcohol in or on any property owned or leased by the Department, Delta Police Board or City of Delta.
15. Employees representing the Department at social functions may only consume alcohol:
- a) as lawfully permitted;
  - b) in moderation;
  - c) in a manner and amount that does not bring the reputation of the Department into disrepute; and
  - d) in an amount that does not result in the employee subsequently incurring a sanction or committing an offence under the *Motor Vehicle Act* or being charged with an offence under the *Criminal Code of Canada*.

### **Cannabis Use Restriction**

16. Department employees in 'safety sensitive' or 'decision critical' positions, as defined in section 17 and 18, are prohibited from using cannabis within the 24 hours before reporting for duty, and may otherwise only use or possess cannabis subject to the provisions of this policy and in accordance with law.
17. Safety sensitive positions are any positions that, by their nature, involve or may involve duties requiring alertness, quickness of response, soundness of judgment, and accuracy of coordination of multiple muscle functions, and where the duties of the position may pose an immediate direct and significant risk of injury to the employee, others, property or the environment, and specifically include:
- a) municipal constable;
  - b) special municipal constable;



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- c) any position requiring driving a Department vehicle, or a personal vehicle for work purpose (not including driving a personal vehicle to and from work); and
  - d) any other position as directed by the Chief Constable.
18. Decision critical positions are any positions in which the employee's duties require tasks to be performed with reliable accuracy, insight and judgment, and in which cognitive or physical impairment may negatively impact the required level of performance, and include all positions held by Department employees, unless specifically exclude by Directive of the Chief Constable.

### **Fitness for Duty and Impairment**

- 19. An employee assessed to be not fit for duty or impaired, must be temporarily relieved from duty, and may be removed from the premises by the Duty Officer or delegate, an Inspector, their Manager, or by a higher ranking officer.
- 20. The Duty officer or delegate, an Inspector, an employee's Manager or a higher ranking officer has the authority to assess whether or not an employee is fit for duty or impaired.
- 21. The basis for an assessment that an employee is not fit for duty or is impaired, along with the actions taken in response, must be documented in writing and forwarded to the Inspector, Human Resources Branch.

### **Potentially Impairing Medications and Medically-Authorized Cannabis**

- 22. An employee who, in accordance with a physician's directions, uses or intends to use prescribed medications or medically authorized cannabis, which could cause the employee to be impaired on-duty, is required to:
  - a) notify the Inspector, Human Resources Branch; and
  - b) provide a copy of their prescription or valid medical authorization.
- 23. When provided with a prescription or medical authorization, the Department will determine whether and how the employee's use can be accommodated.



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## **Drug and Alcohol Testing**

24. The Department may require employees in safety sensitive positions and decision critical positions to undergo drug or alcohol testing in the following situations:
  - a) for reasonable cause, where an on-duty employee exhibits, or evidence points to, behavior sufficient to give reason to believe that the employee may not be fit for duty (observed behaviours may include slurred speech, smelling of alcohol, abnormal behavior, etc.); and
  - b) treatment related or post-treatment monitoring testing, where a medical professional has recommended testing as part of relapse prevention or post treatment regime, or to mitigate safety risks.
25. The decision to require an employee to undergo testing will be based on personal observations by, or reports of observations made to an Inspector or higher ranking officer, in consultation with the Inspector, Human Resources Branch, if available.
26. An employee who has been directed to submit to drug or alcohol testing for reasonable cause shall not, after being so directed, 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 section 24, may lead to the employee being temporarily relieved from duty (if not already relieved from duty pursuant to section 19), and may result in discipline up to and including dismissal.
28. An employee shall not refuse to comply with a request to submit to a drug or alcohol test, made pursuant to this policy.
29. An employee shall not tamper with or otherwise attempt to falsify the results of a drug or alcohol test.
30. Drug or alcohol use testing is only to be conducted by a qualified service provider, and paid for by the Department or in accordance with an employee's individual Return to Work Agreement or other plans.



### **Substance Use Disorder**

31. Although employees are not normally required to disclose medical information, failure to do so may impact an employee remaining at, or returning to work, or entitlement to benefits or any accommodation processes.
32. Unless the employee consents to other disclosures, the Department will:
  - a) maintain the confidentiality of information obtained under this Policy, and use or disclose it only for the purposes of administering this Policy and as necessary to address health and safety concerns, or as required by law; and
  - b) only disclose to the employee's supervisor and managers, that information necessary to establish the employee's fitness for work and any applicable restrictions, or otherwise only where necessary for a legitimate work purpose.
33. The Department will work with the employee and the employee's medical services or treatment providers to address the impact of the substance use disorder on the employee's work duties, in order to:
  - a) determine whether or how their substance use disorder can be accommodated; and
  - b) to address the impact of a substance use disorder on the employee's work duties.

### **Performance Management and Discipline**

34. Poor work performance or misconduct, caused in whole or in part by the consumption of alcohol or the use of drugs, and which is not established to be associated to a disability, is subject to regular performance management and discipline.
35. If poor work performance or misconduct is associated to an established medical condition or disability, necessary consideration will be given to the impact of the





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condition or disability in addressing the poor work performance or misconduct, but performance management and disciplinary action may still result.