

ALCOHOL AND DRUG USE

NCN is committed to ensuring its workplaces are safe, healthy and productive as this is in the best interests of *Ethiniwuk* (its individual employees), *Ka'esiminisichik* (the families), and the *Ka'esi'pisketuskan'nesichik* (the Nation); as well as contractors, partners, and visitors.

The purpose of this policy is to encourage co-operation to prevent problems arising from the inappropriate use of alcohol and drugs; and support employees seeking to address the underlying issues and/or physical, emotional, mental, or social factors that result in abuse of alcohol, drugs, or other substances.

NCN recognizes that historical and intergenerational impacts have caused devastation and extreme trauma in the lives of many *Ethiniwuk* and that alcohol and drug abuse is a symptom of much deeper pain and trauma. Thus NCN is committed to treating addiction, pain, and trauma with compassion by applying this policy in safe and respectful ways to ensure the rights of employees and NCN, as employer are carefully balanced. This policy encourages self-awareness and self-disclosure by *Ethiniwuk*.

The following customary laws will guide the implementation of this policies:

- ❖ *Mamawi Nisitawenachikewin* (Mutual Recognition) – the conduct of the person (including both the employee and employer) must be reconciled with *Kihche'othasowewin*, the Great Law of Creator.
- ❖ *Mamawi Kistithichikewi* (Mutual Respect) – the conduct of the person (including both the employee and employer) is based on the sacred responsibility to treat everything and everyone with respect and honour.
- ❖ *Mamawi Wichihitowin* (Sharing) – both, the employee and employer agree to share information in confidence for the purposes of reviewing and making decisions in the application of this policy.
- ❖ *Mamawi Tipethimisowin Kanawapatamasowin* (Mutual Responsibility) - both, the employee and employer agree to accept their responsibility in upholding the application

of this policy, striving to achieve the most beneficial outcomes for the individual employee and the organization.

- ❖ *Tapwetamowinihk* (Honesty, Truth, Trust and Understanding) – both, the employee and employer, will work together to achieve understanding of each unique circumstance and ensure the employee opportunity for self-disclosure without retribution. Every effort will be made to maintain confidentiality and anonymity.

Policy Statement

Employee's use of illegal drugs, and/or inappropriate use of alcohol, legal drugs, medications, or other intoxicating substances can have serious adverse effects on the safety and well-being of other employees, contractors, and the community.

For purposes of this policy, the following activities are prohibited:

1. impairment by alcohol and/or drugs while at work;
2. possession or use of alcohol or illegal drugs while at NCN worksites or in NCN vehicles;
3. the presence of illegal drugs in an employee's body while at work;
4. misuse of prescribed medications, over the counter medications or other substances;
5. refusal to disclose a substance abuse or potential substance abuse problem to the employee's immediate supervisor or Executive Director of HR;
6. failure to report to an NCN designated facility for drug and/or alcohol testing;
7. tampering or attempting to tamper with a test sample; and
8. transporting alcohol or drugs in work vehicle

This policy applies to all employees engaged in NCN business, working on or off NCN premises, driving NCN vehicles, and off-duty conduct arising from the inappropriate use of alcohol and/or drugs.

Definition of Drugs for purposes of this Policy

Alcohol and drugs, whether prescription or illegal, have the potential to change or adversely affect the way a person thinks, feels or acts. For the purposes of this policy alcohol, illegal drugs or prescription drugs that are misused and can inhibit an employee's ability to perform their job safely and productively are of concern.

The primary drug groups and their characteristics are as follows:

- a. *Depressants* - These drugs slow down the central nervous system and affect a person's ability to think clearly and make decisions. Depressants include alcohol, barbiturates, sedatives and tranquilizers. Some examples of these drugs are Valium, Seconal and Rohypnol.
- b. *Stimulants* – These drugs stimulate the central nervous system and increase the person's activity and level of alertness. Stimulant use may lead to hostility or paranoia. Some examples of these drugs are Methamphetamine, Cocaine, and Crack Cocaine, Ritalin, and Adderall.
- c. *Hallucinogens* - These drugs cause a person to hallucinate which alters their mood, behavior and perception of reality. Some examples of these drugs are LSD and Ecstasy.
- d. *Cannabis* - This is another illicit drug that includes drugs such as Marijuana and Hashish. Short-term effects include physical impairment, judgment problems and impaired attention spans.
- e. *Opiates (narcotics)* - These drugs are used to relieve pain and induce sleep. Some examples of these drugs are Heroin, Morphine, Demerol, Codeine, Oxycodone, and Fentanyl.

Procedures

1. Employees responsibilities shall include:
 - (a) reporting for work unimpaired by alcohol and/or drugs and remain fit for work while on NCN business;
 - (b) discussing with the employee's doctor the potential effects of any prescribed medications on the employee's ability to safely and effectively perform the employee's duties and if the medication could affect the employee's judgement or ability to carry out the employee's duties, the employee shall notify the employee's supervisor so the supervisor can determine whether the employee will be permitted to work or whether work restrictions are required.
 - (c) notifying the employee's supervisor or the Executive Director of HR if the employee has or is concerned the employee may have a substance abuse problem;
 - (d) notifying the employee's immediate supervisor if the employee believes another employee or a contractor is not fit for work due to an alcohol or drug impairment. Behavior and/or symptoms that may indicate "not fit to work" may include:
 - Personality changes or erratic behaviour (increased interpersonal conflicts; over reaction to criticism);
 - Appearance of impairment at work (e.g. smell of alcohol or drugs, glassy or red eyes, dilated pupils, unsteady gait, slurring, poor co-ordination or balance, general inability to perform duties)
 - Working in an unsafe manner or involvement in an accident;
 - Failing a drug or alcohol test;
 - Consistent lateness, absenteeism, or reduced productivity or quality of work.
 - (e) participating in drug and/or alcohol testing when requested;
 - (f) co-operating as required with any investigation into a violation of this Policy.

2. NCN's responsibilities shall include:

(a) ongoing leadership and supervision to ensure its workplaces are safe, healthy and productive;

(b) determining and providing appropriate levels of training for its employees;

(c) temporarily removing, reassigning or suspending an employee pending a determination of the employee's fitness for work, assessment of a drug, alcohol or medication issue or completion of an investigation into any violation of this Policy;

(d) assisting employee's who voluntarily seek assistance for a substance abuse or potential substance abuse problem to appropriate treatment resources while maintaining confidentiality in accordance with this Policy;

(e) making arrangements for valid drug and alcohol testing to take place through the Nelson House Medicine Lodge in a manner that ensures the integrity of the testing and maintains employee confidentiality;

(f) taking appropriate steps to investigate violations or perceived violations of this Policy within 48 hours of being disclosed to the employee's immediate Supervisor or the Executive Director of HR, which investigation shall include an assessment of whether there may be another disability or temporary medical condition; conflict at work, job dissatisfaction or low morale, stress from balancing work and family responsibilities, and/or personal problems unrelated to work

3. An employee may be required to undergo drug and/or alcohol testing if they perform safety sensitive duties, have had a previously identified problem with substance abuse or potential substance abuse, previously tested positive during a drug or alcohol test, or their supervisor or the Executive Director of HR believes on reasonable grounds that the employee may have a substance abuse problem or such a problem may have caused an incident in the workplace or resulted in inappropriate conduct off-duty. For purposes of this Policy, reasonable grounds shall include the following indicators:

- (a) observed use or evidence of use of a substance (for example smell of alcohol or drugs or sleeping on the job);
- (b) observed signs of drug or alcohol impairment;
- (c) erratic, disruptive, or atypical behaviour or changes in the behaviour of the employee including off-duty conduct that may or may not have led to criminal charges;
- (d) illogical responses to questions or instructions;
- (e) changes in the physical appearance or speech patterns of the employee;
- (f) the presence of alcohol, drugs or drug paraphernalia in the vicinity of the employee, the employee's worksite or NCN vehicle.

4. Where it has been determined that an employee must undergo drug and/or alcohol testing the following procedure will be followed:

- (a) the employee will be told why testing is required and the Executive Director of HR will review each step with the employee and request that the sign the consent after the review.
- (b) an employee who refuses to be tested will be advised the employee is breaching the Policy and will be subject to discipline up to and including termination of employment;
- (c) the Executive Director of HR will direct the employee to the Nelson House Medicine Lodge to provide a urine sample and/or saliva test by a qualified technician;
- (d) the employee will be required to submit a completed Consent Form (Appendix A indicating their willingness to participate in the testing process and provide the results in-person to the Executive Director of HR; and where required they employee may consult a designated physician to ensure that no other factors could influence the test results;
- (e) after receiving the analysis from the lab and/or physician, the Executive Director of HR and the employee's supervisor will meet with the employee to:

- (i) review the results; and
- (ii) if the test is positive, obtain additional relevant information from the employee about substance use and/or immediately suspend the employee for further investigations to be conducted, and depending upon the outcome of the investigation and whether the employee has previously been in a treatment program, determine if accommodation on the basis of disability or disciplinary action up to and including termination of employment is required;

5. If a test is positive, the employee shall have the right to be retested within 7 days of being notified of the positive results and the cost of the subsequent test shall be the responsibility of the employee.

6. Disclosure by an employee that the employee has, or may have, a drug and/or alcohol problem will not result in disciplinary action unless the disclosure takes place after a workplace incident occurs or after the employee engages in inappropriate off-duty conduct. The employee's request for assistance will not be a defence to the imposition of disciplinary action where a violation of this or any other NCN policies have occurred.

7. Employees who enter a treatment program will be required to sign a form authorizing the treatment program to release to the Executive Director of HR information regarding the employee's progress.

Random Drug and Alcohol Testing

8. NCN reserves the right to conduct random drug and alcohol testing of employees if the misuse of drugs, alcohol and other substances continues to create health and safety issues within our community. As part of NCN's goal of creating and maintaining drug and alcohol-free workplaces, employees are encouraged to voluntarily participate in testing and to seek treatment.

Policy Acknowledgement & Consent Form

I, _____, have been provided with a copy of the Alcohol and Drug Use Policy, and I have read, understood, and agree to be bound by such Policy as a condition of my employment with the Nisichawayasihk Cree Nation.

Employee Signature

Witness Signature

Date