

Random drug and alcohol testing at the TTC

Employee guide

October 2018



Employee guide

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Drug and alcohol testing at the TTC

Why does the policy include a testing program?

Alcohol and drug testing is only one component of the TTC's overall approach to ensuring a safe and productive operation. Post-incident and reasonable cause testing will be used as an investigation tool to determine a possible violation for anyone who holds a designated position. Random testing serves as a deterrent to employees from coming to work under the influence of drugs or alcohol, and a method of removing those from the workplace who choose to come to work under the influence of drugs or alcohol. Testing that is part of a monitoring program for any employee returning to work after treatment or a violation serves to assist them in their recovery.

Purpose of drug and alcohol testing

The TTC adopted its Fitness for Duty Policy in 2010 to protect the health and safety of employees, its customers, the public, and the environment in which we live and operate. The TTC recognizes that alcohol or other drug use and extreme fatigue can impact personal safety, compromise the quality of customer service, and adversely affect the reputation and goodwill of the TTC. Recognizing the safety-sensitive nature of our operations, the Fitness for Duty Policy outlines in more detail the restrictions on the use of alcohol and other drugs and associated fitness for duty standards expected for all employees. This document is a summary of the policy.

Random testing, implemented in May 2017, is the newest component of the TTC's existing Fitness for Duty policy. Random drug and alcohol testing is an important part of the TTC's comprehensive commitment to ensuring the safety of our employees, our customers and all road users.

Moving to implement random testing was in response to an increased concern about the existence of and impacts of drug and alcohol use in the workplace.

The TTC cares about your health, as well as your safety. Anyone who believes they have a drug or alcohol use disorder is encouraged to seek assistance through Occupational Health, EFAP or their personal physician.

If you have any questions, please ask your manager or supervisor, or turn to page 33 of this guide for a list of resources.

The main objectives of this program are to promote safety and wellbeing in the workplace by:

- encouraging those who require support with a substance use disorder to seek assistance (before an incident occurs)
- deterring employees from attending work while they are in an unfit state to do so
- to remove those from the workplace who come to work while unfit for duty.

Random drug and alcohol testing is common practice for transit systems around the world to protect employees and the public.

In what circumstances is testing performed under the policy?

- Certification New Hire: drug testing is required when someone is joining the TTC in a designated position.
- Certification Internal: drug and alcohol testing is required when a TTC employee holding a non-designated position is hired into a designated position.
- Post-incident: drug and alcohol testing after a significant incident where the employee was deemed to have been involved in actions that may have led to the incident or near miss.

- Reasonable cause: drug and alcohol testing will take place whenever a supervisor has reasonable grounds to believe that the actions, appearance or conduct of an individual while on duty could indicate use of drugs or alcohol.
- Random testing: drug and alcohol testing is performed on randomly selected employees holding designated positions.
- Monitoring programs: drug and/or alcohol testing may be required in monitoring programs used to support the continued recovery of someone returning to work after treatment for an alcohol or drug dependency, and as a condition of continued employment for someone returning to work after a policy violation.

Who does drug and alcohol testing apply to?

Drug and alcohol testing applies to all employees who have been deemed to be in a designated position (safety sensitive, specified management and designated executive).

All employees are required to report to work fit for duty regardless of whether or not you are eligible for testing. All employees are subject to the TTC policies regarding workplace conduct and collective agreement where applicable.

Testing only applies to designated employees except in the case of those returning to work on a monitoring program where an employee may agree to this as a part of their workplace accommodation where applicable.

What are the designations?

The FFD policy defines safety sensitive positions as those that play a direct role in a job function where performance could be impacted by drug and alcohol use. This means anything from causing a significant incident to a failure to adequately respond to an incident, affecting the health, safety or security of employees, the public, property or the environment. All employees, including managers and supervisors, who may be required to perform safety sensitive duties – even temporarily – are included in this category.

Specified management positions are ones considered to be risk-sensitive because that person has significant involvement in decisions or actions that directly affect safe operations. This includes all individuals who directly supervise individuals who hold a safety sensitive position.

Designated executive positions are held by senior management, including, but not limited to department heads and above.

How are positions designated?

The designation process typically takes place when a job description is updated. The updated job description and position assessment form that has been filled out by the department is provided to the FFD Group for review and consideration. The FFD Group then provides a designation recommendation and justification to the Safety Department. A designation will be agreed upon between the FFD Group and the Safety Department and written confirmation will be sent to Compensation Services and then to the work location.

Who is responsible for managing the program?

Human Resources administers the Fitness for Duty policy. Specifically, the Program Lead and the Program Assistant, or their designate, are responsible for consistent administration of the policy and will:

- resolve any questions of interpretation;
- co-ordinate development and delivery of employee education and supervisor training programs; and
- schedule and co-ordinate all forms of testing, including the random program.

How do I know if I am in a designated position?

The management at your work location have information about your position and its designation.

The Fitness for Duty intranet site has a list of all designated positions at the TTC.

Additional questions about position designations can be directed to the Program Lead – Fitness for Duty at 416-206-3169 or the Program Assistant – Fitness for Duty at 647-218-0935 or 647-462-4258.

What if I think a co-worker has a substance use disorder or is unfit on the job?

Everyone has a responsibility for safety. If you believe that a co-worker has a substance use disorder impacting their performance or safety, you should encourage them to reach out for help as soon as possible. If you believe a co-worker is unfit for duty, you should not transfer any work responsibilities, including control of any machinery, vehicle or equipment to that individual and promptly report concerns to your supervisor(s) or Transit Control if your supervisor is not available.

What is extreme fatigue?

Extreme fatigue is physical and/or mental exhaustion that reduces a person's alertness to the point that a safety hazard is created or results in an inability to safely perform work.

What are the expectations under the Policy?

Employees are prohibited from reporting for duty or remaining on duty when suffering from extreme fatigue. Employees are responsible for:

- ensuring sufficient rest period prior to starting work and using breaks provided within and between shifts to rest and recuperate; and
- learning to recognize symptoms of fatigue and reporting incident of extreme fatigue to your supervisor.

When an employee reports that they are suffering from extreme fatigue, or where a supervisor has reasonable grounds to believe that an employee is suffering from extreme fatigue, the employee will be removed from duty from the remainder of their shift. The employee's supervisor will discuss with the employee any issues that may have caused the extreme fatigue.

The supervisor may consult with OHCM staff or suggest EFAP counselling where appropriate. Where the extreme fatigue can be substantiated as a medical illness, it will be accommodated as required in accordance with the Ontario Human Rights Code.

Employee requirements and expectations

All employees have the responsibility to be fit for duty during their shift and while on TTC business, premises and worksites, whether they're in a designated position or not.

The policy also applies when an employee is wearing an issued uniform or identifiable clothing in public, regardless of whether they are on or off duty.

All individuals on scheduled stand-by are expected to abide by the above standards and report fit for duty for any and all required work.

Behaviour not allowed under the policy includes:

- anyone being unfit for work because of extreme fatigue, or due to the use or after-effects of alcohol from any source, illicit drugs and medications the use, possession, distribution, offering or sale of alcohol, illicit drugs or illicit drug paraphernalia;
- the illegal possession, distribution, offering or sale of medications and their intentional misuse;
- consuming any product containing alcohol during the work day, including during meals and other breaks; and
- reporting for or remaining on duty under the influence and/or following a positive alcohol or illicit drug test result at or above the cut-off levels established in the policy.

Employees who are under the influence or behave inappropriately due to the consumption of alcohol or drugs, including medications, can threaten their own personal safety and that of their co-workers and the public.

Responsibilities of employees

The TTC recognizes that employees who are under the influence or behave inappropriately due to the consumption of alcohol or drugs, including medications, can threaten their own personal safety and that of others. These impacts can also result from extreme fatigue.

Employees are expected to comply with the Fitness for Duty Policy when on TTC business, working on TTC premises or worksites, and when operating TTC vehicles and equipment. It also applies at any time you are wearing any issued uniform, identifiable clothing or displaying employee identification on or off duty in public.

Additionally, employees are responsible for:

- reporting fit for duty and remain fit for duty throughout the work day or shift;
- informing your supervisor if you believe you are unfit for any reason;
- seeking advice and follow treatment for any issue that may affect Fitness for Duty;
- reporting the use of prescription medication;
- seeking advice and follow appropriate treatment for a current or emerging substance use disorder, and follow recommended monitoring programs after attending treatment;
- co-operating with any work modification related to safety concerns; and
- co-operating with any investigations into potential violations of the policy, including any direction to participate in the testing program.

Responsibilities of supervisors

Under the FFD policy, supervisor refers to the non-unionized individual accountable for a particular area or shift who are directly responsible for the performance of employees. In addition to their ongoing performance management responsibilities, supervisors are expected to:

- take immediate steps to investigate any possible violation of the Fitness for Duty policy;
- in the case of a refusal, advise employees of the consequences;
- guide employees who seek assistance for a personal issue to appropriate resources like EFAP or Occupational Health while maintaining confidentiality under the circumstances;
- require an employee to meet with Occupational Health if, in the course of a performance management meeting, an employee says they have a substance use disorder;
- act when an employee discloses their prescription medication use;
- notify employees when and where they have a random test;
- ensure that appropriate space is made available for testing at the work location;
- take any employee questions about testing; and
- ensure that, prior to testing, the circumstances leading to post-incident testing and reasonable cause meet the criteria outlined in the policy, and reported through the FFD group.

Managers can contact the Employee Relations team for advice on the determination and administration of any disciplinary action resulting from a policy violation.

Can I drink at events where alcohol is being served, such as conferences, workshops and other off-site work functions?

Under the TTC's Fitness for Duty policy, consuming alcohol or drugs during work hours and the time leading up to working hours (where the negative effects would still be experienced in work hours) is strictly prohibited.

Section 2.1 of the policy outlines that all employees must be fit for duty/work, which means mentally and physically fit to perform their assigned tasks while on duty. Being fit for work includes being free from the negative effects of drugs and alcohol.

Section 3.10 of the policy outlines for employees what is meant by the term on duty. On duty includes time spent at a work session or a conference, and lunch and break times.

There are no situations where consuming alcohol while on duty is acceptable. Employees who are on duty and at a function where alcohol is being served must not consume the alcohol. Employees may consume alcohol after the workday, for example, when on travel status, at a training event or seminar, or in any other similar business-related situation provided that the formal business is completed, they are not on TTC property, they are not wearing official TTC-issued uniform or clothing, they use alcohol responsibly, and they are not returning to work that day.

Can the TTC search for alcohol and drugs?

Yes. When there are reasonable grounds to believe there is a breach of the Policy, the TTC reserves the right to search without prior notice any TTC property, including, but not limited to, desks, packages, lockers or vehicles, or any similar object brought to the workplace. Supervisors are advised not to initiate an investigation themselves – they are to advise their manager of their concerns as soon as possible. A decision will then be made on whether or not to conduct an investigation, as well as how. Any attempt by employees to impede or prevent a search and seizure of banned substances will be considered a breach of the Policy. Depending on the situation, a criminal investigation may also result.

What happens if someone loses their driver's license?

Any employee who is operating a TTC vehicle or driving on TTC business and receives a charge for an alcohol or drug related driving offence under the Criminal Code, or an administrative license suspension under the Highway Traffic Act, must immediately inform their supervisor. An investigation will be undertaken, and proportional consequences will be applied.

Drug and alcohol testing general details

What is defined as a drug under the policy?

The policy defines a drug as being any substance, including, but not limited to, alcohol, illicit drugs or medications that have the potential to change or adversely affect the way a person thinks, feels or acts. Drugs of concern are those that inhibit someone's ability to perform their job safely and productively. For example,

- Alcohol refers to beer, wine and distilled spirits, and includes the alcohol found in medicines or other products;
- Illicit drug means any drug or substance that is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law; and
- Medication refers to a drug obtained legally, either over-the-counter or through a doctor's prescription designed to remedy, control or prevent illness.

What drugs is testing done for?

The oral fluid test, which is used for post-incident, reasonable cause, and random testing, will test for the following classes of drugs:

- Alcohol
- Marijuana/cannabis
- Cocaine
- Amphetamines/methamphetamine
- Opioids(indicating use of heroin or illegal use of opioid products)
- Phencyclidine (PCP)
- Oxycodone

In urinalysis testing, the TTC will test for all of the same drugs listed above, with the addition of Fentanyl. Fentanyl testing is not currently available for oral fluid. If this becomes available in the future it is the TTC's intent to add it to the oral fluid drug test.

If the TTC concludes that there is justification to include additional drugs in this list, employees will be advised of the change.

What are the alcohol cut-off levels?

The cut off levels for post-incident, reasonable cause, certification testing and random testing are:

- Alcohol readings at or between 0.02 – 0.039 are considered to be a policy violation at the TTC and are subject to progressive discipline.
- Alcohol readings of 0.04 and over are considered to be non-compliant and are subject to discipline up to and including dismissal.

What are the TTC's oral fluid test cut off levels?

Drug	Initial Test Levels (ng/ml)*	Confirmation Test Levels (ng/ml)*
Marijuana (THC)	10	10
Cocaine		
Cocaine	20	50
Benzoyllecgonine	20	50
Opioids		
Morphine	40	50
Codeine	40	50
Oxymorphone	40	50
Hydrocodone	40	50
Hydromorphone	40	50
Oxycodone	40	50
6 acetylmorphine	4	4
Phencyclidine (PCP)	10	10
Amphetamines		
Amphetamines	50	50
Amphetamine	50	50
Methamphetamine	50	50
Methylenedioxy-methamphetamine or "Ecstasy" (MDMA)	50	50
Methylenedioxy-amphetamine or "Sally" or "Sass" or "Sass-a-frass" (MDA)	50	50
Methylenedioxy or "Love" (MDEA)	50	50

* Note: an ng/ml means nanograms per millilitre; a nanogram is one billionth of a gram; a millilitre is one thousandth of a litre.

How were the oral fluid drug test cut-off levels determined?

The TTC oral fluid drug cut off levels were determined by experts. The levels only determine recent usage and therefore likely impairment. Essentially, these cut-off levels are low enough to confirm recent use of the drug, but high enough to eliminate side issues like consumption of poppy seeds or routine prescription use of a codeine-containing product in the opioid category, or recent second-hand marijuana smoke.

To be clear, the TTC is not interested in your recreational use of drugs, provided it does not affect your work performance, i.e. You are fit for duty when at work in accordance with the TTC's established cut off levels.

What is the role of the Medical Review Officer (MRO)?

The MRO is a licensed physician who receives laboratory results of the drug test in question. The MRO uses medical training, and MRO specific training, to determine if there has been a policy violation or if the result should be reported as positive, negative or safety sensitive flag to the Program Lead or designate.

In order to make this decision, the MRO, upon receiving any positive result from the lab, will make efforts to contact the employee and discuss any medical reasons for the result before reporting the result to the FFD Group.

How do I know that the alcohol test result is accurate?

- When there is an alcohol test reading over 0.02 the mobile collector always does a second reading to confirm the results. The second confirmation test result is used as the official result.
- Before a test is conducted, employees are shown the machine is calibrated to 0.00 readings.
- The test is administered by trained/qualified collectors.
- An experienced MRO reviews and confirms all positive alcohol results.

How do I know that my drug result is accurate?

The TTC assures the accuracy of the testing process by using:

- trained/qualified collectors;
- chain of custody, the comprehensive documentation process that follows the sample and documents who and what equipment come in contact; and
- an experienced MRO reviews and confirms all drug positive and safety sensitive flag results.

In addition to all of these protections, the laboratory that processes TTC samples is held to the highest standards set out in the US Department of Transportation drug and alcohol testing standards. Part of this high standard is the lab being “blind sampled.” This means that the lab itself is randomly tested for accuracy. This ensures the high level of accuracy for all TTC sample analysis.

Can employees go to their own doctor if they are required to be tested?

No. The system in place for employee testing has considerable checks, balances and necessary accreditations to ensure the integrity of the process and accuracy of results. These checks and balances are put in place to protect employees and the integrity of the TTC's testing program.

How long does it take blood alcohol levels to get back to zero after consuming alcohol?

It varies, but studies have shown it takes slightly more than one hour to metabolize one standard drink (12 oz, beer, 5 oz table wine, 1.5 oz spirits all contain the same amount of alcohol and are considered "standard" drinks).

Alcohol is absorbed in the blood and taken to the liver where it is metabolized. The ethanol clearance rate is still a function of age, gender and drinking practices, so the situation may differ depending on the circumstances. Also, a drink may not be "standard" size.

It is the responsibility of each employee to come to work fit for duty.

What would constitute reasonable cause testing?

This is when a supervisor has reasonable grounds to believe the actions, behaviours, or conduct of an employee while on TTC business indicates the use of alcohol or drugs. Before making the decision to test, the supervisors would contact Transit Control and require confirmation from a Chief Supervisor or a cab Supervisor, and the decision to test will be documented. Supervisors will be trained to investigate situations where an employee appears to be unfit at work, and a reasonable cause test may be required as part of the investigation.

What incidents would require post-incident testing?

Testing may be required after a significant incident as part of a complete investigation. It would not be required if human factors can be ruled out, in other words, if the incident is clearly the result of structural or mechanical failure, or environmental factors played a role. In addition, only those individuals whose acts or omissions could have been a contributing factor would be tested.

A significant work-related incident is one that results in:

- a fatality;
- a serious personal injury to any individual requiring medical attention away from the scene, including an employee, a customer, a member of the public or any other individual;
- A critical injury (as define under the Occupational Health and Safety Act);
- A near miss;
- An environmental incident with significant implications; and/or
- Significant loss or damage to property, equipment, or vehicles.

In addition to the incidents listed, at their discretion, management may require a post-incident test after any other significant work related incident or near miss with significant potential for more serious consequences as part of a complete investigation. Testing would also be required after any less significant incident if, as a result of the preliminary investigation, it is concluded that alcohol or drugs may have been a factor (e.g. reasonable cause situations).

Why is testing required after a treatment program?

In many situations, addictions and treatment specialists recommend a monitoring program to support an individual's continued recovery after treatment for an alcohol or drug dependency. In a workplace setting that monitoring program would often include unannounced testing for a period of time.

Who determines employee selection for random testing?

Employees will be selected for testing at random by a computer program that is run by the TTC's third party Fitness for Duty provider, DriverCheck Inc. All designated roles are eligible for selection. The TTC has no input into who is selected for testing. Each week, the randomly selected list of employees will be provided to the TTC's FFD Group within the Human Resources department.

How will I be notified if I'm selected for a random test?

Each employee will be notified by a member of their management team that they have been selected for a random drug and alcohol test.

Where will random tests take place?

The vast majority of random drug and alcohol tests will be administered at the work location of the selected employee. In some instances, employees may be required to travel to another TTC location or travel to clinics located around the city to have their random test administered. This will be factored into the employee's regular shift and they will be paid for this time.

How does the alcohol test work?

Employees who are required to undergo an alcohol test will be expected to provide a breath sample for analysis in an Evidential Breath Testing Device or breathalyzer. Samples will always be collected by a certified breath alcohol technician. The employee will immediately receive a printed copy of the result. The results will also be provided to the Medical Review Officer at DriverCheck to report compliance or non-compliance to the Fitness for Duty Program Lead.

How will the oral fluid drug test be administered?

Drug testing is conducted using a non-invasive oral fluid test. It is the same technology and process used for the random, post-incident and reasonable cause testing at the TTC. Participants will be required to place an oral fluid collection pad in their mouth and hold for a period of a few minutes to ensure adequate saliva is collected.

Other situations

In other testing situations (certification testing and return to work testing after treatment or a policy violation) a urine sample will be collected at a TTC designated clinic for analysis in the laboratory following the same review process described for other drug testing.

What happens to these tests?

‘Chain of custody’ is the process and documentation that exists to protect the integrity of your sample when it is collected, transported, analyzed and reported. Chain of custody starts when you provide your oral fluid sample collection; each oral fluid sample is assigned a specimen ID. After collection, both the collector and the employee confirm that the specimen ID matches the forms and the seals that are affixed to the sample vial.

A copy of the chain of custody form is sent with the sample to the laboratory. It is documented on this form every time the sample changes location and records who handled the sample.

Confidentiality is maintained throughout the process and the lab never knows the tested individual's name, only the specimen ID and their initials on the vial seals.

What happens after my random drug and alcohol test?

Random testing does not assume that the employee is impaired. If impairment is suspected during the testing process, then reasonable cause procedures are enacted. Provided there is no reasonable cause, employees who are fully compliant with the breath alcohol test and who provide an oral fluid sample for drug testing will be returned to the workplace immediately.

Medications

What if I need to take a medication?

If you take prescription medications, you are required to check with the prescribing doctor or pharmacist to learn of any possible side effects that might affect your safety or the safety of those around you. It is important that whomever you consult with understand the work that you do and the existence of the FFD policy so that you can receive proper advice within the full context of your situation. You are required to report the use of any medication that may negatively affect your performance or fitness for duty to Occupational Health. You are also required to advise Occupational Health or your supervisor of any need for modified duties associated with medication use.

If you are taking over-the-counter medication, it is your responsibility to use the drugs responsibly and use a safe alternative (e.g. non-drowsy) if available.

Do I have to tell my supervisor what medication I am taking?

No. You do not have to tell them the specific medication you are taking, or the underlying medical condition that you need the medication for. However, you are required to notify your supervisor of any accommodation that may result from the use of that medication or if you are unsure about the need for an accommodation. Once you have notified your supervisor, they may ask you to contact Occupational Health.

My doctor has told me that it is okay for me to do safety sensitive work while on my medication. Do I still need to tell the TTC's Occupational Health Department?

Yes. It is important to have this information in your confidential medical file at the TTC for random testing purposes. If a result comes back from the Medical Review Officer with a safety sensitive flag, it is important that the TTC can verify your prescription. You are expected to report the use of any medication that may negatively affect performance or fitness for duty to Occupational Health.

Support through the Fitness for Duty program

How will the TTC help employees under the Fitness for Duty policy?

At the TTC we are committed to promoting a safe and healthy working environment. Early identification of substance use issues are a priority for us, as well as ensuring employees have access to confidential assessment, counselling, treatment and aftercare services if required. The TTC will continue to provide access to the Employee and Family Assistance Program, which is available on a confidential basis to all employees and their dependent family members. Employees can contact the EFAP at any time for assistance with any personal problem, not just alcohol or drug issues. See page 33.

How does the EFAP work?

EFAP is a confidential service available to employees and their dependent family members 7 days a week, 24 hours a day. All calls are confidential. You will be asked for some basic information, and then a counsellor will contact you to arrange an appointment at a mutually convenient time and location. If you need help right away, counsellors are available to provide immediate assistance.

What assistance is available to me if I have a substance use disorder?

Any employee who believes that they may have a substance use disorder should contact Occupational Health and book a meeting prior to their work being affected. Reporting to work negatively impacted by drugs and/or alcohol is considered a policy violation and is subject to discipline up to and including dismissal.

Where appropriate, employees who come forward voluntarily to Occupational Health for assistance with a substance use disorder will meet with a substance abuse professional. The employee will be supported through any required treatment and the aftercare program with available benefits.

What should I do if I think I have an alcohol or drug issue?

Seek help immediately. Employees are expected to seek assistance before reporting to work impacted negatively by drugs/ and or alcohol, and before any situation arises.

The TTC recognizes that alcohol and drug substance use disorders are treatable illnesses and that early intervention greatly improves the chances of lasting recovery. Individuals who suspect they have a substance use disorder or emerging alcohol and drug substance use disorder are expected to seek help through the TTC's Occupational Health Department, EFAP, their personal physician, or community services and to follow appropriate treatment.

The request for assistance can be made through Occupational Health. Confidentiality is maintained. If there is a risk that you are harming yourself or others, then the TTC is obliged to take appropriate action.

You will not be exempt from alcohol and drug testing or discipline by making a request for assistance or by disclosure that you are already involved in a treatment program. Employees should also understand that accessing assistance or declaring a substance use disorder does not mean that you do not have to comply with the FFD policy.

When would a Substance Abuse Professional (SAP) assessment be required?

A referral for an assessment by a substance abuse professional may be triggered through a performance management meeting if an employee suggests they may have an alcohol or drug use disorder. A referral may also be triggered in a post-violation situation. This is not an assistance or counseling function. The substance abuse professional is contracted independently to:

- provide a comprehensive face-to-face assessment and clinical evaluation to determine what level of assistance the employee needs in resolving problems associated with alcohol or drug use;
- recommend a course of education and/or treatment;
- confirm if the employee has demonstrated successful compliance with recommendations;
- develop a follow-up testing program; and
- provide the employee and employer with recommendations for aftercare – continuing education and/or treatment needed after return to work.

What do I do if I think that I might need accommodation for a drug or alcohol test?

Participation in testing is mandatory for all employees holding a designated position. If an employee wishes to seek accommodation, the employee must notify their manager in writing of the need for accommodation. This must be done in advance of being notified that they will be subject to testing.

Accommodation will be provided in accordance with the Ontario Human Rights Code. Failing to do so in advance of testing, and not participating in the test, will be deemed a test refusal and will be subject to disciplinary action.

Investigation procedures

Investigation procedures that may be used in support of the policy include:

- ongoing performance management;
- investigations when someone appears unfit on the job;
- alcohol and drug testing in a reasonable cause or post-incident situation for designated positions as appropriate;
- Investigations when there are grounds to believe a banned substances is on TTC premises; and
- Impaired driving investigations.

Monitoring programs will be used to support the continued recovery of someone returning to work after treatment for a substance use disorder and as a condition of continued employment for someone returning to work after a policy violation. These programs may require unannounced alcohol and drug testing as one component.

Refusals to test and the policy

Consequences of a violation

While education and assistance are the preferred responses when an employee is deemed unfit for duty, the TTC reserves the right to take all appropriate disciplinary action, up to and including dismissal, if an employee violates the terms of the Fitness for Duty policy.

What constitutes refusal to submit to an alcohol test?

A refusal includes: refusal to be tested, failure to cooperate with the collection process, failure to remain readily available for testing, or refusal to agree to disclose the result to the FFD Group.

A refusal would also occur if the employee alleges there is a medical reason for not being able to provide an adequate sample, but is later unable to verify this through medical documentation.

A refusal to test includes failure to co-operate with the collection process, failure to remain readily available for testing, a confirmed attempt to tamper with a sample, and refusal to agree to disclose the test result to the program administrator or designate.

Is a positive result grounds for discipline?

A positive test result is a violation of the policy and grounds for disciplinary action up to and including dismissal. In all situations there will be an investigation to verify that a violation has occurred before disciplinary action is taken. The severity of the consequences depends on the nature of the circumstances. You may be referred to a substance abuse professional for an assessment.

The TTC's discipline process always considers the individual facts of each case.

Are there any circumstances when a negative result would result in discipline?

In some cases, negative results can result in discipline, such as when an alcohol result is at or between 0.02 and 0.039, or when it becomes known that an employee has been taking impairing medication in the workplace and has not reported it to Occupational Health.

Contact for further information

Any questions about the Fitness for Duty policy should be directed to the Program Lead – Fitness for Duty, Human Resources at 416-206-3169, The FFD Program Assistant at 647-218-0935 or 647-462-4258.

All questions related to medications should be directed to Occupational Health at 416-393-6112.

Additionally, the Employee Relations Section of the Human Resources Group can answer questions related to discipline results from a violation of the Fitness for Duty Policy. They can be reached at 416-393-4362.

If you require assistance with a personal problem contact EFAP 7 days a week, 24 hours a day by telephone at 1-800-572-0039.

