

	<b>FIT FOR DUTY</b>	
<b>POLICY:</b> #9.3	<b>APPROVAL DATE:</b>	
<b>EFFECTIVE DATE:</b>	<b>REVIEW DATE: TWO YEARS FROM APPROVAL DATE</b>	
<b>APPROVAL:</b> Executive Team		
<b>OFFICE OF ACCOUNTABILITY:</b> Human Resources, Safety & Security Services, Vice-Provost, Students & International		
<b>ADMINISTRATIVE RESPONSIBILITY:</b> Safety & Security Services		
<b>PREVIOUS VERSIONS:</b> None		

## ACKNOWLEDGEMENTS

OCAD University wishes to acknowledge the following institutions, whose related policies and guidelines provided background in the development of this policy: Bill C-45 Cannabis Act, Toronto Transit Commission, University of Guelph, New Gold Inc., City of Hamilton, Ontario Human Rights Commission (OHRC) Canadian Human Rights Commission (CHRC), and Wilfrid Laurier University.

### 1. PURPOSE

It is the policy of OCAD University to provide a healthy and safe working and learning environment by requiring that all members of the OCAD U community are Fit for Duty. It is recognized that the use of substances including, but not limited to, alcohol, cannabis, illegal drugs, and/or medications as well as fatigue can impede this requirement.

The University's commitment is to respect the dignity and privacy of all its members and places priority on harm reduction, substance use support as well as treatment.

The University is further committed to supporting and accommodating students and employees who may not be Fit for Duty due to a disability, as required under the Ontario Human Rights Code ( *Code* ); and to providing a safe and healthy environment for all Members of the OCAD U Community in accordance with the University's obligation as an employer under the Occupational Health and Safety Act (OHSa).

### 2. SCOPE

This policy applies to all members of the OCAD U community, including students, employees, contractors, visitors and volunteers.

### 3. DEFINITIONS

**“Alcohol”** is beverage alcohol, ethyl alcohol or other alcohols including methyl and isopropyl alcohol. Beverage alcohol includes, but is not limited to beer, wine, distilled spirits and very low alcohol products.

**“Accommodation”** is an adaptation or adjustment made to support a person with a disability in the performance of essential duties or requirements of the position. Such requirements must be reasonable and bona-fide in the circumstances.

**“Campus”** includes lands, grounds, buildings, rooms, or offices of the University, or other places or facilities used for the provision of OCAD U’s programs or services or for University approved events and activities.

**“Cannabis”** Any substance or mixture containing or derived from the cannabis plant.

**“Contractor”** Any person(s) providing services or goods to the University under a contract or other agreement.

**“Duty and/or duties”** An action or task required by a person’s position, occupation or function at OCAD U.

**“Employee”** Any person employed by the University on a full-time or part-time, permanent or temporary contract basis.

**“Fatigue”** physical and/or mental exhaustion that reduces a person’s alertness such that a safety hazard is created or results in an inability to safely perform duties.

**“Fit for Duty”** The ability to perform duties safely and competently, particularly those that are safety sensitive, without any limitations or adverse effects resulting from, but not limited to: the use or after-effects of illegal drugs, alcohol, cannabis and/or medications; the misuse of and/or failure to take prescribed medications; and/or fatigue.

**“Harm Reduction”** Harm reduction strategies reduce potential harms associated with certain behaviours. It is the policies, programs and practices that reduce the harmful consequences of substance use while looking to increase the quality of life for the person, their families, friends and communities.

**“Illegal Drugs”** Any drug or substance that is illegally obtained, the use, sale, possession, purchase or transfer of which is restricted or prohibited by Canadian law, which may include, but is not limited to narcotics, depressants, hallucinogens, psychedelics and stimulants. This includes prescription medication that has not been lawfully prescribed to a member of the OCAD U community.

**“Medication”** A drug obtained legally, either over the counter or as properly prescribed for the individual in question by a registered and regulated healthcare professional.

**“Member of the OCAD U community (member of the community)”** includes students, employees, contractors, visitors and volunteers.

**“Safety Sensitive”** Refers to tasks where impaired performance could result in a direct and significant incident or accident affecting the health or safety of any member of the OCAD U community.

**“Student”** means any person taking one or more courses at the University, either full-time or part-time, in any program of study, including special students. For clarity, a student is a person who is: registered in an OCAD U course of study and/or engaged in any academic work that leads to the assigning of a mark, grade or statement of performance by the appropriate authority within the University and/or entitled to a valid student ID card who is between sessions.

**“Substance Use”** The use of drugs and/or alcohol. Substance use includes, but is not limited to substances such as cigarettes, legal drugs, illegal drugs, medically prescribed prescription drugs, illegally obtained prescription drugs, over the counter pharmaceuticals, inhalants and solvents.

**“Supervisor”** Per the Ontario Occupational Health and Safety Act, a supervisor is a person having either charge of a workplace or area, or authority over a worker or workers. This includes, but is not limited to, area supervisor, manager, director, technician, faculty member.

**“University”** means OCAD University (OCAD U).

#### **4. POLICY**

- 4.1 The University will firmly and fairly enforce the principle that members of the OCAD U community must be Fit for Duty on campus or while conducting activities for the University, whether on campus or elsewhere. Fitness for Duty is of particular importance in carrying out safety sensitive tasks.
- 4.2 The University will take steps to raise awareness within the OCAD U Community by communicating and providing resources about the risks and potential consequences of substance use, including the negative impact on job and academic performance, health and safety and disciplinary action that may result where a member of the OCAD U community reports for duty in an unfit for duty state.
- 4.3 The University will provide resources to supervisors to identify behaviour and/or to recognize signs that may indicate that they or another member of the community may be unfit for work, and to identify, in both instances, what the appropriate response and next steps are.
- 4.4 The University will provide employees and students who have self-identified with access to appropriate supports and resources, including workplace/student accommodations to facilitate full participation in the workplace and academic life.

#### **5. PROCEDURES**

- 5.1 All members of the OCAD U Community are expected to be Fit for Duty and remain Fit for Duty throughout the duration in which they are engaged in duties for the University. This entails being able to perform duties safely and competently, regardless of substance use or the after-effects of substance use and/or fatigue.

- 5.2 Members of the OCAD U community have the following responsibilities under this policy:
- 5.2.1 They shall be vigilant with respect to their own Fitness for Duty, particularly in the performance of safety sensitive tasks.
  - 5.2.2 They shall notify their Supervisor or designate immediately in the event they are unfit for duty.
  - 5.2.3 They shall cooperate with any investigation or other measures, such as accommodations, undertaken with respect to this policy.
  - 5.2.4 If they have reason to believe that a health and safety concern exists due to another individual's lack of fitness for duty, they should speak to the supervisor, or designate. Where there is no supervisor available and the concern is time sensitive, they should contact Safety & Security Services at ext. 511.
- 5.3 An employee or student that discloses their substance use to their Supervisor shall not be disciplined for disclosure. Unsafe acts and disruptive behaviour shall be addressed in accordance with applicable OCAD U policies and legal obligations pursuant to the *Code*.
- 5.4 Supervisors shall prioritize harm reduction, substance use support, and *Code* related accommodation in carrying out their responsibilities under this policy. Their specific responsibilities are as follows:
- 5.4.1 Being attentive in the identification of any suspected lack of fitness for duty;
  - 5.4.2 In the event of a suspected or actual lack of fitness for duty, they shall:
    - 5.4.2.1 Ensure that the student or employee is safe and the related community is also safe;
    - 5.4.2.2 Determine if duties must be stopped immediately, and reassign tasks as appropriate;
    - 5.4.2.3 Provide appropriate resources, information and support to student and employee;
    - 5.4.2.4 Gather information and document the incident as needed ensuring appropriate parties are included (i.e. Human Resources, Health and Wellness, Vice Provost Students & International);
    - 5.4.2.5 Participate in the disability-related accommodation process as required;
    - 5.4.2.6 Implement or refer to appropriate parties for any disciplinary or other measures stemming from this policy, including any required communications.

- 5.4.3 Communications of confidential information are on a need to know basis only. If Supervisory staff are in a position where they have knowledge of, or are required to receive information of a confidential nature, they are responsible for ensuring that the confidentiality of this information is safeguarded.

## **6. BREACH OF POLICY**

- 6.1 Failure to disclose a lack of fitness for duty constitutes a fundamental breach of this policy. Failure to carry out responsibilities as outlined above also constitutes a breach of this policy.

### 6.2. Where it is found that a breach of the policy has occurred involving:

- 6.2.1 An employee, the matter may be referred for disciplinary action, to be undertaken in accordance with the provisions of applicable collective agreements or Memoranda of Agreement as appropriate.

- 6.2.1.1 This Policy shall be interpreted and implemented consistent with the terms of any relevant collective agreement or Memoranda of Agreement that may apply.

- 6.2.2 A student, the matter shall be addressed in accordance with the Non-Academic Misconduct Policy.

- 6.2.3 A contractor, the matter shall be addressed in accordance with the Contractor Health and Safety Procedure.

- 6.2.4 For all other members of the OCAD U community, the member may be dismissed immediately from their duties.

- 6.2.5 For greater clarity, any consequences imposed by OCAD U, on employees and/or students, resulting from a breach of this Policy will be consistent with OCAD U's *Code*-related obligations.

## **RELATED POLICIES AND PROCEDURES**

Respectful Work and Learning Environment Policy  
Accommodation in Employment for Employees with Disabilities Policy  
Policy on Academic Accommodation for Students with Disabilities  
Non-Academic Misconduct Policy  
Smoke Free Policy  
Contractor Clearance Procedure  
Event and Beverage Service Policy  
Information Technology (IT) Acceptable Use Policy

## **APPENDIX A: Supports & Services Provided to Employees & Students for Substance Use**

### **EMERGENCY MEDICAL SUPPORT**

Hospitals near the OCAD U campus are:

- Mount Sinai Hospital: 600 University Ave, Toronto, ON: 416-596-4200
- Toronto General Hospital: 200 Elizabeth St, Toronto, ON: 416-340-3111
- St. Michaels Hospital: 30 Bond St. Toronto, ON: 416-360-4000

Students who need help getting to these services from campus are encouraged to contact non-emergency OCAD U security at: 416-977-6000 Ext 366.

### **ON CAMPUS EMERGENCIES**

If on-campus, call OCAD U Security at 416-977-6000 x511 or pick-up a Red Phone or dial 9-1-1.

### **ON CAMPUS SUPPORT HEALTH AND WELLNESS CENTRE FOR STUDENTS**

416-977-6000 ext. 260, [hwc@ocadu.ca](mailto:hwc@ocadu.ca)  
6th Floor, 230 Richmond St. W. Mon-Fri: 9:00am-4:00pm.

Drop-in for a day-of appointment or email/call to make a scheduled appointment time between the hours of 9:00am to 3:30pm.

The Health and Wellness Centre provides specialized services for all students who may be affected by substance use.

Students can access any of the following services:

- Immediate, confidential support provided by trained professionals, available on a walk-in basis between 9am and 4pm, Monday to Friday.
- Booked or walk in medical and/or physical examinations
- Individual and/or group counselling appointments
- Referrals to community organizations
- Accessing confidential academic accommodations

### **ON CAMPUS SUPPORT HUMAN RESOURCES FOR EMPLOYEES**

416-977-6000 ext. 298, [hr@ocadu.ca](mailto:hr@ocadu.ca),  
7th Floor, 230 Richmond St. W. Mon-Fri: 9:00am-5:00pm.

Drop-in for a day-of appointment or email/call to make a scheduled appointment time

### **ON CAMPUS SUPPORT OFFICE OF DIVERSITY, EQUITY & SUSTAINABILITY INITIATIVES FOR STUDENTS & EMPLOYEES**

416 977-6000 ext. 2205  
6<sup>th</sup> floor, 230 Richmond Street W.

The University's Respectful Work & Learning Environment Policy (*RWLEP*; Policy 8001) provides all students and employees with the right to participate, work and learn in an environment that promotes equal opportunities and prohibits discriminatory practices and to make a complaint and have the complaint investigated pursuant to the *RWLEP*. The Office of Diversity, Equity and Sustainability Initiatives (ODESI) plays a critical role ensuring a fair and effective administration of OCAD U's human rights policies and providing subject matter expertise on the principles of human rights, equity and accessibility and related obligations in the resolution of complaints. ODESI administers the *RWLEP* and all stakeholders may contact ODESI to ask a question or raise a concern about an accommodation being provided, the process to receive an accommodation, or to seek assistance in resolving an accommodation issue.

### **Employee Assistance Program (EAP)**

LifeWorks, OCAD University's EAP, provides free, confidential assessment and referral services for eligible OCAD U employees and their eligible dependents. Typical issues that may be addressed include life-work balance, concerns about drug and alcohol misuse, marital issues, psychological problems and legal or financial difficulties. LifeWorks also provides a website and other informational resources about important issues, and career development tools to enhance employees' professional lives. Services available include telephone consultations, personalized searches and referrals, online issue-specific resources, face-to-face counseling sessions and educational materials.

For contact information including login and password details, please contact [hr@ocadu.ca](mailto:hr@ocadu.ca).

### **ADDITIONAL RESOURCES**

Connex Ontario, [www.connexontario.ca](http://www.connexontario.ca)

Operates a helpline that provides free and confidential health services and information for people experiencing problems with alcohol, drugs, mental health or gambling.

Metro Addiction Assessment Service, The Centre for Addiction and Mental Health (CAMH)  
<https://www.camh.ca/en/your-care/programs-and-services/metro-addiction-assessment-referral-service-maars>

Reducing Cannabis Harms Guide

<https://campusmentalhealth.ca/wp-content/uploads/2018/06/CICMH-Reducing-Cannabis-Harms-Guide.pdf>

Cannabis and the Human Rights *Code*

[www.ohrc.on.ca/en/policy-statement-cannabis-and-human-rights-code](http://www.ohrc.on.ca/en/policy-statement-cannabis-and-human-rights-code)