

CONSTRUCTION INDUSTRY OF BRITISH COLUMBIA
SUBSTANCE ABUSE TESTING
AND
TREATMENT PROGRAM POLICY

DEVELOPED BY:

CONSTRUCTION LABOUR RELATIONS
ASSOCIATION OF BC

AND:

BARGAINING COUNCIL OF BRITISH COLUMBIA
BUILDING TRADES UNIONS

TABLE OF CONTENTS

<u>Topic</u>	<u>Page</u>
I. Policy Objective.....	3
II. Definitions	3
III. Policy Statement	6
IV. Policy Administrative Committee.....	8
V. Third Party Administrator.....	8
VI. Medical Review Officer.....	9
VII. Rights of Employees	9
VIII. Voluntary Disclosure	10
IX. Substance Abuse Testing Protocols	10
9.01 Disclosure of Information	10
9.02 Sample Collections	11
(a) Mobile On Site Collections.....	11
(b) Clinical Collections.....	11
(c) TPA Office Collections.....	11
9.03 Types of Testing to be Conducted	11
(a) Pre-access Testing.....	11
(b) Voluntary Testing	11
(c) Post-Accident Testing.....	12
(d) Reasonable Suspicion Testing	13
(e) Return To Work, Post Treatment, Rehabilitation Testing	13
(f) Probation Status/Follow-up Testing	13
(g) Transportation	14
9.04 Specimen Analysis.....	14
9.10 Record Keeping.....	15
X. Policy Violations.....	15
10.02 Confirmed Positive Test Results.....	16
10.03 Reinstatement Requirements	16
XI. Grievance	16
XII. Cost of Collection and Testing	16
XIII. Safety	17
XIV. Savings Clause	17

**CONSTRUCTION INDUSTRY OF BRITISH COLUMBIA
SUBSTANCE ABUSE TESTING & TREATMENT PROGRAM POLICY**

I. POLICY OBJECTIVE

1.01 The objective of this Substance Abuse Testing & Treatment Program Policy (“the Policy”) is to implement a program which:

- (a) Furthers the mutual interests of clients, contractors, unions and workers in achieving a safe, healthy, substance-free work place;
- (b) Provides consistent, fair, and manageable procedures for detecting, eliminating and treating substance use which stands to impair employee work performance;
- (c) Enhances workplace productivity and service quality;
- (d) Enhances the competitiveness of participating contractors by enabling them to provide assurances to their clients with respect to the drug-free character of their work force, thereby increasing union market share;
- (e) Strikes a progressive balance between the various competing interests of clients, contractors, unions and workers, thereby applying a superior and more competitive strategy to the benefit of all participating parties;
- (f) Demonstrates sensitivity to employee privacy and the life-style choices and values of individual employees to the extent that those choices and values do not impair high quality employee work performance, productivity or job safety; and
- (g) Provides employees with substance abuse problems, with appropriate assistance.

II. DEFINITIONS

2.01 As used in this Policy, the terms listed hereafter are defined as follows:

- (a) **“Accident”** – An event resulting in significant injury to a person or significant property damage.
- (b) **“Adulterated Test Result”** – A bodily sample in relation to which the donor has tainted the specimen with a foreign agent, such as bleach, to prevent the detection by a laboratory of a substance.

- (c) **“Alcohol”** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- (d) **“Breath Alcohol Technician”** – A person trained to proficiency and certified in the use of an Evidential Breath Testing device (EBT).
- (e) **“Communicator”** – A representative of the employer and/or union designated to preserve the confidentiality of an employee’s personal information in the context of the administration of a substance test.
- (f) **“Company Premises”** – Any and all property, facilities, land, parking lots, structures, and vehicles owned, leased, used or under the control of an employer, and/or any job site to which an employer assigns an employee.
- (g) **“Diluted Test Result”** - A test result where the specific gravity of the specimen is 1.003 or less and the creatinine level is less than 20 mg/dl.
- (h) **“Employee”** – Any individual employed by a signatory employer under the terms and conditions of a collective agreement with a participating union.
- (i) **“Employer”** – A participating contractor employing individuals under the terms and conditions of a collective agreement with a participating union.
- (j) **“Medical Review Officer (MRO)”** - A licensed physician who has knowledge of substance abuse issues and has received the appropriate medical training to interpret and evaluate an individual’s substance test result as it relates to the individual’s medical history and any circumstances.
- (k) **“Medications”** – Ingested or inhaled prescription drugs, non-prescription drugs, or herbal remedies which may impair mental or motor functions so as to affect the performance of job duties;
- (l) **“Near miss”** – A failure in work performance or other occurrence that nearly results in an accident.
- (m) **“Negative Test Result”** - A test result that indicates that an alcohol level is below .04 BAC and/or fails to confirm that the employee was, at the time of testing, under the influence of a substance.

- (n) **"Parties"** – The Parties to this policy are the Bargaining Council of BC Building Trades Union (BCBCBTU) and Construction Labour Relations Association of BC (CLR).
- (o) **"Personal information"** – Personal information as defined in the British Columbia Personal Information Protection Act, including substance test results and medical information.
- (p) **"Positive Test Result"** - A test result which indicates that the alcohol level is .04 BAC or higher and/or a test result which confirms that the employee is under the influence of a substance.
- (q) **"Possession"** – The care, custody, control or ability to immediately access a substance.
- (r) **"Reasonable Suspicion"** – An understanding based on objective and articulated facts sufficient to lead a supervisor to form a reasonable suspicion that drugs or alcohol might be influencing an individual's work performance.
- (s) **"Safety Sensitive"** - A characteristic of operations where error could result in serious harm to a person, property or the environment.
- (t) **"Substance"** – Alcohol or any substance listed on a schedule of the *Controlled Drugs and Substances Act* or any impairing agent or any medication used by an individual in a manner that is inconsistent with the instructions of the prescribing physician.
- (u) **"Substance Abuse Professional (SAP)" (or Substance Abuse Expert (SAE))** – A licensed physician or certified counselor who has received the appropriate training in substance abuse disorders to provide rehabilitation, assistance and recommendations to individuals who have an addiction or a substance use problem.
- (v) **"Substance Testing"** – The analysis of the biological presence of a substance by means of urine, breath, blood and/or saliva sampling and analysis.
- (w) **"Third Party Administrator" (TPA)** – An independent third party professional organization that will administer testing, collect and store personal information and otherwise implement this Policy.
- (x) **"Union"** – a participating trade union as defined under the Labour Relations Code of British Columbia that is signatory to a collective agreement with a participating employer or employer association.
- (y) **"Unsuitable Test Result"** - A test result that arises when a laboratory determines that the specimen may contain a foreign contaminant or that the individual may have ingested fluids to

mask a substance ,but is not at a level to confirm the specimen as an Adulterated Test Result.

- (z) **"Worker Eligibility Status"** – An indicator of the worker's compliance with the terms of this Policy which is available from the approved Dispatch System or through a link to the TPA's Website. The types of status are as follows:

Dispatch System Status

1. **Current:** a status designated to employees who have complied with the terms of this Policy and who are therefore eligible for dispatch without further conditions.
2. **Not Current:** a status designated to employees in relation to whom an unresolved issue has arisen with respect to their compliance with this Policy and who are therefore not eligible for dispatch without further conditions.
3. **Pending Status:** a status designated to employees in relation to whom a specimen has been provided and the testing results have not been finalized.

TPA's Website Status

1. **Current:** a status designated to employees who have complied with the terms of this Policy and who are therefore eligible for dispatch without further conditions.
2. **Not Current:** a status designated to employees in relation to whom an unresolved issue has arisen with respect to their compliance with this Policy and who are therefore not eligible for dispatch without further conditions.
3. **Pending Status:** a status designated to employees in relation to whom a specimen has been provided and the testing results have not been finalized.
4. **Testing Status:** a status designated to employees who have been selected to perform a random test and have not yet been tested.
5. **Reinstate Status:** a status designated to employees who are in violation of this Policy and must complete reinstatement requirements.

III. POLICY STATEMENT

3.01 Under this Policy, the following are prohibited:

