



RAINY RIVER FIRST NATIONS EMPLOYEES

DRUG TESTING POLICY

April 2012

Rainy River First Nations Drug Policy

The use of drugs has had and continues to have a devastating impact on the lives of the people on the Rainy River First Nations. The Chief and Council are directed by the membership to begin dealing with the misuse of prescribed drugs and illicit drugs as a result of the problems that have developed.

Prevention

Employees are encouraged to seek assistance should they suspect they might have a substance abuse/misuse problem before it becomes a concern in the workplace and/or before the individual contravenes the terms of this policy. The Rainy River First Nations or responsible band entity will attempt to accommodate and modify duties where reasonably possible if employees choose to access such assistance.

All employees who suspect that they might have a problem are encouraged to seek help through the Rainy River First Nations leadership or the NNADAP worker. The Drug Testing Coordinator is also available for discussions and referrals.

Rainy River First Nations is committed to the safety and productivity of all Band entities, organizations and employees. The Band Council recognizes that drug use can limit the ability of employees to properly perform their jobs. The Band Council recognizes that drug misuse can have a serious and negative impact on the health and safety of employees of the Rainy River First Nations.

Rainy River First Nations will not tolerate employees being unfit for any assigned duties due to the misuse or after-effects caused by the misuse of drugs. The implementation of this policy will minimize the risks caused by impairment due to the use of drugs and/or the misuse of prescription drugs to ensure a safe, healthy and productive workplace.

Section 1. Definition of Drugs

A drug can be a psychoactive substance that has the potential to change or adversely affect the way a person thinks, feels or acts. For the purposes of this policy, the drugs of concern are illicit drugs or prescription drugs that are misused and can inhibit an employee's ability to perform their job safely and productively.

The primary drug groups and their characteristics are as follows:

1. Depressants

These drugs slow down the central nervous system and affect a person's ability to think clearly and make decisions. Depressants including barbiturates, sedatives and

tranquilizers can be addictive. Some examples of these drugs are Valium, Seconal and Rohypnol.

2. 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.

3. 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.

4. 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.

5. Opiates

These drugs are used to relieve pain and induce sleep. Some examples of these drugs are Heroin, Morphine, Demerol, Codeine and Oxycodone.

Section 2

An illegal drug is a drug that is prohibited or controlled under the Controlled Drugs and Substances Act, S.C. 1996, C.19. A controlled drug can become illicit if used without a prescription or is misused with a prescription. The misuse of illegal or prescribed drugs can affect an employee's job performance and may cause the employee to be less productive, less reliable, and more prone to accident and have a higher rate of absenteeism. This can result in increased risks and costs to the Rainy River First Nations. Misuse of drugs may also have a devastating impact on lives, businesses and on the community in general.

Section 3(a)

An employee will not be in violation of this policy where drugs are possessed, used or intended to be used, solely for medical purposes upon prescription by a medical doctor in accordance with the Controlled Drugs and Substances Act, S.C. 1996, C.19 and the Marijuana Medical Access Regulations, S.O.R. 2001/227.

Employees who are permitted to possess and use illegal drugs under the guidance of a medical doctor must report such use to their supervisor as such use could have a negative impact on the performance of their employment duties or the safety of themselves or others.

Section 3(b)

This policy sets a higher standard for those employees and contractors who work in a safety sensitive position and fulfills the commitment by the Chief and Council to our community to ensure the health and safety of our employees through implementing a zero tolerance of impairment in the work place.

Safety sensitive positions are those that the Chief and Council determine have a key and direct role in Rainy River First Nations operations where impaired performance could result in serious incidents affecting the health and safety of the employee, community members, the public, property or the environment.

Section 4(a)

This policy applies to all current employees holding safety sensitive positions, including full-time, part-time, temporary and casual employees who are employed by Rainy River First Nations and related band entities whether or not they are carrying out their employment duties on or off of the First Nations Territory. It also applies to any persons doing business with the Rainy River First Nations on the First Nations Territory and is a condition of all contractual agreements with Rainy River First Nations. This policy does not apply to companies whose employees are only making deliveries to Rainy River First Nations.

Section 4(b)

Safety sensitive positions have greater risks involved in their work. Employees who work in safety sensitive positions are required to perform work where impaired performance could result in a significant risk to themselves, co-workers, Reserve land, property, the community or the public in general and the environment. Due to the significant risks associated with these positions, employees will be expected to meet additional requirements with respect to illegal drugs under this policy:

Occupational groups that have been identified as safety sensitive, include:

Child Resource Worker	Director of Family Services
Drug and Alcohol Counselor	Medical Van Driver
Child/Customary Care Worker	Watershed Coordinator
Education Counselor	Maintenance Assistant
Community Wellness Worker	Maintenance Supervisor
Librarian	Director Of Recreation and Sports
Education Assistants	Janitorial Staff
School Bus Drivers	Homemakers
On-Call and Casual Workers	Manitou Forest Product Employees
Kay-Nah-Chi-Wah-Nung Historical Centre Employees	

Employees in safety sensitive positions will be subject to drug testing and positive drug tests will result in referral to the Rainy River First Nations NNADAP worker for follow-up assessment as determined appropriate by Chief and Council, Director or Board of Directors.

Section 4(c)

Contractors or their employees who test positive for the named drugs will not be permitted to work in a safety sensitive position for a period of three (3) months. At that time, another drug test

will be conducted at the expense of and at the request of the contractor. A negative test result would enable the contractor/worker to apply for future contracts and work on Rainy River First Nations.

Section 5(a)

All Employees of the Rainy River First Nations and Band related entities shall:

1. Report fit for any and all duty. For the purpose of this Policy, fit means being able to safely and acceptably perform all duties without limitations due to the use or after-effects caused by the use of illegal drugs or misuse of prescription drugs.
2. Seek advice and follow appropriate treatment if the Employee suspects he/she has or is beginning to have a problem with drug use.

Section 5(b)

All Employees of Rainy River First Nations and of Band related entities employed in safety sensitive positions, are further required to:

1. Be subject of a drug test following the declaration of this policy by Chief and Council.
2. Be subject to random drug testing thereafter as determined by the Rainy River First Nations Chief and Council.
3. Report the use of any medications that could have a negative effect on performance or safety to his/her supervisor; and
4. Report to their supervisor immediately any criminal charge and/or conviction involving or related to illegal drugs

Section 5(c)

Rainy River First Nations prohibits an Employee being unfit for any and all assigned duties from the use or after effects caused by the misuse of drugs. For the purpose of this policy, anyone in a safety sensitive position is prohibited from reporting for duty or remaining on duty if they have been using illegal drugs or misusing prescription drugs within 24 hours of working in a safety sensitive position.

Prescription Medications and Illegal Drugs Use

Section 6(a)

Rainy River First Nations prohibits the intentional misuse of medications whether prescribed or over the counter. The onus is on the Employee to determine if a medication will negatively affect their performance and should discuss this with their supervisor and NNADAP worker. If the responsible Band Entity determines there is a possibility the Employee's performance may raise safety concerns, the responsible Band Entity in consultation with the NNADAP worker may temporarily reassign the individual or modify work where reasonably possible.

Section 6(b)

Rainy River First Nations prohibits the use of any illegal drugs by its employees.

Section 7(a)

An employee will be required to undergo a drug test under the following circumstances.

1. Pre-Employment: a drug test will be required as a final condition of employment.
2. Post Accident: a drug test will be conducted as soon as possible after an accident, and/or incident involving loss of human life, and/or an injury that requires immediate medical treatment, and/or where there is disabling damage to a business operated vehicle.
3. Reasonable suspicion: A drug test may be required if a manager or supervisor has reasonable cause to suspect that an Employee is under the influence of an illegal drug.
4. Random testing: Employees will be subject to random testing for illegal drugs.
5. Return-to-duty and Follow-up: A drug test will be required upon the Employee's return to work after a positive test result for illegal drugs, and/or on return to work after receiving treatment, and/or as part of the follow-up or monitoring program recommended by the NNADAP worker.

Section 8(a)

Testing for the following drugs will occur:

1. Opiates
2. Methamphetamine
3. Cocaine
4. Cannabinoids
5. Amphetamines
6. Oxycodone

Section 8(b)

The initial pre-hire and contractor test to be utilized is a saliva test of the six parameters named in Sec. 9(a). Employee random testing will consist of a saliva sample that is sent for analysis, forwarded to a medical doctor and the information is shared between the doctor, the employee and Rainy River First Nations NNADAP worker.

The collection of specimens will follow a medical – legal process to ensure that the results are those of the appropriate donor and the test results will follow strict confidentiality guidelines.

Section 8(c)

The collection of specimens (saliva) will be performed by individuals who have received appropriate training on the collection process, packaging, shipping and protocols of the specimens.

Section 8(d)

All contacts by the drug testers and the employee are confidential and will only be shared with employees of the Rainy River First Nations as designated by the Chief and Council. That person is the NNADAP worker.

Section 8(e)

All drug testers are independent contractors, have taken an oath of confidentiality and will be tested at least quarterly by the Rainy River First Nations Drug Testing Coordinator. A positive drug test will result in their immediate termination.

Section 8(f)

A positive random drug test of an employee in any position will result in an immediate suspension without pay from that position and an immediate referral and meeting with the Rainy River First Nations NNADAP worker. Should the NNADAP worker not be available immediately, the employee continues on suspension without pay until that meeting occurs on condition of Section 8(g).

In the event the positive result is a result of the employee using illegal drugs, i.e. cannabis, cocaine or any drug not prescribed by a medical doctor, the suspension will be without pay.

Section 8(g)

An employee described in Section 8(f) who fails to comply with Section 8(f) will revert to suspension without pay if no contact is made by the employee with the NNADAP worker within three working days. The onus to contact and arrange the meeting is with the employee

Section 9(a)

As a result of Section 8(f), the Rainy River First Nations NNADAP worker will interview employees and follow established policy concerning notification of supervisors having due regard for issues of confidentiality of medical information.

Section 9(b)

Should an employee's random test be positive twice in a one year period, a monthly drug test will occur for a six month period.

Section 9(c)

Should a third positive test occur within that six month period, the employee will be terminated.

Section 10(a)

Employees who hold safety sensitive positions who refuse to provide a drug test after declaration of the policy by Chief & Council on the request of a drug tester will immediately be suspended from that position without pay for a period of two weeks. Notice of suspension will be served on the employee forthwith by the employee's supervisor.

Section 10(b)

The employee described in 10(a) is required to contact the Rainy River First Nations NNADAP worker within two weeks and arrange for a drug test as per policy. Failure to comply will result in their termination. The NNADAP worker is responsible to notify the employee's supervisor and the manager of the operations of any suspensions and failure to comply as per this section.

Section 11

All employees will be offered assistance to treat medically based health problems from drug misuse or alcohol by the Rainy River First Nations Chief and Council and Administration.

Questions

1. What is a drug?
2. What is an illegal drug?
3. Who does this policy apply to?
4. What is a safety sensitive position?
5. What are the responsibilities of the employee?
6. When will tests be required?
7. How will drug tests be conducted?
8. What happens if an employee tests positive?
9. What happens if an employee refuses a drug test?
10. Who do employees contact if there are additional questions or concerns?

Rainy River First Nations

Policy Acknowledgement & Consent Form

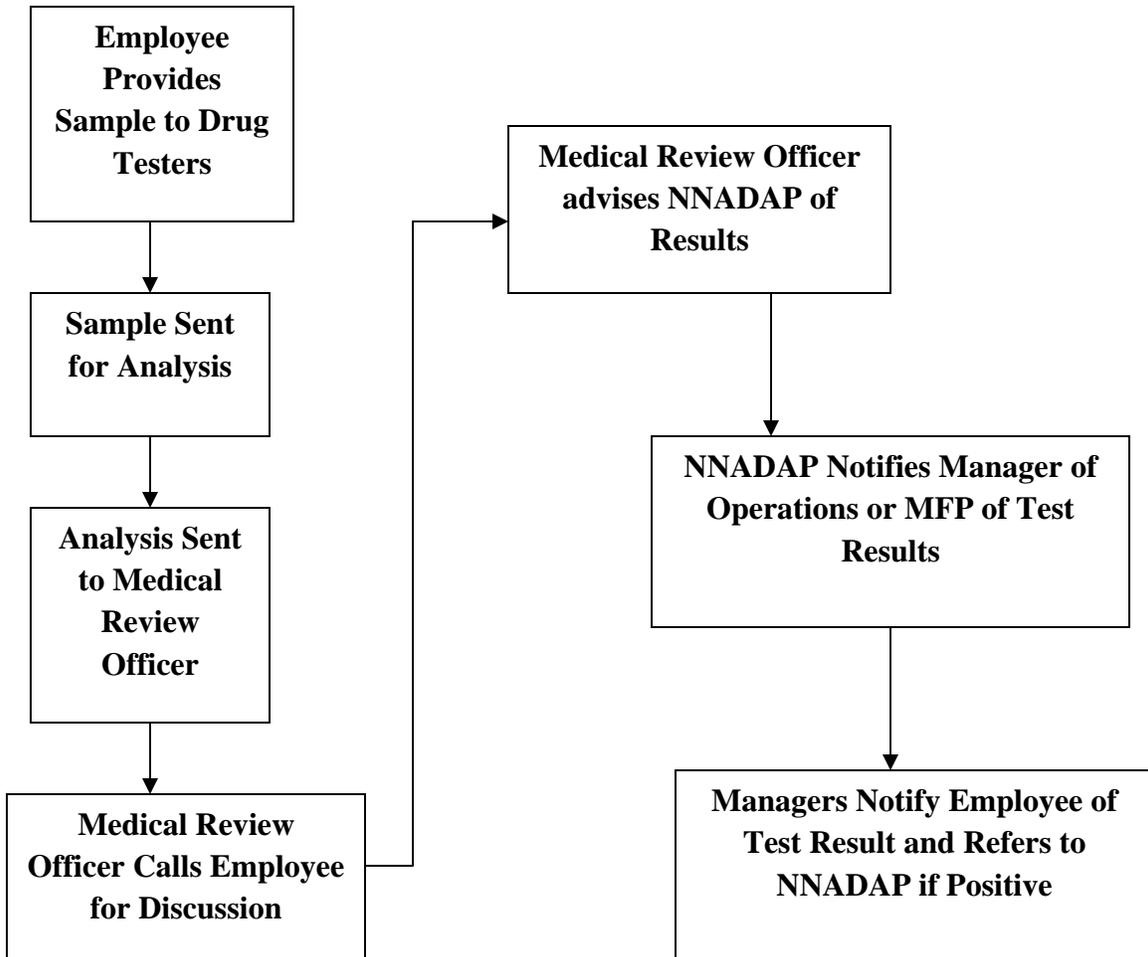
I, _____, have been provided with a copy of the Drug Employee Policy, and I have read, understood, and agree to be bound by such Policy as a condition of my employment with the Rainy River First Nations.

Employees Signature

Witness Signature

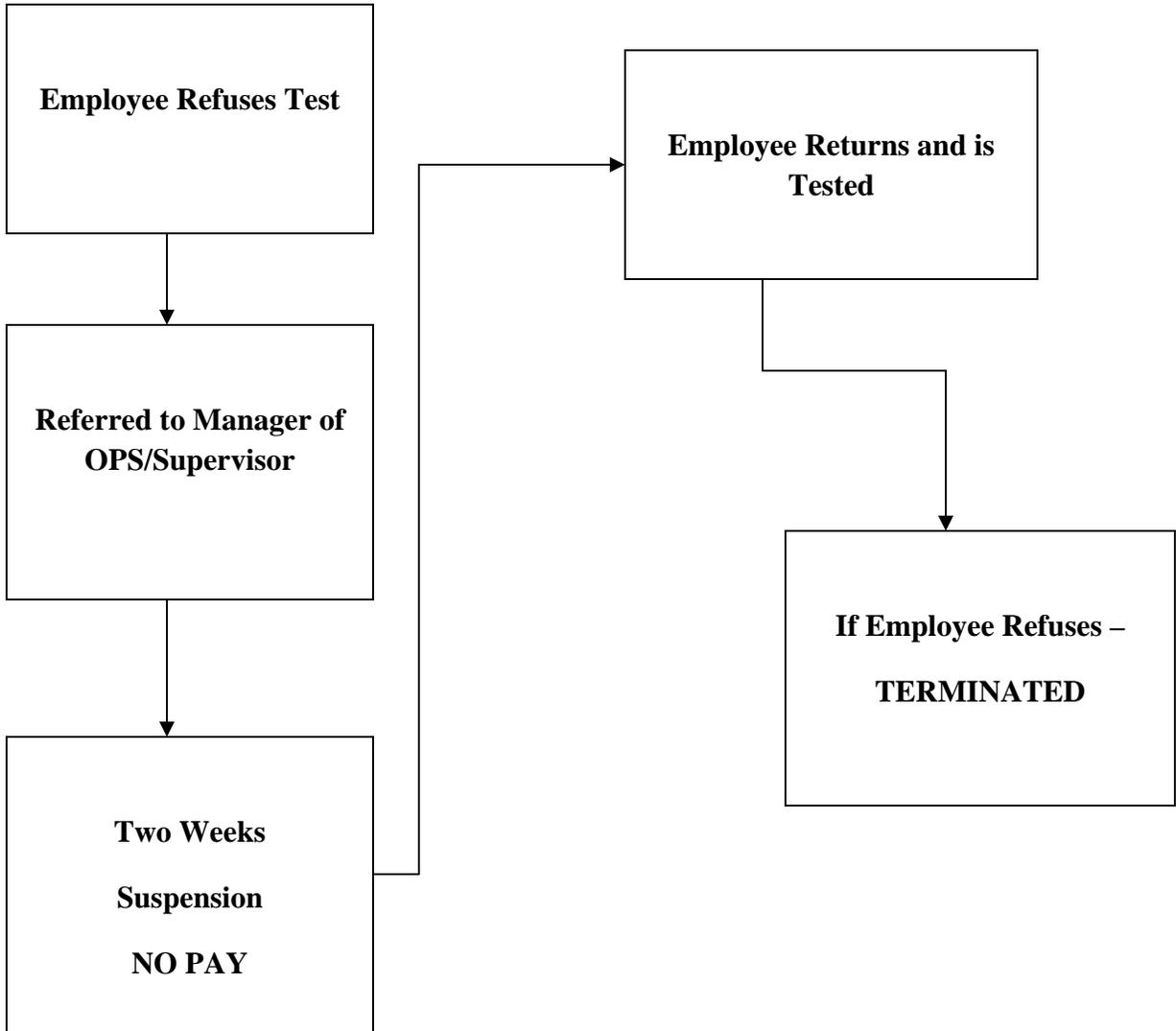
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Rainy River First Nations Random Drug Testing Policy

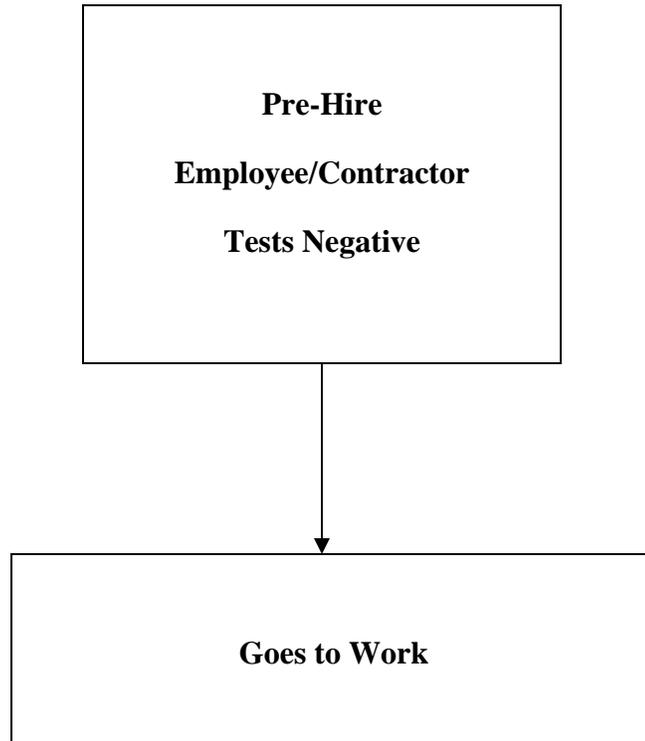


Rainy River First Nations Drug Testing Policy

Employee Refuses



Rainy River First Nations Drug Testing Policy
Pre-Hiring and Contractors Negative Test



Rainy River First Nations Drug Testing Policy

Pre-Hire/Contractor Positive Test

