



<b>Parent Policy</b>	Human Resources
<b>Policy Administrator(s)</b>	Director, Human Resources
<b>SOP Owner</b>	Director, Human Resources

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## FIT TO WORK

**Purpose:** This SOP explains how the College will receive reports and disclosures related to Employee Fitness as well as the how the college will respond to these reports.

**Scope and limits:** This SOP applies to all Lethbridge College Employees.



*Defined terms are capitalized throughout this Policy. Refer to the parent Policy and the Policy Framework for definitions.*

**Other References in addition to those in the parent Policy:** N/A

## STANDARD OPERATING PROCEDURE

### **A: Reporting**

- Nothing in this Appendix A is intended to discourage Members of the College Community from calling 9-1-1 where appropriate. Members of the College Community are not expected to risk their own health or safety in order to respond to a health or safety incident.
- Employees must notify their supervisor or Security Services upon becoming aware of any potentially unsafe or unhealthy condition or situation on College premises, and the supervisor or Security Services must, in a timely manner, take action to either remedy the condition or situation or refer the condition or situation to the College department responsible for remedying it.

3. If a supervisor reasonably suspects one of their Employees of not being Fit, the supervisor will arrange for the individual to be safely transported to the individual's home or to a hospital, as appropriate. As soon as practicable thereafter, the Employee, the supervisor, and Human Resources will meet to discuss Accommodation and any impact on the Employee's employment.

## **B: Self-disclosure**

1. Employees who:
  - a) have a physical or mental illness or disability, are injured, are taking prescription medication or are undergoing medical treatment; and
  - b) believe that their Fitness is likely to be impacted as a result,must advise their supervisor or Human Resources accordingly. The Employee, the supervisor, and Human Resources will meet to discuss Accommodation.
2. To preserve and respect Employees' privacy, Employees will not be required to disclose to their supervisor the type of prescription or medical treatment that they are taking or undergoing. However, to aid in accommodating Employees and to ensure that this policy is not abused, Employees may be required to disclose greater detail to Human Resources. Human Resources must not disclose these details to a supervisor without the Employee's consent.
3. Employees who are addicted to or dependent on a substance (whether legal or illegal) are encouraged to disclose the addiction to their supervisor or to Human Resources. As an Accommodation measure, the Employee, the supervisor, and Human Resources will work collaboratively to develop a proposed treatment plan for the Employee. The details of a treatment plan, including any return-to-work plan following a leave of absence, are to be reduced to a written agreement signed by the Employee.

## **C: Accommodations**

1. The process of identifying and implementing Accommodations is a mutual exercise involving the ongoing good-faith efforts of the College and the Employee. Where an Employee refuses to participate in the Accommodation process meaningfully and in good faith, the College experiences undue hardship and its legal duty to accommodate is fulfilled.
2. Where an Employee receives an Accommodation, the Employee must advise Human Resources of any material change that could impact the necessity or appropriateness of the Accommodation. An Employee may be required to provide the results of a Medical Evaluation of Fitness to Human Resources from time to time.
3. Where Human Resources cannot obtain the information it reasonably requires to ascertain an Employee's Fitness from a Medical Evaluation of Fitness provided by the Employee, or from the medical professional who conducted it, Human Resources may request a second Medical Evaluation of Fitness, to be conducted by a different qualified medical professional of the Employee's choosing. If the Employee cannot arrange this within a reasonable period of time, Human Resources may choose a medical professional to conduct the second Medical Evaluation of Fitness.
4. Generally, where it is determined that an Employee should take a leave of absence from employment as an Accommodation measure, the Employee will be required to exhaust the paid and unpaid leaves

which are available to the Employee through the Employee's employment contract or collective agreement, before any extraordinary paid or unpaid leave of absence is approved.

#### **D: Investigations**

1. If, as a result of investigating a workplace safety incident, the College determines that an Employee breached the Alcohol, Tobacco, and Cannabis Policy or was not Fit during work due to substance use, and if the Employee did not previously disclose the substance use pursuant to section B 3, the College may take disciplinary action against the Employee, up to and including the termination of the Employee's employment for cause. Disciplinary action is understood to be for breach of College policy and not due to any Protected Ground claimed by the Employee.
2. The College may administer a drug test or similar test to an Employee as part of an investigation into a workplace safety incident, if the Employee was involved in the incident and the Employee's position is one which, if not performed in a safe manner, could cause direct and significant damage to property or injury to the Employee or others. Drug tests are to be used only when necessary to fully investigate a workplace safety incident. Drug tests themselves are not intended to be punitive or disciplinary in nature, but the outcome of a drug test may result in discipline.

#### **E: Further provisions**

1. Human Resources shall advise a bargaining-unit Employee of the Employee's right to have a bargaining-unit representative present at discussions involving Human Resources and the Employee, where this right is set out in the relevant collective agreement.
2. Any medical or health information relating to a Protected Ground claimed by an Employee is to be kept in a file separate from the Employee's personnel file, with access restricted to those Human Resources Employees who need to know the information.
3. Where there is an immediate threat to a person's safety, it may be necessary to depart from these procedures. Anyone who approves a departure from these procedures must document the circumstances of and reasons for the departure.
4. Where there is not an immediate threat to a person's safety, any departure from these procedures may only be approved by the Vice President People and Planning.