



## **POLICY STATEMENT REGARDING EMPLOYEE**

### **ALCOHOL AND DRUG USE**

The Financial Intelligence Agency (“the FIA”) is committed to a safe, healthy, and productive workplace for all employees. The FIA recognizes that alcohol, drug, or other substance abuse by employees will impair their ability to perform properly and will have serious adverse effects on the safety, efficiency, and productivity of other employees and the FIA as a whole.

1. The misuse of legitimate drugs or the use, possession, distribution, or sale of illicit or unprescribed controlled drugs when on FIA business or premises is strictly prohibited and is grounds for termination and this prohibition should be regarded by employees as an important term of their employment with the FIA.
2. Possession, use, distribution or sale of alcoholic beverages on FIA premises is not allowed, except for FIA Approved Functions with prior approval of the Director of the FIA.
3. Being unfit for work because of use of drugs or alcohol is strictly prohibited and is grounds for termination of employment.
4. The FIA recognizes alcohol or drug dependency as a treatable condition.
  - a. Employees who suspect they have an alcohol or drug dependency are encouraged to seek advice and to follow appropriate treatment promptly before it results in job performance problems.
  - b. The Employee Assistance Programme (“the EAP”) of Bermuda’s staff will advise and assist in securing treatment.
  - c. Employees who follow approved treatment will receive sick leave benefits in accordance with the provisions of established benefit plans and medical insurance coverage consistent with existing plans.
  - d. No employee with alcohol or drug dependency will be terminated due to the request for help in overcoming that dependency or because of involvement in a rehabilitation effort.
  - e. An employee who has had or is found to have a substance abuse problem will not be permitted to work in a safety sensitive position identified by management as being critical to the safety and well-being of employees, the public, or the FIA.
  - f. Any employee returning from rehabilitation will be required to participate in a FIA-approved after-care program.

5. If an employee violates the provisos of the Employee Alcohol and Drug Use Policy, appropriate disciplinary action will be taken.
  - a. Such action cannot be avoided by a request, at that time, for treatment or rehabilitation.
  - b. If an employee suffering from alcohol or drug abuse or dependency refuses rehabilitation or fails to respond to treatment or fails to meet satisfactory standards of effective work performance, appropriate disciplinary action, up to and including termination, will be taken.
  - c. This policy does not require and should not result in any special regulations, privileges, or exemptions from normal job performance requirements.
6. The FIA will cooperate with an appropriate authority to conduct unannounced searches for drugs and alcohol on owned or controlled property.
7. The FIA may also require employees to submit to medical evaluation or alcohol and drug testing where cause exists to suspect alcohol or drug use.
8. Unannounced periodic random testing will be conducted when an employee meets any one of the following conditions:
  - a. has had a substance abuse problem, or
  - b. is working in a safety sensitive position identified by management, or
  - c. a position where testing is required by law, or
  - d. a specified executive position.
9. A positive test result or refusal to submit to a drug or alcohol test are all grounds for disciplinary action, including termination.
10. Contractor, common carrier, and vendor personnel are also covered by paragraphs one and four of this policy. Those who violate the policy will be removed from FIA premises and may be denied future entry.
11. While this policy refers specifically to alcohol and drugs, it is intended to apply to all forms of substance abuse.

## **INTERPRETATION**

### **Role of Management and Supervision**

The responsibility for identifying persons with performance or safety problems which may be related to substance abuse problems is that of Management and Supervision. The identification of whether these performance problems are as a result of substance abuse is carried out through counseling at the Employee Assistance Programme of Bermuda (“EAP”) and/or by testing arranged through a FIA Appointed Medical Practitioner.

The following is an outline of performance problems or other symptoms which in isolation or combination may indicate the need for counseling or referral for testing:

1. Physical symptoms of drug or alcohol use. (See Schedule “A”)
2. Any accident whilst on FIA time or business or involving a FIA vehicle which did or could have caused serious personal injury or property damage due to a lack of judgment or violation of FIA Policy.
3. Any vehicle accident whilst on FIA time or business, or at any time that a FIA vehicle including heavy machinery is involved, for which there is reasonable suspicion to believe drug or alcohol use is involved.
4. A violation of a safety or operating procedure reflecting a substantial failure of good judgment for which there is a reasonable suspicion that drugs or alcohol may be involved.
5. Having the odor or alcoholic beverage about an employee’s person - normally to be accompanied by other symptoms indicating lack of fitness for work.
6. A criminal violation involving drugs or alcohol.
7. Reasonable suspicion of use or possession of illegal drugs whilst on FIA time, on FIA property, or when representing the FIA.
8. Reasonable suspicion as a result of any unusual behavior problems within the workplace indicating a significant change in the individual’s behavior, a poor safety record or other reasonable grounds for requiring an assessment of the individual by the EAP and/or testing.

Performance problems must be properly reported and unusual behaviors properly observed by supervision, preferably witnessed and documented prior to referral. Supervisors will consult with the Director of the FIA on the need for referral and the interview process.

### **Role of the Director of the FIA**

Referral for Cause: The Director of the FIA will be consulted by Management or Supervision whenever practical prior to a referral for counseling and/or drug screening and will be present at the interview held with the employee. The Director of the FIA will normally be responsible for making administrative arrangements and appointments for a supervisory referral with the EAP or

FIA Appointed Medical Practitioner and, in the event of the need for drug screening, will secure completion of a form of consent by the employee. Such arrangements will be kept confidential except for parties with a need to know. The Director of the FIA (or his designate) will accompany the employee to the EAP Offices or Doctor's Office and where necessary make arrangements for transportation home. The Director of the FIA will assist by arranging support and leave for persons attending treatment and by making arrangements for back to work interviews etc. Random Testing: The Director of the FIA will administer the Random Testing Procedures (see below).

### **Role of Employee Assistance Programme of Bermuda ("EAP")**

The EAP will assist in counseling, recommending and arranging appropriate treatment for employees who have a dependency or abuse problem and such assistance will, as far as is practical, be confidential. Employees (and immediate family) may be self referred or be referred by a Manager/Supervisor. In the latter instance referral will normally be during FIA time and normally paid time off will be granted for the initial appointment.

The EAP will continue to advise the FIA on the development of good Policy, assist with the training of employees, Management, Supervision and Union.

### **Substances Screened**

The Department of Health will undertake testing of urine samples submitted by the appointed medical practitioner for the common drugs of abuse:

- alcohol
- cannabinoids
- cocaine
- opiates.

The FIA reserves the right to add drugs to the above list as necessary. Test results will be released in writing to the submitting practitioner.

### **Consent Form**

Any employee asked to undertake a drug screening, whether as a result of a random selection or because of reasonable cause, will be asked to sign a Consent Form for Alcohol or Drug Screening by the Human Resource Manager/Officer or Supervisor prior to referral to the FIA Appointed Medical Practitioner. (See Schedule "B")

### **Refusal to Sign Consent Form**

An employee who is asked to undertake a drug screening but who refuses to sign a Consent Form will be counseled by the Director of the FIA to ascertain the reasons. If confidentiality is claimed the employee shall be suspended from work and referred to the EAP for counseling. If the employee claims no confidential reason, he/she shall be given a waiting period of one hour to consider further his or her action following which the employee will be asked to sign the form once more. Continual refusal will result in suspension from work and the employee will be referred to the EAP for counseling. The employee will be asked to sign a Refusal Form for

Alcohol or Drug Screening. (See Schedule “C”)

### **Suspension from Work Following Refusal to Undertake Drug Screening**

An employee who refuses to undertake drug testing must sign a Refusal Form for Alcohol or Drug Screening and may be liable for suspension followed by disciplinary action. If subsequently, through full consideration of the facts by the Director of the FIA following consultation with the EAP the employee is found following counseling to have a justifiable medical reason for not undertaking drug screening, the employee will be fully reimbursed for loss of pay, provided that in the circumstances the employee is also found to have acted reasonably. However, normally such suspension shall be unpaid and refusal to undertake a screening and/or counseling will result in discipline, up to and including dismissal. A request for counseling will not replace the normal disciplinary procedure in the event of unsafe or other unreasonable behavior or cause.

### **For Cause Testing**

Any employee of the FIA may be liable for testing for cause as a result of Management and/or Supervision identifying there are performance problems or other symptoms indicating the need for counseling and/or testing. Such performance problems and other symptoms are listed under the role of Management and Supervision (above).

### **Safety Sensitive Positions**

The nature of the industry is such that a majority of jobs require continual adherence of safe working practices to avoid injury to self or others. In many cases, the work of an individual may effect the safety of fellow employees or the public at large. Such safety sensitive positions include the following at the FIA

- Director
- Senior Legal Counsel
- Head Analyst
- Junior Analyst
- Analyst

The FIA reserves the right to add or delete positions and groups or employees to or on this list.

### **Specified Executive Positions**

These will refer to the Director, Senior Legal Counsel and the Head Analyst. The FIA reserves the right to add or delete positions to or on this list.

### **Random Testing Procedures**

All persons employed in Safety sensitive and Specified Executive Positions will be eligible for Random Testing. Random Testing will be carried out at periodic intervals throughout the year.

At a designated time, arranged in consultation with the FIA Appointed Medical Practitioner so as to ensure availability and in the presence of the Director, names of eligible employees will be selected randomly by a simple manual draw.

The chosen employees will then the same or next available day, be seen individually within the Director, asked to sign a Consent Form and given appointments with the appointed Doctor.

In the event of an employee refusing to undertake or not attending a test, the counseling procedure will be followed through by the Director and EAP. However, except where a medical practitioner can give sufficient medical cause for not undertaking testing, or where a substance abuse problem is identified at the time and appropriate treatment arranged, an employee who subsequently refuses to undertake counseling will be suspended from work without pay pending investigation and disciplinary action by Senior Management.

The results of drug testing will be communicated to the Director via the FIA Appointed Medical Practitioner who shall then inform employees in writing of the result. Persons with positive results will be counseled and placed on an appropriate program in consultation with EAP. In certain instances because of the safety element involved, the FIA may deem it necessary to change a person's job pending rehabilitation. At all times, utmost confidentiality so far as is practical will be maintained.

### **Collection Procedures for Urine**

Collection procedures of urine for testing will be carried out in the FIA Appointed Medical practitioner's facility following completion of a Consent Form. In the case of Random Testing, the employee will enter the restroom and provide a quantity of urine in the specimen container provided. Where the Appointed Medical Practitioner has reason to doubt the specimen has been provided by the employee, the person will be required to produce another specimen.

The FIA Appointed Medical Practitioner will ensure a proper chain of custody to the testing agent. Specimens will be identified by code so as to ensure anonymity of employees outside of the FIA Appointed Medical Practitioners Office.

## **Rehabilitation**

Treatment will be arranged, for persons requesting assistance or having a positive alcohol or drug test, through the EAP. Employees will be eligible to receive accrued paid sick leave. Financial assistance, e.g. a loan, will be available to assist with costs. Overseas Substance Abuse Rehabilitation costs are considered as Voluntary Overseas Expenses under the Major Medical section of the FIA medical plan, that being the Government Employees Health Insurance Scheme.

Following successful completion of an initial treatment program, the EAP will recommend a program of rehabilitation and where appropriate a back to work interview will be held. An employee who as a result of a Supervisory Referral or Random Screening is testing positive and successfully undertakes a treatment program will be required, as a condition of future employment, to follow the agreed rehabilitation program arranged through EAP.

EAP will monitor the program and inform the Director if it is not being followed. Persons not following such a rehabilitation program will be liable to suspension and appropriate disciplinary action.

An employee who tests positive and undertakes a rehabilitation program may be randomly tested on suspicion of a relapse into drug or alcohol use for a period of up to two years.

## **Search**

Possession, use, distribution or sale of alcoholic beverages or illegal drugs on FIA premises is not allowed. Alcoholic beverages shall only be allowed on the premises on FIA approved function with prior approval of the Director.

In the event that there is reasonable suspicion that an employee has alcohol or illegal drugs about his person or in his locker, desk, tool box, briefcase or bag, pockets, personal or FIA issued property or vehicle, the employee may be requested by Management of Supervision to undergo a search. An employee may be asked to empty his pockets or open his personal bag or possessions. The employee may require the presence of a colleague at such a search which should be conducted by at least two members of management or appropriate security personnel. The employee should be present at such searches. An employee who refuses a search shall be liable for disciplinary action.

The FIA will cooperate with the appropriate authority to conduct unannounced searches for drugs and alcohol on owned or controlled property.

## **Contractors, Common Carriers and Vendors**

The responsible manager for each particular area must inform Contractors, Common Carrier and Vendors that the FIA has an Employee Alcohol and Drug use Policy which is applicable to their employees and any other persons working on FIA premises or work sites. Under the Policy Contractors, Common carriers and Vendors are responsible for ensuring that personnel in their employ who are suffering from alcohol or drug dependency are not present on site so as to prevent any safety or other hazards to FIA employees, customers, etc. (see paragraph one of Policy).

Contractors, Common Carriers and Vendors must comply with the policy in so far as not permitting any employee who has had or is found to have a substance abuse problem to work in any safety sensitive position identified by the FIA management as being critical to the safety and well being of FIA employees, the public or the FIA (see paragraph four, subsection “e” of Policy).

Whilst the FIA would encourage any employer to recognize and respond to alcohol or drug dependency as a treatable condition and act accordingly, subsections “b, c, d, and f” of paragraph 4 are policy matters for consideration by each Contractor, Common Carrier and Vendor and not a condition of entering into or continuing any contractual or other business relationship with FIA.



**ALCOHOL AND DRUG USE POLICY - SUPERVISOR ROLE**

**BEHAVIOR OBSERVATION CHECKLIST**

The following checklist should assist observers in the workplace in the decision to make a referral for professional counseling. If fellow employees have manifested any of the following patterns (particularly if they represent a change in behaviors) and your own concern about their current behavior is high, a referral to the Appointed Medical Practitioner, Employee Assistance Programme of Bermuda or other appropriate resource, should be considered. **DO NOT DIAGNOSE.** Share your observations with appropriate medical or EAP staff.

**Personal Manner**

1. Change in appearance or behavior (dress, hygiene, etc.)
2. Speech changed or unusual (incoherent, stuttering, loud)
3. Physical mannerisms (gestures, posture changed or unusual)
4. Facial expressions changed or unusual
5. Level of activity much reduced or increased (underline applicable word)
6. Topics of conversation changed or unusual (“magic powers,” disjointed, unfocused)
7. Detailed discussions about death, suicide, or harming someone else (underline appropriate word)

**Upset Behavior**

8. Increasingly irritable, tearful, or agitated
9. Acting persistently boisterous or rambunctious
10. Unpredictable or out-of-context displays or emotion
11. Unusual fear (“They are out to get me.”)
12. Lack of appropriate caution
13. Detailed discussion about using drugs and/or alcohol

**Person Under Pressure**

14. Unfounded accusations towards others, i.e. feels persecuted
15. Secretive behavior(s)
16. Memory problems (difficulty recalling instructions, data, past behaviors)
17. Excessive fatigue
18. Unrealistic self-appraisal or grandiose statements
19. Temper tantrums or angry outbursts
20. Demanding, rigid, inflexible behavior(s)
21. Manifests excessive sweating or hand/foot tremor

## **Interpersonal Work Relationships**

22. Significant change in relations with co-workers, supervisors or supervisees
23. More frequent or intense arguments
24. Verbally abusive
25. Physically abusive
26. Persistently withdrawn or less involved with people
27. Intentional avoidance of supervisor
28. Expressed frustration or discontent
29. Change in frequency or nature of complaints
30. Complaints by co-workers
31. Cynical, “distrustful of human nature” comments or behaviors
32. Unusual sensitivity to advice or criticism of work
33. Unpredictable response to supervision
34. Passive-aggressive attitude or behavior
35. Requires excessive advice or guidance to complete work

## **SYMPTOMS OF DRUG OR ALCOHOL ABUSE**

### **Behavioral**

- Impaired coordination
- Slow reaction time
- Restlessness
- Declining attention to personal hygiene
- Irritability
- Excessive talking
- Inability to sit still
- Unsteady gait
- Vomiting
- Slurred speech

### **Emotional**

- Aggression
- Burnout
- Anxiety
- Depression
- Paranoia
- Denial

### **Job Performance**

- Frequent absences
- Habitual lateness
- Decreased productivity
- Increased productivity
- Increased errors
- Accidents

## **Physical**

- Weight loss
- Bloodshot eyes
- Nose irritation
- Alcohol on breath
- Sweating
- Chills
- Needle tracks

## **Some Guidelines for Observing Performance Are:**

- . Pay attention to changes in behavior or conduct as early warning signs of possible job performance problem.
- . Focus on job performance issues as soon as possible. (The cause of the problem may not be your concern.)
- . Apply the same standards to all employees fairly.
- . Don't let age, seniority, long acquaintance, or sympathy deter you from an honest evaluation of the employee's performance.
- . Do not discuss your observations with other employees.
- . Consult with someone who can provide professional advice or guidance. This may be a Human Resources person, an EAP Counselor, or comparable resource.

**SCHEDULE B**



**CONSENT FORM FOR ALCOHOL OR DRUG SCREENING**

I, \_\_\_\_\_(name)  
of the Financial Intelligence Agency (“FIA”), have been fully informed on the FIA Policy  
Statement regarding Employee Alcohol and Drug Use which is a condition of my employment  
with the FIA.

I give my consent to the FIA Appointed Medical Practitioner and/or his agent to take a urine  
specimen from myself for the purpose of alcohol or drug testing. I exempt the FIA Appointed  
Medical Practitioner and/or his agent from liability as a result of any actions that may be taken as  
a result of testing.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

**SCHEDULE C**



**REFUSAL FORM FOR ALCOHOL OR DRUG SCREENING**

I, \_\_\_\_\_(name)  
of the Financial Intelligence Agency (“FIA”),  
refuse to submit my urine for the purpose of chemical analysis. I understand the FIA Policy  
Statement regarding Employee Alcohol and Drug Use and testing which is a condition of my  
employment with the FIA and I am aware that I may be disciplined up to and including  
termination by signing this refusal form for alcohol or drug screening.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness