

	<i>Chinook's Edge School Division – Administrative Procedure</i>	
	AP 4 – 31 Employee Drug Alcohol and Cannabis Substance Use	
Related Policies:		Initial Approval:
Related Procedures:		Last Amended:
Exhibits:		Last Reviewed: 2019 December 17

PURPOSE

Chinook’s Edge School Division (the “Employer”) is committed to the health and safety of its students, employees, contractors, and the public. The Employer recognizes and accepts the responsibility to provide its employees and students with a safe, healthy and productive work environment. Employees have the responsibility to report to work capable of performing their tasks productively and safely. The use of illegal drugs, improper use of prescription or non-prescription medication, prescription marijuana (cannabis) and the use of alcohol or other impairing substances by employees can have serious adverse effects on the safety of the workplace, you, fellow employees, students, contractors, and the public.

The purpose of this Procedure is to establish the Employer's expectations for appropriate employee behavior, the consequences for non-compliance and to provide consistent guidelines for all employees.

SCOPE

This administrative procedure applies to all staff in Chinook’s Edge School Division.

This Administrative Procedure does not apply to individuals with a medical cannabis prescription. Individuals with a medical cannabis prescription will be accommodated consistent with the Division’s legal obligation to do so.

This Administrative Procedure does not apply when the Employee drinks alcohol at approved Division social functions. If the Employee chooses to consume alcohol at such functions the Employee may do so only in a responsible manner, and assumes full liability for any actions/conduct arising from the consumption of alcohol.

DEFINITIONS

Under the influence: Under the influence of drugs (including prescription or non-prescription drugs alcohol or any controlled or uncontrolled impairing substance (as stated above), for the purpose of this Procedure is defined as the use of one or more of these substances to an extent that an employee is:

- A. Unable to perform in a productive manner;
- B. In a physical or mental condition that creates a risk to the safety and well-being of the individual, students, other employees, the public or Employer property; and/or
- C. Displaying signs or symptoms of substance abuse such as smell of alcohol on breath, slurred speech, and atypical behavior.

Drug or alcohol dependence: A mental, physical or psychological dependence on drugs, alcohol or other impairing substance which is considered by a physician to be a medical condition/disability under Human Rights law.

Recreational drug/alcohol or other substance use: With recreational use of drugs, alcohol, cannabis or other impairing substances, there is no mental, physical or psychological dependence; therefore this is not considered a mental, physical, or psychological disability under Human Rights law or a medical condition.

Safety Sensitive Position: As defined by Canadian Human Right Commission is one in which incapacity due to drugs, alcohol or cannabis impairment at any level could result in direct and significant risk or injury to employee, others or the environment.

PROCEDURES

1. Treatment and Accommodation

1.1 Any employee suffering from a drug, alcohol, cannabis or other substance addiction is expected to disclose the addiction to their supervisor. The Employer recognizes its responsibility to assist and accommodate employees suffering from an illness/addiction due to alcohol, cannabis or drugs to the extent reasonably possible without undue hardship. The Division will not discipline an employee for the fact alone that the employee advised the Division that he or she has a substance addiction.

1.2 Article 1.1 does not apply if an employee who advises the Division that he or she has a substance addiction only after an unacceptable incident occurred while the employee was working or at a Division event, and the Associate Superintendent of People Services believes, on reasonable grounds, that the employee caused or contributed to the serious incident.

1.3 Further, employees who are concerned that a fellow employee may be suffering from a drug, cannabis or alcohol addiction are strongly encouraged to report their concerns to a supervisor.

1.4 A non-employee doing work for CESD at any premises owned or controlled by CESD who is in breach of this administrative procedure shall be ordered to stop work immediately and shall be immediately removed from the premises and the work arrangement with CESD shall be terminated immediately.

2. Prohibitions

2.1 While on Employer premises and while conducting Employer related activities off Employer premises, no employee may use, possess, distribute, sell or be under the influence of illegal drugs, alcohol, cannabis or impairing substances as stated above. This includes meal periods and scheduled breaks. This prohibition is not intended to prohibit reasonable and responsible consumption of alcohol at Employer related business or social events, outside normal work hours, where alcohol service and consumption is the norm and no safety sensitive work or activities are being performed during or within a time period after the event where there would be any risk of being under the influence while operating a vehicle, equipment or performing any other safety sensitive task.

2.2 The legal use of prescribed medication including cannabis is permitted at work **only** if it does not impair the employee's ability to perform their work activities or if employed in safety sensitive position does not impair their ability to perform their work activities effectively and in a safe manner. Employees are encouraged to discuss, with their supervisor, the use of prescription or non-prescription medications which may affect work performance or safety. The Employer is committed to accommodating an employee's necessary use of prescription or non-prescription medications to the extent reasonably possible without undue hardship. School bus operators and Facilities employees are encouraged to discuss with their supervisors, the use of prescription medications that may affect the ability to operate motor vehicles, or their work performance for safety.

2.3 A bus driver employee shall state to their physician or pharmacist that they operate a school bus and hold a class 2 license.

2.4 No employee shall consume alcohol or cannabis while in charge of any Employer vehicle or equipment.

2.5 No employee shall be under the influence of drugs, impairing prescription medications including cannabis or alcohol during their regular working hours, including meal periods and scheduled breaks unless accommodations and been discussed and agreed to with the Employer.

2.6 If an employee is called out after regular working hours to perform work related duties and has been consuming alcohol, cannabis or drugs, or is impaired by prescription medications (including cannabis) or other intoxicants, it is the employee's responsibility to decline the work request.

3. Reasonable Cause Testing

3.1. The Employer reserves the right to conduct testing for the presence of alcohol, cannabis or drugs when it has reasonable cause to believe that the actions, appearance or conduct of an employee while on duty is indicative of the use of drugs, cannabis or alcohol.

3.2. The basis for the decision to test will be documented as soon as possible after the action has taken place. The referral for the test will be based on specific, personal observations resulting from, but not limited to:

3.2.1. Observed use or evidence of use of drugs, cannabis or alcohol (e.g. smell of alcohol or cannabis);

3.2.2. Erratic or atypical behaviour of the employee;

3.2.3. Involvement in an accident where the possibility of drug, cannabis or alcohol impairment cannot be easily ruled out from review of the circumstances;

3.2.4. Changes in behaviour of the employee;

3.2.5. Changes in speech patterns of the employee;

3.2.6. Discovery of intoxicants, drugs, cannabis, alcohol or related paraphernalia found in locations to which an employee has sole or primary access, including employees' lockers or assigned vehicles; or

3.2.7. Involvement in a "significant incident" as defined by Occupational Health & Safety legislation.

3.3. In addition, the Employer may conduct reasonable cause testing upon receipt of a complaint or concern by a co-worker or third party that an employee may be using drugs, alcohol, cannabis or other substances contrary to this Procedure. In such circumstances, the Employer shall record the name and contact information of the complainant, if known, as well as the details of the concern or complaint.

3.4. In all situations where Employer administration believes an employee is unfit to be at the workplace, a responsible escort will be used to escort the employee home.

3.5. Where reasonably possible, such tests shall be conducted respectfully and in a manner to minimize the intrusive nature of the tests. The Supervisor/Manager will contact the alcohol, cannabis and drug testing provider to schedule a test. The process is to be completed as soon as possible after the incident which is deemed within the guidelines of this Procedure. The drug testing will be performed and in compliance with the testing procedures as defined by the drug and/or alcohol testing facility. Positive test results shall be reviewed and verified by a physician to confirm if a drug or alcohol dependency exists.

4. Discipline / Post-Violation Return To Duty

4.1 The Employer views the rules contained in this Procedure to be of the utmost importance. There is zero tolerance for deviation from the above terms which will result in disciplinary action that may include immediate dismissal. All employees will be made aware of this Procedure as notification that any resulting dismissal will be considered as "dismissal with cause" and not subject to notice or remuneration in lieu.

4.2 Any employee suffering from a drug, cannabis or alcohol addiction is strongly encouraged to disclose the addiction to their supervisor. The Employer recognizes its responsibility to assist and accommodate employees suffering from an illness/addiction due to alcohol, cannabis, drugs or other impairing substance. However, if an employee neglects or refuses to disclose such a condition to the Employer, the Employer will be forced to deal with breaches of this Procedure assuming that the employee is only

engaged in Recreational alcohol, cannabis or other substance use and not suffering from an addiction or illness but has simply disregarded the Procedure, in which case immediate and strict disciplinary action will be taken.

4.3 Seeking voluntary assistance for drug or alcohol addiction will not jeopardize an employee's employment with the Employer, so long as the employee continues to co-operate and seek appropriate treatment for their disclosed problem and is able to treat and control the problem to facilitate a safe return to work within the reasonably foreseeable future.

4.4 Any employee violating this Procedure who is subsequently authorized and accepted by the Employer to return to the workplace shall receive a Return to Work Letter outlining conditions of the return to the workplace which will normally include (without limiting the generality of the foregoing), the following:

4.4.1. Requirement to continue treatment, counselling and assistance programs or procedures recommended by the employee's advising physician or addiction counselor;

4.4.2 Express obligation to immediately cease performance of duties and notify a supervisor in the event the employee finds themselves under the influence at any time during work hours following a return to the workplace;

4.4.3. Requirement to provide written medical confirmation that the employee has any condition under control and is able to safely return to the workplace without danger to the employee or others;

4.4.4. Requirement to provide reasonably regular updates from the employee's physician or addiction counselor confirming that the employee continues to follow recommended treatment programs and continues to be fit for performance of duties without danger to themselves or others; and

4.4.5. An express warning to the employee that future violations of the Procedure will lead to further discipline and serious consideration of immediate termination for just cause.

4.5 Employees suffering from alcohol or cannabis addiction/illness who fail to cooperate with assistance or treatment programs and/or engage in repeated infractions of this Procedure, will be subject to the normal disciplinary sanctions, including immediate termination for just cause.

REFERENCE AND LINKS

HISTORY

2018 June 27 Reviewed
2019 Dec 17 Reviewed