

# Substance Use Policy

EFFECTIVE DATE: [insert date]

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## **Purpose of this Policy**

[insert school name] is committed to the health and safety of its employees and students. The School recognizes that the use of drugs or alcohol, the use of certain medications, and impairment generally can have serious effects on School employees, students, the learning and work environments, and the public. Accordingly, the School is committed to preventing substance use and impairment in the workplace and during an employee's working hours.

## **Scope of this Policy**

This Policy applies to all employees of the School.

## **The Policy**

The School strictly prohibits employees from possessing, manufacturing, offering for sale, selling, distributing, consuming, or using drugs or alcohol during working hours, whether on or off School property.

Employees are responsible for their consumption or use of legal substances (including medications, cannabis, or alcohol) preceding a work shift and must allow sufficient time for any legal substances consumed to be fully metabolized, and for the impairing effects of those substances to have fully resolved. The School strictly prohibits employees from consuming or using drugs or alcohol whether on or off duty in circumstances, or at a time, such that the employee is impaired by drugs or alcohol during their working hours. Employees are expected to arrive to work fit for duty and be able to perform their duties safely and to standard by being unimpaired by any substance. Employees must remain unimpaired at all times during working hours.

Employees who are impaired for any reason, including but not limited to the ingestion of legal substances, must disclose the fact they are impaired to a School Administrator, prior to commencing work. Where the employee becomes impaired during working hours, they must not return to work or must immediately cease working, and must disclose the fact they are impaired to a School Administrator.

Employees breaching this policy will be subject to discipline up to and including termination of employment.

## **Responsibilities**

### **Employees**

- i. Employees must abide by the provisions of this Policy and be aware of their responsibilities under it.
- ii. If an employee becomes aware of conduct contrary to this Policy by another person (including another employee) that endangers the person, a student, or anyone else, the employee must immediately inform a School Administrator.

### **School Administrators**

- i. School Administrators must not knowingly permit an employee to remain at the workplace if he/she has reasonable cause to believe that the employee's work performance may be affected by the use of drugs or alcohol, or that the employee is impaired for any reason.
- ii. If a School Administrator has reasonable cause to believe that an employee's work performance may be affected by the use of drugs or alcohol, or that the employee is impaired for any reason, the School Administrator must immediately remove the employee from the performance of their duties and document the circumstances, observations, and details forming the basis of the Administrator's belief.

**Drug and Alcohol Testing** [optional section which could be used for persons such as bus drivers, shop teachers, maintenance workers, etc. If the School doesn't want to engage in testing this section can be removed]

The School may employ drug and alcohol testing in the below circumstances. A positive test for the presence of drugs or alcohol in the employee's body in any of the below circumstances, may result in discipline up to and including termination.

## **A. Post-incident**

Employees employed in safety sensitive positions will be subject to post-incident testing for alcohol and drugs where an act or omission by an employee during working hours, or on School property, causes or contributes to a significant incident.

## **B. Return to Work**

Where an employee is returning to work in a safety sensitive position following treatment for a disability related to the use of alcohol or drugs, or where a physician has recommended abstinence or drug or alcohol testing due to an employee's drug or alcohol use as part of a return to work recommendation or plan, the employee must abstain from the use of alcohol or any drug, and may be required to undergo drug or alcohol testing for a period of time, as a component of the employee's return to work process.

## **C. Reasonable Cause**

Employees employed in safety sensitive positions will be subject to reasonable cause testing for alcohol and drugs. Where the School determines there is reasonable cause to suspect alcohol or drug use or possession in violation of this Policy, testing may be performed. The decision to test shall be made by a School Administrator, in conjunction with a second person wherever practicable, and may be required in the following circumstances:

- i. the School reasonably believes that the employee may be impaired by the use of alcohol or drugs based on unusual behaviour or circumstances, which includes but is not limited to any one or more of: slurred speech, smelling of alcohol or drugs, changes in personality, argumentative behaviour, or mood swings;
- ii. the employee is engaged in the use, possession, manufacture, cultivation, offering for sale, sale or distribution of alcohol or drugs or drug paraphernalia during working hours or on School property; or
- iii. the employee is engaged in, or is charged with an offence arising from, the use, possession, manufacture, cultivation, offering for sale, sale or distribution of a drug, not during working hours or on School property, but where the School reasonably believes that the drug was intended for use during working hours, or at a time that could cause the employee to be impaired during working hours.

## **Refusals**

Where an employee:

- i. refuses to cooperate in any aspect of the testing process set out in this Policy, including but not limited to a failure to report for a test, a refusal to submit to a test required under this Policy, or an attempt to tamper with a test sample; or
- ii. refuses to consent to disclosure to the School of a test result or other information received by the third party medical professional in connection with a test or the results of a test,

the employee will be deemed to have registered a positive result under this Policy and will be subject to discipline up to and including termination.

## **Special Situations**

### **A. Medication**

Where an employee is required to use medication (including but not limited to medical cannabis) pursuant to a valid prescription and in accordance with a physician's directions, at a time, whether on or off of School property, that could cause them to be impaired during working hours they are required to adhere to the following:

- the employee must notify a School Administrator, prior to using the medication and attending work impaired, to permit a determination of whether their use of that medication can be accommodated; and
- the employee must provide medical confirmation authorizing their use of the medication in order for the School to consider a request for accommodation. Any medical license or prescription relied on for the use of medical cannabis must be issued in accordance with the applicable statutory requirements.

If an employee uses medication in breach of this Policy, without first disclosing their need to use such medication to a School Administrator, they may be subject to discipline up to and including termination of employment.

### **B. Addiction or Substance Use Disorder**

The School understands that certain individuals may develop an addiction or substance use disorder related to their use or consumption of drugs or alcohol, and that this may be defined as a disability. The aim of this section is to encourage employees with addictions or substance use disorders to come forward and obtain treatment before their use of drugs or alcohol impacts the work and learning environment.

Where an employee has or suspects they may have an addiction or substance use disorder, and where that addiction or substance use disorder does not

render them unable to do so, they are required to notify a School Administrator prior to their use of drugs or alcohol during working hours, whether on or off of School property, and prior to their attending work impaired.

Where an employee discloses an addiction or substance use disorder prior to breaching this Policy, the School will take reasonable steps to assist them [insert – “through the Employee and Family Assistance Program” or “in their recovery”]. No employee who discloses an addiction or substance use disorder prior to breaching this Policy will be disciplined because of the individual’s disclosure or their involvement in a rehabilitation effort.

If an employee uses drugs or alcohol in breach of this Policy without first disclosing their circumstances to a School Administrator, they may be subject to discipline up to and including termination of employment.

### **C. Accommodation**

Where an employee discloses their use of medication that could cause them to be impaired during working hours, or discloses an addiction or substance use disorder in accordance with this Policy, the School will work with that individual to determine what, if any, accommodation could reasonably be provided to that individual.

The provision of reasonable accommodation to persons with disabilities related to the use of medication that could cause them to be impaired, or to persons with an addiction or substance use disorder, requires cooperation and collaboration between the individual requesting the accommodation, their union where applicable, and the School. Individuals requesting accommodation have a duty to facilitate a reasonable accommodation offered by the School.

## **Definitions**

**Drug(s):** includes but is not limited to any substance which affects a person’s physical or mental capacity or functioning, which causes a marked change in consciousness, or which has a physiological effect when ingested or otherwise introduced into the body, and includes both legal and illegal forms of such substances, but does not include medications taken pursuant to a valid prescription, and in accordance with a physician’s directions.

**Impaired or Impairment:** a deterioration or diminishment of an individual’s physiological ability, functioning, judgment, or condition, and includes but is not limited to being unable to function as that individual does under normal or usual conditions, or safely because of intoxication by any substance.

**Safety Sensitive:** a characteristic of operations where error could result in serious harm to a person, property, or the environment.

**Significant Incident:** means an incident or accident involving one or more of the following occurrences:

- a) A fatality or fatalities, or near miss of a fatality or fatalities, to an employee or any other person;
- b) An injury, or near miss of an injury, to an employee or any other person;
- c) Damage and/or unusual circumstances leading to damage, or near miss of damage, to property of the School, a contractor, an employee, a student, or a member of the public; or
- d) Environmental damage and/or unusual circumstances leading to environmental damage, or near miss of environmental damage.

**Substance Use Disorder:** means a condition in which the recurrent use of alcohol, drugs, medication, or any other substance causes impairment of daily life, such as health problems, disability, and failure to meet responsibilities at work, school, or home, and includes the conditions classified as substance use disorders in the Diagnostic And Statistical Manual Of Mental Disorders, Fifth Edition, as amended.

**School Property:** includes but is not limited to all real or personal property, facilities, land, buildings, parking lots, equipment, and vehicles, whether owned, leased or used by the School and wherever located.

**Working Hours:** means the hours of the day when the School is open to students, whether or not classes are in session, or the hours an employee works, is scheduled to work, is called in, or otherwise requested or required to work during a day, and includes but is not limited to paid and unpaid breaks, and any overtime hours the employee is required to, offers to, or does work. Working hours also includes any time an employee is away from the School on a School organized trip, including but not limited to times when an employee is not actively participating in activities or pursuits organized by the School but is otherwise away from their normal residence due to their involvement in the School organized trip.