Greater Essex County District School Board

Policy: Substance Use and Misuse

Reference No: P-HR-15

The Greater Essex County District School Board (GECDSB) (the “School Board”) is committed to providing a safe, healthy, and productive workplace for staff, as well as a safe learning environment for students. This requires that all employees report to work and conduct School Board business while fit for duty.

The Substance Use and Misuse Policy and the corresponding Regulation applies to GECDSB employees and all individuals (including but not limited to volunteers and contractors) who are working or engaged in business on GECDSB premises or affiliated sites. This Policy does not apply to students. The Safe Schools Policy and associated Regulations address issues specific to the use of alcohol and substances by students.

Greater Essex County District School Board

Regulation: Substance Use and Misuse

Reference No: R-HR-15

Also refer to:
Correcting Employee Behaviour & Progressive Discipline AP-HR-30
Environmental Sensitivities P-AD-45 & AP-AD-53
Smoke Free Environment P-HR-16 & R-HR-16, R-AD-55
Safe Schools P-AD-16 & R-AD-16

INTRODUCTION

The Greater Essex County District School Board (GECDSB) (the "School Board") is committed to providing a safe, healthy, and productive workplace for staff, as well as a safe learning environment for students. This requires that all employees report to work and conduct School Board business while fit for duty. Employees are expected to perform their work duties safely, competently and efficiently, without any limitation arising from Drugs and/or Alcohol. This Regulation is designed to promote cooperation among all employees to prevent, prohibit and address Drug and Alcohol use by employees.

This Regulation establishes expectations for reasonable behaviour as it relates to the use of Drugs or Alcohol that could impact an employee's ability to perform their work duties safely, competently and efficiently. This Regulation strives to respect the dignity and privacy of individuals and places a priority on treatment, accommodation and the successful recovery of employees who have a substance use disorder.

This Regulation applies to all employees while at work, while conducting School Board business (whether at a Greater Essex County District School Board workplace or elsewhere).

This Regulation also applies to School Board Volunteers. All Contractors are expected to adopt this Regulation as their own or to develop and enforce their own substance use and misuse policy or procedure as it relates to their and their subcontractors' employees (if any) when engaged in work on behalf of the GECDSB or while at any GECDSB workplace.

For clarity, all employees, volunteers and contractors are prohibited from using any form of Alcohol or Drug, including Recreational Cannabis, before and/or during work hours, except as otherwise prescribed in this Regulation.

DEFINITIONS

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. Beverage alcohol includes but is not limited to beer, wine and distilled spirits.

Cannabis – Any product containing Tetrahydrocannabinol ("THC"). Forms of cannabis may include but are not limited to:

- Cannabis oil
- Fresh cannabis
- Dried cannabis
- Cannabis plant seeds

- Cannabis plants
- Edible cannabis

Contractor - Any person(s) providing goods or services to the GECDSB under a contract or other agreement but not paid through the GECDSB's payroll system.

Drug - Cannabis, Illicit Drugs, Medications, or other Mood Altering Substances.

Drug Paraphernalia - Any personal property which is associated with the use of any Drug.

Employee - Any full-time or part-time employee, any temporary or contract employee, any volunteer or any student doing their practicum or intern worker.

Fitness for Duty/Unfit for Duty – Fitness for Duty means being able to safely and acceptably perform assigned duties without any limitations due to the use or after-effects of Alcohol, Cannabis, Illicit Drugs, Medications or other Mood Altering Substances. Unfit for Duty means the inability to safely, competently or efficiently perform work duties.

Fit for Work - An employee is able to perform the duties of the job with efficiency, competence and in a safe manner as compared to established or generally accepted performance standards.

Illicit Drugs - Any drug or substance that is not legally obtainable by the employee and whose use, sale, possession, purchase or transfer is restricted or prohibited by Canadian law (which may include but is not limited to street drugs such as opioids, hallucinogens, stimulants), and includes prescription drugs that have not been lawfully prescribed to the employee.

Medication – A drug either obtained legally, over the counter or as properly prescribed by a registered and regulated health professional.

Misuse of Medication - The intentional use of medication in a way or for a purpose that was not intended or under circumstances that risks the health or safety of the employee, co-workers and/or the workplace.

Mood Altering Substance - Any product that is legally or illegally used, the use of which has the potential to cause impairment or impact or inhibit job performance, including the Worker's Fitness for Duty.

School Board Business – All School Board activities undertaken by Employees in the course of the School Board's operations, whether conducted on or off School Board premises and whether during or outside of regular operating hours.

Undue hardship - According to the Ontario Human Rights Code, an employer must provide accommodation, up to the point of undue hardship. This means accommodation does not need to be provided if doing so would impose an unreasonable burden on the GECDSB, having regard to health and safety.

Volunteer – A person who freely offers to take part in an enterprise or undertake a task.

Workplace - Any land, property, structures, facilities, premises, location, GECDSB vehicles and equipment owned, leased, operated or otherwise controlled by the GECDSB or any other place at, upon, from or near which an employee works in the course of their duties.

GECDSB RESPONSIBILITIES

GECDSB is responsible for the following:

- Firmly and fairly enforcing the principle that its employees must report to work Fit for Duty, while conducting School Board business.
- Communicating to employees about the risks and potential consequences of Drug and Alcohol use, health and safety and disciplinary action that may result where an employee reports for work Unfit for Duty.
- Providing education and training to help Administrators, Supervisors and employees recognize warning signs that an employee may have used Drugs or Alcohol, and to identify, in either instance, what the appropriate response and next steps are.
- Providing employees who have an Alcohol and/or Drug dependency or addiction with appropriate access to programs, services, benefits, or work accommodation in order to assist them to overcome their dependency in accordance with the GECDSB work accommodation process.

ADMINISTRATOR/SUPERVISOR RESPONSIBILITIES

Administrators/Supervisors are responsible for the following:

- Maintain confidentiality and employee privacy.
- Communicate with employees about the need to maintain a workplace in which no employee is Unfit for Duty due to Drugs and Alcohol. This includes answering questions about this Regulation.
- Early and regular identification and management of performance issues related to Drug and Alcohol use. If an employee's work performance has deteriorated to an unacceptable level or an employee's actions jeopardize their own health and safety, the health and safety of others or the reputation of the GECDSB, Administrators and Supervisors are responsible for taking appropriate remedial action.
- Remedial action that may be appropriate will include documenting performance issues; providing written feedback to the employee along with the documented details of any Drug or Alcohol related events; and/or a suggested referral for an assessment to the Employee Assistance Program (EAP). Human Resources should be contacted for assistance with this process.
- Encourage employees to self-disclose any conditions or concerns, including Alcohol and/or Drug dependency or addiction that might impair their job performance or compromise their or others health and safety. Administrators and Supervisors need to facilitate a working environment that is conducive to self-disclosure.
- Encourage employees to disclose any conditions or concerns including Alcohol and/or Drug dependency or addiction regarding a co-worker that might impair the job performance or compromise health and safety.
- Identify and address any situation where an employee appears to be Unfit for Duty that could impact their ability to perform their job in a safe, competent or efficient manner.
- Prohibit, without exception, the operation of a motor vehicle and/or machinery by an employee who appears to be Unfit for Duty.

HUMAN RESOURCES DEPARTMENT RESPONSIBILITIES

The Human Resources Department is responsible for the following:

- Maintain confidentiality and employee privacy.
- Facilitate and support the safe, healthy and productive return to work of an employee who receives treatment for Alcohol and Drug dependency or addiction.
- Support all employees in the application of this Regulation, including its communication to employees.
- Provide access to the Employee Assistance Program (EAP).
- Provide assistance with respect to the interpretation of this Regulation.
- Maintain and regularly update this Regulation as needed.

EMPLOYEE RESPONSIBILITIES

Employees are responsible for the following:

- Employees must advise their Administrator or Supervisor if they reasonably believe that another employee has consumed Alcohol and/or Drugs and this employee is or has been Unfit for Duty, while conducting School Board Business.
- Employees must be Fit for Duty and not impaired while at work, while conducting School Board business (whether at a GECDSB workplace or elsewhere).
- Employees must assume ownership of their Alcohol and Drug dependency or addiction, including an expectation that the employee will use counseling and treatment services available to them through the GECDSB's Employee Assistance Program (EAP) and/or community resources.
- Employees must recognize that problems related to Alcohol and Drug dependency or addiction does not excuse or permit inappropriate behaviour or unsafe work performance.

GECDSB EXPECTATIONS

It is the GECDSB's expectation that employees:

- Must not conduct School Board business or be in the workplace Unfit for Duty.
- Must not use, possess, distribute, offer or sell Alcohol, Drugs, Recreational Cannabis, Illicit Drugs or Drug Paraphernalia in the workplace.
- Must not engage in the unauthorized consumption of Drugs or Alcohol while on duty or while in the workplace, except where otherwise provided for in this Regulation.
- Ensure they are appropriately dressed and groomed for a professional workplace, in accordance with the Board's Environmental Sensitivities policy (P-AD-45).
- Must not engage in or suffer the continuing effects of misuse of Medication while in the workplace and/or while conducting School Board business.
- Must use Medications responsibly and as directed, ensuring that their ability to perform work safely, competently or efficiently is not impaired.
- When in an on-call situation, must remain Fit for Duty and not impaired, or decline the available job.
- When attending a conference, training event, community or related event, use Alcohol or Cannabis responsibly and as permitted, ensuring that they are not Unfit for Duty.

- When attending a staff function at which Alcohol or Cannabis is served, only consume Alcohol or Cannabis when the function:
    - does not take place in the workplace;
    - occurs after standard school/worksite instructional hours (varies dependent on site);
    - is otherwise approved by the Administrator or Supervisor of the employee(s);
    - is held at a licensed premise;
    - is managed in a way that limits the risk for accidents, including identifying and eliminating potentially harmful situations; and
    - provides for ready access to alternate forms of transportation for employees leaving the event, including taxis or public transit.

ALCOHOL AND/OR DRUG DEPENDENCY OR ADDICTION

Employees identified as having an Alcohol and/or Drug dependency or addiction which has caused them to be Unfit for Duty or where it has impacted their job performance, must:

- Undergo a substance misuse professional assessment and follow the recommended treatment, rehabilitation and/or follow-up programs (e.g. after care) in order to ensure that their employment and position at the GECDSB is maintained for them. An employee who refuses to participate or co-operate in such programs, may be subject to discipline, up to and including termination of their employment.
- Participate in work accommodation, if necessary and if available, during the course of treatment, rehabilitation or follow-up programs.
- Understand that their consent to the sharing of their rehabilitation status with their Administrator or Supervisor after treatment and (where applicable) prior to their return to work, may be sought. Any information to be shared with the employee's Administrator or Supervisor will be assessed by Human Resources in order to ensure that the employee receives the appropriate level of support and workplace monitoring on their return to work.
- Be aware that, if they refuse to consent to the sharing of rehabilitation information where it has been deemed necessary, they will not be able to return to work until the GECDSB has been assured that they do not pose a health and safety risk in the position to which they will be returning. Benefit entitlement during this period will be reviewed.
- Participate in any further treatment or follow up care that is necessary when they return to the workplace to prevent recurrence or relapse.
- Where there is reasonable cause to believe that an employee has an Alcohol and/or Drug dependency or addiction and that might hinder the employee's ability to perform their assigned duties safely, competently or productively or which may compromise the employee's or others' health and safety, the employee will be required to self-disclose any conditions that might be contributing to their inability to do their job. The GECDSB will accommodate a declared Alcohol and/or Drug dependency or addiction on a case-by-case basis as may be required by law.

MEDICAL CANNABIS

GECDSB will provide reasonable accommodations based on medical information to any employee that discloses that they have a medical recommendation for medical Cannabis that requires use during work hours. After the disclosure:

- Human Resources will confirm the nature of the accommodations with the Administrator or Supervisor.
- The Administrator or Supervisor will discuss options with the employee around when and where the medical Cannabis is stored and administered without interfering with the operation of the school or workplace. Subject to applicable legislation, Cannabis may not be “smoked” or “vaped” on School Board property.
- Human Resources may need to establish that no accommodation is possible based on workplace health and safety concerns or considerations that are rationally related to the school environment or that the employee is impaired from the use of medical Cannabis and is unfit to perform their duties.
- GECDSB will ensure that all employee health information is treated in a private and confidential matter.

The employee must disclose that they have a disability-related need to consume medical Cannabis while at work and require an accommodation. The employee must then make this need known to GECDSB and:

- Provide to the Human Resources documentation, which is medically substantiated by a physician for the use of medical Cannabis during work hours, which is acceptable to the Employer.
- Cooperate with the accommodation process by attending accommodation meetings and participating in the process to explore reasonable accommodations.
- Commit to review the accommodation plan with the employer on a regular basis.
- Disclose to the employer their use of medical Cannabis where its use may give rise to impairment in the workplace.
- Be Fit for Duty without endangering other staff or students.
- Understand that the sharing, selling or distribution of Cannabis in the workplace is prohibited.

If an employee is found with Cannabis or any Drug Paraphernalia and they have not disclosed that they have a disability-related need to consume medical Cannabis while at work, GECDSB may choose to discipline the employee, up to and including termination of their employment.

MEDICATION IN THE WORKPLACE

- If bringing medication, including medical cannabis, into the workplace, ensure it is securely stored away from all other persons and in the original prescribed container.

CONCLUSION

If the employee is Unfit for Duty, they will be:

- Removed from duty and/or
- Subject to discipline, up to and including termination of their employment.

Where the employee has not disclosed any conditions that may be contributing to their Unfit for Duty state, they may also be subject to appropriate disciplinary action. Disciplinary action will be

assessed on a case-by-case basis in accordance with the Board's Correcting Employee Behaviour and Progressive Discipline Administrative Procedure (AP-HR-30).