

## IMPAIRING SUBSTANCES IN THE WORKPLACE

### Background

School District 72 is committed to providing a safe, healthy, and productive working and learning environment where students, employees, and other members of the school community are protected from the adverse effects of impairing substances.

School district employees are expected to behave and perform their work duties safely, competently, and efficiently, consistent with their position of trust, without limitation from the use or after-effects of impairing substances.

This procedure is to prevent and address impairing substance use at work, including the school district's requirements regarding employee:

- Fitness for duty;
- Use of impairing substance(s); and
- Disclosure of impairing substance(s) use.

The intent of this operational procedure is to respect the dignity and privacy of individuals. Treatment, accommodation, and the successful recovery of employees who have substance use disorder are a priority in the district.

This operational procedure applies to all employees. Contractors engaged by the school district are expected to have an equivalent policy in place prior to attending on or in school property.

### Definitions

<u>Fit for Duty</u>	An employee's ability to perform their job duties with efficiency, competency, and in a safe manner as compared to established or generally accepted performance standards.
<u>Impairing Substance</u>	Any substance that is ingested, consumed, or otherwise taken, that changes or negatively affects the way a person thinks, feels, or acts. Impairing substances may affect an employee's ability to perform their job safely or productively. The definition of impairing substances includes, but is not limited to alcohol, cannabis, illicit drugs, and medications with impairing effects.
<u>Work</u>	Any task performed or on behalf of the school district or where the employee is seen as acting as a representative of the school district, including (but not limited to) student field trips or when an employee has contact with students.
<u>Workplace</u>	School property (including within a prescribed distance), any location, vehicle, or equipment owned, leased, licensed, operated, or otherwise controlled by the school district, or any other place at or from which an employee works in the course of their duties (including a personal vehicle). This includes any circumstance where an employee is near students, is responsible for the supervision of students, or could be seen as acting as a representative of the school district, and where an employee telecommutes or works from home.

## Procedures

1. The school district will comply with all applicable health and safety, human rights, and privacy legislation.
2. Cannabis cannot be smoked or vaped anywhere where tobacco smoking and vaping are prohibited, including a workplace, school property or within prescribed distance, a vehicle, playground or outdoor park, sports field, skate park, or other places where children commonly gather, near entry/exits, or at a bus stop.
3. The Human Rights Code protects employees from discrimination in employment on the basis of mental or physical disability or perceived disability. Addiction to drugs or alcohol is a recognized disability protected by human rights law.
4. Subject only to an exception required by human rights law, the school district does not permit the possession, use, distribution, sale of illicit impairing substances at work or in the workplace.
5. Employers and supervisors cannot allow a person reported or observed to be impaired by alcohol, a drug, or other substance to be at work. Anyone who is reasonably suspected of not being fit for duty will be required to leave work and will be provided with safe transportation home or to required medical attention.
6. Employers and supervisors are responsible for identifying and addressing, in consultation with identified school district staff and/or human resources (and/or the BC Public School Employers' Association), any situation where there is a concern about an employee's ability to perform their job safely and productively due to an impairing substance.
7. Employers and supervisors will intervene when they:
  - hear a report or information that an employee may be impaired or consuming an impairing substance at work;
  - observe use or evidence of use of an impairing substance; and/or
  - observe an employee with erratic or unusual behaviour or changes in the employee's behaviour or appearance, which indicate impairment.
8. The school district recognizes employees' human rights and will support employees who struggle with responsible use of impairing substances, or who have a substance use disorder, by assisting with access as appropriate to programs, services, benefits, or work accommodation as per human rights law.
9. The school district will consider employees' privacy rights when managing impairment in the workplace, including requesting medical information from employees. The district is subject to the Freedom of Information and Protection of Privacy Act (FIPPA), which requires a board of education to have legal authority to collect, use, and disclose personal information. A board of education must only collect personal information from an individual that is directly related to and is necessary for managing or terminating the employment relationship. If an employee's recreational or medical use of an impairing substance impacts their fitness to work, that information may be reasonably required to be disclosed by an employee.
10. Should the off-duty consumption of impairing substances affect the employee's ability to work, impact the workplace and negatively affect the school district reputation, discipline measures may be required.
11. Boards of education, superintendents, and principals are deemed vicariously liable for violating the Cannabis Control and Licensing Act if a person consumes cannabis in or on school property, unless they can demonstrate having taken reasonable steps to prevent the violation.

12. Education and communication on the risks of impairing substance use and abuse and the influence that such use and abuse has on workplace performance and health and safety will be made available to all employees.
13. **Employees**
- 13.1 Must be fit for duty and ensure that their ability to perform their job duties is not negatively affected by the use or after-effects of impairing substances at work or in the workplace.
- 13.2 Must inform their supervisor if they or someone else may be impaired at work.
- 13.3 Individuals who have authorization from a physician or are legally prescribed the use of cannabis for medical or treatment of a disability may continue to do so, however must inform the district if there is some impairment associated with the use that would affect their fitness for duty or the safety of any person at work or in the workplace. If there is such an impairment, disability or substance use disorder, the district will arrange for the employee to confidentially share the information necessary to consider if it is possible to accommodate the employee, such as through a change in hours, position, duties, or a leave of absence.
- 13.4 Those who need a valid driver's license in the performance of their duties must immediately inform their supervisor or manager if their driving privileges are lost, revoked, or suspended due to impaired driving, including but not limited to a charge, suspension, or conviction while on or off duty, or in the employee's personal vehicle.
- 13.5 Non-compliance with this operational procedure may result in appropriate disciplinary measures, up to and including dismissal.

Related Procedures: [OP 125 – Health and Safety of Students and Staff](#)  
[OP 130 – Diversity and Human Rights](#)  
[OP 138 – Smoking and Smoking Products](#)  
[OP 401 – Respectful Workplace](#)  
[OP 434 – Personnel Practices](#)

Reference: Workers Compensation Act, R.S.B.C. 1996, c. 492, s. 2, s.116  
 Controlled Drugs and Substances Act, S.C. 1996, c. 19  
 Cannabis Control and Licensing Act, Sections 61, 62(1), 68(1)  
 Cannabis Distribution Act  
 Criminal Code, R.S.C., 1985, c. C-46  
 Tobacco and Vapour Products Control Act, R.S.B.C. 1996, c. 451  
 Occupational Health and Safety Regulation, s. 4.19(1) and (2), s. 420 (1) and (3)  
 Standards for the Education, Competence and Professional Conduct of Educators in BC  
 Freedom of Information and Protection of Privacy Act, s. 26, s. 27, s. 30.4