Administrative Procedure 210

Personnel and Employee Relations

DRUG AND ALCOHOL

Background

The Board is committed to ensuring the health and safety of its employees, teachers, students, and the public. The Board recognizes and accepts the responsibility to provide its employees with a safe, healthy, and productive work environment. All Board employees have the responsibility to report to work fit for duty. The use of drugs, including illegal drugs, the improper use of prescription or non-prescription medication, and the use of alcohol, cannabis, or other intoxicants can have serious adverse effects on the safety and effectiveness of the workplace for employees, teachers, students, and the public.

Definitions

In this administrative procedure:

1. "Drugs" means any substance, inclusive of illicit drugs, restricted drugs, and medication, as defined by this administrative procedure, the use of which has the potential to cause impairment or intoxication, changing or affecting the way a person thinks, feels, or acts. For the purposes of this administrative procedure, drugs are those that inhibit an employee's ability to perform their job safely.
2. "Illicit Drug" means any drug or substance which is not legally obtainable and whose use, sale, possession, purchase, or transfer is prohibited by law (such as heroin or cocaine).
3. "Restricted Drug" means any drug or substance other than alcohol that is capable of causing intoxication and that is legally obtainable for recreational use and whose sale, purchase, possession, or transfer are restricted by law.
4. "Medication" means any drug obtained legally by an employee and used as indicated or directed, including but not limited to those obtained by the employee with a doctor's prescription or authorization, and non-prescription or over-the-counter drugs.
5. "Fit for Duty or Fitness for Duty" means the ability to perform essential job functions and interact safely and effectively with others.

6. "Drug or Alcohol Dependence" means a mental, physical, or psychological dependence on drugs or alcohol that interferes with an employee's fitness for duty and that is considered by a physician to be a medical condition/disability.

Procedures

1. During an employee's working hours, whether on the Board's premises or while conducting employment-related activities off the Board's premises, including during meal periods, scheduled breaks, and on field trips, the employee must be fit for duty and no employee shall:

    1.1. use, consume, possess, distribute, or sell illicit drugs;

    1.2. use, consume, possess, distribute, or sell restricted drugs; and

    1.3. use, consume, possess, distribute, or sell alcohol.

        1.3.1. Notwithstanding section 1.3, an employee may use, consume, or possess alcohol at social events during working hours so long as any such use, consumption, or possession is reasonably appropriate in the circumstances and done in a responsible manner.

2. An employee shall not, under any circumstances, consume alcohol or use, consume, ingest, or inhale illicit drugs or restricted drugs while in the care and control of or responsible for any Board equipment, or while using the employee's personal vehicle for work-related purposes.

3. The use of medication in compliance with a physician's or pharmacist's directions is permitted at work so long as it does not cause the employee to not be fit for duty.

    3.1. If an employee's use of medication can reasonably be expected to make the employee not fit for duty, the employee must disclose their use of the medication to administration. The Board will accommodate an employee's use of medication to the point of undue hardship.

    3.2. If an employee who is in compliance with section 3 and/or 3.1 possesses medications on Board property, the medication must be monitored vigilantly and kept in a secure place which cannot be accessed by any students.

4. If an employee is suffering from a drug or alcohol dependence which may reasonably be expected to interfere with their fitness for duty, they must disclose the drug or alcohol dependence to administration.

4.1. An employee who discloses that they are suffering from a drug or alcohol dependence will not be subject to discipline.

4.2. The Board will assist and accommodate employees suffering from a drug or alcohol dependence to the point of undue hardship, including by providing access to its Employee and Family Assistance Program ("EFAP") and sick leave.

Discipline

1. The Board views the rules contained in this administrative procedure to be of the utmost importance and all disciplinary action under this administrative procedure that is taken by the Board against an employee will comply with the Education Act and the terms of any applicable administrative procedure in place.
2. If an employee fails to disclose that they are suffering from a drug or alcohol dependence, the employee may be subject to discipline, unless the reason for non-disclosure arises wholly or in part from the drug or alcohol dependence.

Post-Violation Return to Work

1. Seeking voluntary assistance for a drug or alcohol dependence will not jeopardize an employee's employment with the Board, so long as the employee continues to cooperate and seek appropriate treatment for their drug or alcohol dependence.

2. Any employee who, after violating this administrative procedure, is subsequently authorized to return to the workplace shall enter into a Return to Work agreement with the Board. The terms of the agreement may include the following as determined through discussion between the employee and the Board:

    2.1. a requirement to continue treatment, counselling and assistance programs or procedures recommended by the employee's treating physician, psychologist or counsellor;

    2.2. an express obligation to immediately cease performance of duties and notify a supervisor in the event that the employee is not fit for duty at any time during work hours following a return to the workplace;

    2.3. a requirement to provide written medical confirmation that the

employee is presently fit for duty and is able to safely return to the workplace without danger to the employeeor others;

2.4. a requirement to provide updates from the employee's treating physician, psychologist or counsellor confirming that the employee continues to follow recommended treatment programs and continues to be fit for duty when reasonably requested to do so; and

2.5. an express warning to the employee that future violations of the administrative procedure may lead to discipline.

Confidentiality

The Board will take all precautions to protect the employee's confidentiality in respect of any information collected under this administrative procedure, such as information concerning an employee's use of medication or the fact that an employee may be suffering from drug or alcohol dependence.

Approved: July 2023