

## AP 480 – EMPLOYEES – ALCOHOL AND DRUGS

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### Background:

The Division has an educational and societal responsibility to prohibit the employee use or possession of alcohol and drugs at all buildings and property owned by the Division. The Division is also committed to the health and safety of its employees, students, environment, and the public. The use of drugs and alcohol can create unacceptable safety risks to everyone at the workplace.

Employees have the right to work and students have the right to be educated in an environment free of substance abuse and with persons free from the effects of drugs or alcohol. Drugs and alcohol are hazards to the school environment and to the credibility and reputation of the School Division.

### Definitions

Abuse means any use of alcohol or drugs that causes a physical or psychological problem or dependence when taken; or without following prescribed medical instructions.

Addiction is defined as a compulsive substance use despite harmful consequence; intense focus on using a certain substance such as alcohol or drugs to the point that it takes over a person's life. People who are addicted keep using alcohol or a drug even though they know it will cause problems. Addiction is a disability and must be diagnosed by a medical professional.

Employee means all persons who work full-time, part-time or under contract to the Division.

Illegal Drugs fall into two categories: the first category is comprised of those drugs that are illegal to possess, sell, and consume. The second category includes those drugs that are legal to possess, sell, and consume when prescribed by a physician, but are then misused by the person to whom the drugs have been prescribed, or are used by individuals not under a prescribing doctor's care, and who may have obtained the drugs by illegal means.

Impairment is defined as: the inability to perform essential job functions and interact safely and effectively with others.

Prescription Medications means drugs used to treat a wide variety of illnesses requiring physician supervision during the course of treatment as prescribed for that individual.

## **Prohibited Use of Alcohol and Drugs**

1. At work or while on school premises or at school sponsored events, including during breaks which may be paid or unpaid, Employees shall not:
  - a. use, consume, possess, distribute, offer for sale, or sell alcohol, tobacco, cannabis, illegal drugs, illegal drug paraphernalia, prescribed drugs for which the employee does not have a prescription or prescribed drugs which may cause impairment;
  - b. be impaired or under the influence or be unfit for work due to drugs, alcohol or other substances which may be illegal or cause impairment; and,
  - c. be impaired or under the influence while operating a Division vehicle or their personal vehicle for Division-related purposes.
2. Employees are expected to demonstrate reasonable and responsible use of alcohol or cannabis at Division-sponsored events, or at social gatherings or events hosted by other organizations when the employee is representing the school division. Division staff at all times are to observe local bylaws on the consumption of alcohol or cannabis.
3. Use of alcohol, tobacco or cannabis on school property is strictly prohibited at all times and such prohibition must be included in any contract or agreement for the use of school premises by any outside parties.

## **Consequences for Breach**

### *Safety Considerations*

1. Employees who report to work under the influence or are determined to be under the influence while at work will be sent home via safe transportation with further required administrative supervisory follow-up.

### *Disciplinary Action*

2. Violation of this administrative procedure will result in disciplinary action up to and including possible termination of the contract of employment.

### *Responsibility of Employee*

3. Employee found guilty of driving while under the influence of alcohol or performance inhibiting drugs while on school division business shall be responsible and liable for all related costs directly associated to the charges and legal outcomes.

### *Follow Up After Disciplinary Action*

4. At the sole discretion of the Employer, an Employee who is subject to discipline for a breach of this administrative procedure may be required by the Employer to do any or all of the following:
  - a. Seek or continue with counselling as recommended by a physician or addictions counsellor;
  - b. Provide correspondence from the treating physician that the employee can return to work and safely perform required duties;

- c. Comply with return to work alcohol and/or drug testing, if appropriate; and,
- d. Provide updates from the employee's physician regarding treatment on a predetermined schedule to the designated administrator and/or supervisor.

### **Use of Prescribed Drugs at Work for Accommodation Purposes**

1. Every Employee shall immediately disclose to the Employer if they have been prescribed a prescription drug which may have the potential to cause impairment.
2. Possession or use of prescription drugs that may cause impairment may be allowed if required to accommodate an employee with a disability as defined by the *Saskatchewan Human Rights Code*.
3. In order to determine if an accommodation is required the Employee shall provide to the Employer a medical report from the Employee's doctor identifying:
  - a. the medical restrictions requiring the use of the prescription medication during work hours;
  - b. the details of the prescription including the following:
    - i. whether or not the prescription drug must be taken before or during working hours causing the possibility of impairment during working hours;
    - ii. the name and dosage of the prescription drug that must be taken before or during working hours that may cause impairment;
    - iii. the specific method by which the prescription drug will be administered, (e.g. oral, injection, smoking or vaping);
    - iv. the length of time after taking the prescription drug that impairment may persist; and,
    - v. the expected duration the prescription drug will need to be taken by the Employee.
4. The Employer reserves the right to request the release of medical information for an employee on a "need to know" basis. This information shall be limited to the employee's addiction and for the purpose to adhere to the protection and safety of students within the school division. This release of information may only occur after the employee has provided the doctor or medical agency with a signed consent for the release of such information.
5. Upon receiving the required medical information from the Employee, the Employer shall determine if an accommodation is required and how it can be applied.
6. As part of an accommodation plan, the Employer will set out the requirements for the possession, use and storage, and security of the prescription drug and any associated medical or personal equipment while on school property.
7. Any prescribed drug allowed as part of an accommodation plan must be used solely for the intended purpose as currently prescribed by the Employee's physician and must be used solely by the Employee for whom it has been prescribed.
8. If a course of treatment requires medication which impairs the employee, the employer shall have the right to determine if the impairment prevents the employee from meeting the statutory on legislative requirement for the supervision of children.

## **Alcohol and Drug Addiction**

### *1. Employee Support*

- a. Employees suffering from an alcohol or drug addiction are strongly encouraged to seek medical treatment and rehabilitation.
- b. Employees are encouraged to utilize the Division's *Employee Family Assistance Program* or recognized community program before the problem interferes with job performance.
- c. Employee job security or promotion will not be jeopardized by a request for counselling; however, the employee is expected to perform all required duties in a competent manner.

### *2. Employee Responsibilities*

- a. Any Employee addicted to alcohol or drugs, whether prescription or non-prescription, shall immediately inform the Employer if there is any possibility that their addiction may have an impact on the workplace or their employment.
- b. Any Employee addicted to alcohol or drugs, whether prescription or non-prescription, shall keep their condition personal and confidential to limit any possible impact on the workplace or their employment.
- c. The Employee is not required to provide the Employer with a diagnosis but shall provide to the Employer a medical report indicating any and all medical restrictions.
- d. The responsibility for correcting unsatisfactory job performance or behavior resulting from alcohol or drugs remains with the employee.

### *3. Leave of Absence*

- a. Employees may be granted a leave of absence as part of an accommodation plan to participate in a drug or alcohol addiction rehabilitation program.
- b. The Employee shall supply to the Employer a medical report from the Employee's doctor indicating:
  - i. the medical restrictions that require an absence from work; and,
  - ii. the expected length of time the employee will be absent from work.
- c. The leave of absence shall be taken as sick leave to the extent that the Employee has sick leave available, and the remaining time required for the leave shall be unpaid sick leave.

4. Information concerning an employee's involvement in a treatment program or with treatment agencies will be held in the strictest confidence and will not be disclosed except as authorized in writing by the employee, as required by law, or where there is a serious and imminent risk to the health or safety of the employee.

Reference: Sections 85, 87, 108, 109 Education Act