Administrative Procedure 442

Staff Use of Tobacco, Alcohol and Other Drugs

The Limestone District School Board is committed to the health, safety and wellness of its employees. The Board recognizes the need to provide its employees with a safe, healthy and productive work environment. Employees have the responsibility to report to work capable of performing their tasks productively and safely, without impairment. The use or possession of drugs, legal and illegal, and the inappropriate use of alcohol and medications can have serious adverse impacts in the workplace.

Smoking, vaping and the use of tobacco, alcohol, and other drugs (including tobacco products, illicit drugs, inhalants, non-authorized prescription drugs) at school or at school-sponsored activities, is detrimental to education, injurious to the moral tone of the school, and harmful to the health and well-being of students, staff and families. The purpose of this policy is to establish expectations for appropriate behaviour, to establish the consequences for non-compliance, to provide consistent guidelines for all employees and to provide a means for supporting employees who are dealing with current or emerging drug and alcohol problems.

Except as specifically approved, Limestone District School Board prohibits the use, possession, sale or distribution of alcohol and other drugs at school, school-sponsored activities regardless of their location, and in vehicles operated for or by the Board. The Board also prohibits the use of tobacco or cannabis and vaping any substance in Board-owned or leased buildings, on Board-owned or leased property, and in Board-owned or leased vehicles, as set out in Section 8.

1. Application and Responsibility

1.1. The following provisions apply to all trustees, employees, contractors and volunteers while they are engaged in the Board's business regardless of location, working on Board premises or worksites, and operating Board vehicles and equipment. Violations of these provisions will result in disciplinary action up to and including termination of employment or other appropriate sanctions.

1.2. All employees are expected to perform their job in a manner that is safe and consistent with established practices and procedures, and without impairment. In addition, it is expected that all employees will:

- Read and understand the Procedure and their corresponding responsibilities;
- Report and remain fit for duty for any and all hours of work or where engaged in Board activities. In addition, employees will remain fit for duty while on Board business, premises and/or in Board vehicles;
- Seek advice and follow appropriate treatment if they have a current or emerging substance-related problem, and follow the recommended course of treatment and any associated monitoring programs;
- Cooperate with any work modification related to safety concerns;
- Intervene, as appropriate, to encourage a co-worker to access assistance before an alcohol or drug problem impacts performance or safety; and,
- Cooperate with an investigation into a violation of this Procedure.

1.3. All employees have a shared responsibility for workplace safety. Employees are therefore expected to take appropriate action to ensure the safety of students and co-workers and to report individuals who are suspected to be in an unfit condition on Board premises or while engaged in Board related activities to their supervisor or another member of management.

1.4. Supervisors are responsible for:

- Ongoing performance management to ensure a healthy, safe and productive workplace;
- Guiding employees who seek assistance for substance-related issues to appropriate resources such as the Employee Assistance Program, their family physician, their respective Union/Federation/Association or other community

services; and

- Investigating, in consultation with Human Resources, any violation under this Procedure.

2. Prevention, Assistance and Support

2.1. Prevention and early identification of potential problem situations is important and critical to effective resolution.

2.2. It is recognized that alcohol and drug addictions are treatable illnesses and that early intervention greatly improves the probability of a lasting recovery. Individuals who suspect they have a substance dependency or emerging alcohol or drug problem are encouraged to report their issue to their Supervisor, to seek advice and to follow appropriate treatment promptly before job performance is affected or violations of this Procedure occur.

2.3. Accessing assistance or declaring a problem exists does not eliminate the requirement for compliance with this Procedure. Investigations into a possible procedure violation or commencement of the disciplinary process cannot be avoided by a request for assistance with a problem or by disclosure that the employee is already involved in a treatment program. Accessing assistance for a problem at an early stage is the priority.

2.4. All employees who are candidates for primary treatment, such as residential or out-patient treatment for alcohol or drug problems will be expected to enter into a written agreement to support their recovery. It will outline the conditions governing their return to the job, and the consequences for failing to meet those conditions.

2.5. Where a medical professional or other counselling professional advises there is an undue risk that an employee could not do their job safely, the employee will be removed from duty until they are able to safely return to work. Work schedules will be adjusted within reasonable limits to accommodate any period of time the

employee is required to attend the treatment or counselling program, including consideration for leaves of absence.

2.6. Confidentiality will be maintained except where limited disclosure is necessary for related health and safety concerns (for example where there is deemed to be a potential for risk to self, others or the organization).

3. Reporting or Attending Work Under the Influence of Alcohol or Drugs

3.1. To minimize the risk of unsafe and unsatisfactory performance due to the use of alcohol or other drugs, the following standards have been established such that all employees are expected to report fit for work, and remain fit throughout their work day or shift, including when scheduled to be on call.

3.2. The following actions are prohibited:

- Reporting for work under the influence of alcohol or drugs where signs of impairment are present;
- Use or possession of alcohol or drugs while engaged in Board related duties or activities;
- Possession, distribution, offering or sale of beverage alcohol, drugs or drug paraphernalia while engaged in Board related duties or activities;
- Possession of prescribed medications without a proper and legal prescription.

3.3. In all situations where there are reasonable grounds to believe an employee is unfit for work, responsible escort procedures will be followed. The employee will be escorted to a safe place, offered union representation, as applicable, and given an opportunity to explain why they appear to be unfit for duty. The principal/manager shall decide whether the person is in need of emergency assistance and make the necessary arrangements.

3.4. If, in the Board's opinion, an employee is unfit to perform their work, the employee shall not be allowed to work, and arrangements will be made for their transportation home or to an appropriate emergency treatment centre.

3.5. When sent home or to an emergency centre, the remainder of the staff member's working day shall be without pay. The employee may be temporarily placed on leave with pay or reassigned pending completion of any investigation and, depending on medical assessment for fitness to return to work.

3.6. The principal/manager will prepare a report which shall be forwarded to the appropriate Supervisory Officer and to the Superintendent of Human Resources.

3.7. The Employer reserves the right to investigate any situation when there are reasonable grounds to believe that alcohol or illicit drugs are present on Board premises in violation of this procedure.

4. Medications

4.1. Everyone is expected to use prescribed and over-the-counter medications responsibly and in accordance with the prescription. The misuse of prescribed medications (for example, using the medication not as it has been prescribed, using someone else's prescription medication, combining medication and alcohol use against direction) while engaged in Board duties or activities is prohibited.

4.2. Prescribed medications of particular concern include those that impair an employee's ability to perform their job safely and productively.

4.3. Employees are expected to investigate, through their doctor and/or pharmacist, whether a prescribed medication can impair their ability to perform their job safely and productively and take appropriate steps to minimize any such impairment.

4.4. Employees must report any potential impairments in order to minimize safety risks in the workplace.

5. Impaired Driving Charges

5.1. Employees who operate a motor vehicle, in the course of their duties or who are required to maintain a valid driver's license to perform their duties must be report, immediately to management, any suspension of their driver's license, temporary or otherwise.

5.2. In addition, employees must inform their supervisor immediately if they have been charged with an impaired driving offense when operating a vehicle on behalf of the Employer. Impaired driving would include but not be restricted to exceeding the legal blood alcohol concentration in that jurisdiction, driving while impaired, or refusal to blow into a breath analyzer. Receipt of a charge will result in a full investigation and appropriate outcomes.

5.3. Similarly, employees who are charged with an impaired driving offense while operating a motor vehicle while off duty, must also inform their supervisor of the charges. Receipt of such a charge will also result in an investigation and appropriate outcomes

5.4. An employee whose driver's license is suspended, temporarily or otherwise, will be reviewed to determine the appropriate outcomes which may include leave of absence without pay, reassignment, or disciplinary outcomes.

6. Investigation Procedures

6.1. When it is determined that a staff member, contractor or volunteer on board property or at a school sanctioned function is in possession of alcohol or illicit drugs, the principal/manager will:

- Confirm that the person is in possession of alcohol or illicit drugs;
- Document the situation, including any attempts to obtain the alcohol or illicit drug(s);

- Advise the employee that the police will be informed immediately for possession of drugs.

7. Conditions of Employment and Possible Disciplinary Action

7.1. In all situations, an investigation will be conducted to verify that a violation of this Procedure has occurred before disciplinary action is taken. Therefore, management has the authority and discretion to place an employee on leave, with or without pay, who is believed to be involved in an incident that could lead to disciplinary action pending the results of the investigation. The appropriate discipline will depend on the nature of the Procedure violation and the circumstances surrounding the situation.

7.2. Employees who violate this Procedure may be required to enter into an agreement governing their continued employment which may require any or all of the following actions, or any other condition appropriate to the situation:

- Temporary removal from their position;
- Assessment by a trained professional to determine the need for a structured treatment program;
- Adherence to any recommended treatment, monitoring, and aftercare program;
- Maintenance of sobriety and satisfactory performance on return to work;
- No further violations of the policy.

7.3. Notwithstanding the aforementioned, an employee may be terminated for cause, based on the specific circumstances of the case.

7.4. Where appropriate, employees shall be advised of the support available through the Employee Assistance Program (EAP) as well as other resources and sources of

assistance.

8. Tobacco, Cannabis and Vaping

8.1. In accordance with Administrative Procedure 164 Smoke-Free Environments, the Board prohibits employees from using tobacco or cannabis and from vaping any substance in the locations identified in 8.2. For the purposes of this Procedure, vaping means inhaling or exhaling vapour from an electronic cigarette or holding an activated electronic cigarette, including a vape pen or other vaping device, whether or not the vapour contains nicotine. This includes vaping nicotine, cannabis, flavoured liquids or other substances.

8.2. These prohibitions apply in all Board-owned or leased buildings, on all Board-owned or leased property, including school grounds, and in all Board-owned or leased vehicles. Smoking and vaping are also prohibited in public areas within 20 metres of any point on the perimeter of school grounds, in accordance with the Smoke-Free Ontario Act, 2017 and its regulations.

8.3. Employees who use tobacco, cannabis or vaping products must adhere to applicable laws and regulations. The prohibition on vaping applies whether or not the substance contains nicotine and whether or not signs of impairment are present. The fitness-for-duty requirements in this Procedure continue to apply to substances consumed through vaping.

8.4. Suspected violations of this section must be reported to the employee's supervisor or another member of management. The Board will investigate alleged violations in consultation with Human Resources, in accordance with 1.4 and 7.1, and may take appropriate action under Section 7. A vaping incident does not, by itself, establish possession of illicit drugs; Section 6 applies where its stated conditions are met.

Legal References:

Education Act S. 264 Duties of Teacher: Precept and Example; S. 265 Duties of Principal: Care of Pupils; S. 286
Duties of Supervisory Officers: Responsibility to Board
Guideline—Ontario Schools Code of Conduct: Alcohol and Drugs
Administrative Procedure 164 – Smoke Free Vape Free Environments
Criminal Code of Canada
Tobacco Control Act