

# IMPAIRING SUBSTANCES IN THE WORKPLACE

## Background

The District 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.

All employees are expected to perform their work safely, competently, and efficiently, without limitation from the use or after-effects of impairing substances.

This Administrative Procedure is designed to prevent and address impairing substance use at work.

District employees are in positions of trust. This Administrative Procedure establishes expectations for behaviour in relation to the use of impairing substances that could impact an employee's ability to perform their work duties safely, competently, and efficiently, consistent with their position of trust. This includes the District's requirements regarding employee:

- fitness for duty
- use of impairing substance(s), and
- disclosure of impairing substance(s) use.

It is the intent of the Administrative Procedure that the dignity and privacy of individuals are respected. Treatment, accommodation, and the successful recovery of employees who have a substance use disorder are prioritized in the Administrative Procedure.

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

Administrative procedures with respect to student use of impairing substances are set out in Administrative Procedure 350 - Code of Conduct.

Non-compliance with this Administrative Procedure may result in appropriate disciplinary measures, up to and including dismissal.

## Definitions

Fit for Duty - 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.

Impairing Substance(s) - 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.

Work - any task performed for or on behalf of the District or where the employee is seen as acting as a representative of the District, including (but not limited to) student field trips or when an employee has contact with students.

Workplace - school property (including within a prescribed distance), any location, vehicle, or equipment owned, leased, licensed, operated, or otherwise controlled by the 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 in the vicinity of students, is responsible for the supervision of students, or could be seen as acting as a representative of the District, and where an employee telecommutes or works from home.

## **Procedures**

### **1. Application**

- 1.1. Subject only to an exception required by human rights law, the District does not permit the use of impairing substances at work or in the workplace.
- 1.2. The District does not permit the possession, use, distribution, or sale of illicit drugs, at work or in the workplace.
- 1.3. 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.
- 1.4. The 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.
- 1.5. The District complies with all applicable health and safety, human rights, and privacy legislation.
- 1.6. Education on the risks of impairing substance use and abuse and the influence that such use and abuse has on job performance and health and safety will be made available to all employees.

### **2. Responsibilities**

- 2.1. Employees must:
  - 2.1.1. Be fit for duty at work or in the workplace.
  - 2.1.2. Ensure that their ability to perform their job duties is not negatively affected by the use or after-effects of impairing substances.
  - 2.1.3. Consult with their physician and/or pharmacist to determine if the use of any impairing substance may affect their fitness for duty or the safety of any person at work or in the workplace.
  - 2.1.4. Advise their supervisor or manager if they are taking or have taken an impairing substance that may negatively impact their fitness for duty or the safety of any person at work or in the workplace. If this is the case, the employer's process of the duty to accommodate will ensue.

- 2.1.5. Advise their supervisor or manager in a confidential manner if they reasonably believe that another employee is not fit for work.
- 2.1.6. If an employee is working on-call, they must remain fit for duty or decline the call-in for work.
- 2.2. Employees 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.
- 2.3. Managers and Supervisors will:
  - 2.3.1. Communicate with employees about the need to maintain a workplace free from impairing substance use, including answering questions about this Administrative Procedure.
  - 2.3.2. With the assistance of identified District staff/Human Resources, proactively identify and manage performance issues related to impairing substance use or substance use disorder.
  - 2.3.3. Foster a workplace culture that encourages employees to self-disclose any conditions or concerns, including impairing substance use or substance use disorder that might impair their job performance or compromise workplace health and safety.
  - 2.3.4. Record relevant information about any incident of suspected impairment and report it immediately to the Director of Instruction/Human Resources.
  - 2.3.5. Address any situation, including prohibiting operation of a motor vehicle, where an employee is reasonably suspected of being not fit for duty.
- 2.4. Employees and their dependents may seek free and confidential assistance from the Employee and Family Assistance Program (EFAP) (information available in the District portal under Human Resources). All voluntary referrals to the EFAP are confidential.
- 2.5. Employees are also encouraged to seek assistance from their immediate supervisor, identified District staff/Human Resources, the BCTF Health and Wellness Program (teachers) or the Joint Early Intervention Services program (support staff).

Reference: Sections 15, 17, 20, 22, 65, 85 School Act  
 Occupational Health and Safety Regulation  
 Workers Compensation Act  
 Cannabis Control and Licensing Act  
 Controlled Drugs and Substances Act  
 Tobacco and Vapour Products Control Act  
 Human Rights Code  
 Cannabis Act  
 Criminal Code of Canada,

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