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## **POLICY GBKB – Employee Inappropriate Substance Use**

**As a publicly funded elected body responsible for the education of students and children, the Board of Trustees of Peace Wapiti Public School Division (referred to from time to time as PWPSD, or the Board, or the Division) must be responsible to its constituents, the students and children it serves and their parents, and the public at large, all in accordance with the legislated requirements under which the Board operates.**

### **PURPOSE**

A primary legislated requirement of the Board is to ensure it provides each student a safe and caring environment that fosters respectful responsible behaviours. Permitting any degree of diminishment of that obligation due to actions on the part of employees or others doing work for the Board during work hours is unacceptable and is a fundamental breach of an employee's duty to the Board and will be dealt with according to this policy. Further, as a publicly funded employer, the Board must ensure that the actions of its employees and others doing work for it do not adversely affect the reputation or image of the Board.

As a result of the foregoing, the Board requires the same degree of accountability of every employee regardless of the nature of the employee's work.

The Board expects that employees take reasonable care to protect their own health and safety and requires that employees take reasonable care while at work to protect the health and safety of other individuals.

PWPSD has adopted a zero-tolerance position for breach of this policy, subject only to any legal duty PWPSD may have to accommodate an employee. As a result, progressive discipline will not apply.

A non-employee doing work for PWPSD at any premises owned or controlled by PWPSD who is in breach of this policy shall be ordered to stop work immediately and shall be immediately removed from the premises and the work arrangement with PWPSD shall be terminated immediately.

PWPSD provides an Employee Assistance Program for its employees. It is the responsibility of employees to determine if they have a need to utilize these benefits. PWPSD does not, in keeping with its zero tolerance position, intend to take the role of "parents patriate"\*\*\*<sup>1</sup> and relieve the employee from responsibility. If an employee believes, or should believe, or has grounds to suspect he or she has a condition or circumstance addressed by any aspect of this policy it is up to the employee to correct that problem.

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<sup>1</sup> \*\*\* founded on necessity, namely the need to act for the protection of those who cannot care for themselves. The courts have frequently stated that it is to be exercised in the *best interest* of the protected person, or again, for his or her *benefit* or *welfare*

As set out below an explanation that an employee has not taken necessary steps to comply with this policy because due to an addiction, he or she did not know he or she had an addiction, will not be accepted.

### **Primacy**

This policy takes priority over any other administrative procedure or policy dealing with the discipline or termination of employees.

### **Exceptions**

This policy does not apply to individuals with a medical marijuana license. Individuals with a medical marijuana license should refer to *policy TBA*.

This policy does not apply when the employee drinks alcohol at approved Division social functions (see guidelines & procedures 1. e) below). If the employee chooses to consume alcohol at such functions, the employee may do so only in a responsible manner, and assumes full liability for any actions/conduct arising from the consumption of alcohol.

### **DEFINITIONS**

See Exhibit 1 – Definitions

### **Term**

The definitions apply whether the term used is capitalized or not in this policy.

### **GUIDELINES & PROCEDURES**

1. Employee Requirements:
  - a) PWPSD prohibits the possession, consumption or being under the influence of alcohol, cannabis and its derivatives (hereinafter referred to as cannabis), or Illegal drugs on its premises, or while on duty for PWPSD;
    - i) Any PWPSD employees receiving a gift of alcohol should deal with the gift in a discreet manner and must remove it from PWPSD premises at first reasonable opportunity;
  - b) any employee starting a shift or continuing a shift with the smell of liquor on his or her breath or smelling of cannabis will be subject to dismissal;
  - c) no employee shall consume alcohol or illegal drugs, or cannabis eight hours prior to commencement of work, except in the case of drivers operating under the National Safety Code for whom the period shall be twelve (12) hours
  - d) no employee or non-employee doing work of any kind at any premises, shall have any level of tetrahydrocannabinol (THC) beyond the [United States Department of Transportation](#) (DOT) cut off levels in their body during work hours, regardless of whether the employee is impaired or not;
  - e) an employee or non-employee may use alcohol on Division premises or at a Division event only in compliance with this policy and Policy JG - Non Curricular Use of School Facilities;
  - f) the policy does not mean or imply that an employee may not be terminated for off-duty conduct in appropriate circumstances.

2. Application of policy:
  - a) an employee that is in contravention of this policy is subject to termination at management's discretion;
    - i) the employee's manager/supervisor must bring the matter to the attention of Director of Human Resources (HR);
    - ii) HR will investigate, using a committee of three (HR, Superintendent and manager/supervisor) to determine outcome.
3. Reporting:
  - a) each employee who believes that he or she may contravene due to an addiction shall self-report that belief to his or her supervisor immediately. The Division shall not discipline the employee for the fact alone that the employee advised the Division that he or she uses a substance that can cause impairment. An excuse that an employee has not self-reported because he or she did not know he or she had an addiction or was in a state of denial regarding their addiction will not be accepted;
  - b) each employee who believes, on reasonable grounds, that an employee or non-employee may contravene or has contravened this policy shall report that belief to his or her supervisor immediately. Reasonable grounds includes an employee or non-employee smelling of alcohol or drugs;
  - c) if, outside of regularly scheduled hours, an employee is under the influence of alcohol or illegal drugs and is contacted by the Division to perform unscheduled services, employees must decline the work request.
4. Investigation:
  - a) Supervisors are responsible for identifying situations where an investigation is justified based on a combination of indicators which could include behavior, odor, or presence of alcohol, illegal drugs or related paraphernalia. If an employee's supervisor believes, on reasonable grounds, the employee is or was impaired while working on Division premises, or at a Division event, then the employee's supervisor shall take the following action:
    - i) communicate that belief to the employee, in as private a setting as circumstances reasonably permit, and advise the Director of Human Resources or delegate. If the employee is impaired, in the opinion of the Supervisor, subject to any requirement, that the employee remain at the work site for the limited purpose of testing;
    - ii) order the employee to stop working and subject to any requirement that the employee remain at the work site for the limited purpose of testing, leave the premises or the Division event immediately;
    - iii) if the employee, is a teacher, the employee may be suspended as per the *Education Act*;
    - iv) as far as it is reasonably practicable to do so, offer to arrange non-Division transportation (e.g., a cab), at the employee's expense, from the premises. If the employee refuses to access safe transportation, contact the RCMP.
  - b) If it is believed, on reasonable grounds, that there may be a legal duty to accommodate an employee, encourage the employee to access ASEBP Employee and Family Assistance Program.
  - c) The Director of Human Resources or delegate:

- i) shall make reasonable inquiries to determine if it appears there may be a legal duty to accommodate the employee;
  - ii) may make reasonable substance tests and medical exam inquiries in accordance with sections 6 or 7 to determine if the employee is or was under the influence of alcohol or illegal drugs;
  - iii) shall, in the absence of any apparent legal duty to accommodate the employee, recommend to the Superintendent the termination of the employee.
- 5. Substance tests and medical exams:
  - a) if the Director of Human Resources or delegate believes, on reasonable grounds, that an employee is or was under the influence of alcohol or illegal drugs while working, on Division premises then he or she may, at the Division's expense, demand the employee to undergo a substance test for the purpose of determining whether the employee is or was under the influence of alcohol, cannabis, or illegal drugs;
  - b) in addition to 5. a), if the Director of Human Resources or delegate believes it is desirable to do so, then he or she may, at the Division's expense, require the employee to undergo a medical examination in compliance with the *Education Act* section 226;
  - c) in addition to 5. a), if the Director of Human Resources or delegate believes, on reasonable grounds, that an employee is or was impaired not while working but while on Division premises or at a Division event, then he or she may, at the Division's expense, request the employee to undergo a substance test for the purpose of determining whether the employee is or was impaired.
- 6. Substance Use Disorder Education:
  - a) the Division may require employees to attend educational sessions about substance use and abuse;
  - b) subject to the other provisions of this policy, the Division shall encourage employees who have a substance use disorder to access the Division's Employee and Family Assistance Program through ASEBP;
  - c) subject to 6.d), the Division shall not discipline an employee for the fact alone that the employee advised the Division that he or she has a substance use disorder;
  - d) article 6. c) does not apply if an employee advises the Division that he or she has a substance use disorder only after an unacceptable incident occurred while the employee was working, on Division premises, or at a Division event, and the Director of Human Resources or delegate believes, on reasonable grounds, that the employee caused or contributed to the serious incident because the employee was impaired.
- 7. Personal Information:
  - a) The Division shall collect and use an employee's personal information only if that information relates directly to and is necessary for the Division's operating programs and activities, including the administration of this policy.

## **REFERENCES**

### **Cross References:**

[Exhibit 1 – Definitions](#)

Policy JG – Non-Curricular Use of School Facilities

Policy IFCI – Drug and Alcohol Use by Students

Policy GGG – Personnel Policy

Policy HGCG – Off Site Activities

Policy IGD – Student Suspension / Expulsion

Policy IHCD –Administration of Medical Assistance to Students

### **Legal References:**

*Freedom of Information and Protection of Privacy Act*, , section 33, 39

*Occupational Health and Safety Act*, section 2(1).

[Education Act](#) Section 33, 213, 226

DOT: [https://www.transportation.gov/odapc/part40/40\\_87](https://www.transportation.gov/odapc/part40/40_87)

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