

Administrative Procedures Manual	Administrative Procedure 414
	Employee Substance Abuse in the Workplace
Page 1 of 6	APPROVED: AMENDED/REVIEWED: October 5, 2017, January 2019, September 2019, August 2022
LEGAL REFERENCE:	Section 11, 33, 52, 53, 196, 197, 222 Education Act Alberta Human Rights Act Employment Standards Code

Background

The Division recognizes that cannabis, drug or alcohol use by an employee may imperil the health and well-being of that employee and other of its employees and its students. Therefore, the Division will act to eliminate the use of cannabis, drugs or alcohol in the workplace and the potential adverse effects of use prior to work hours.

Employees have the right to work in an alcohol- free, cannabis-free and drug-free environment, and to work with persons free from the effects of alcohol, cannabis and other drugs. Employees who are addicted to or abuse alcohol, cannabis and/or drugs are a potential danger to themselves, other employees and students.

Employees who use, or are addicted to any substance, engage in abuse tend to be less productive, less reliable, and are prone to absenteeism, accidents and incidents endangering themselves and others as a result of impaired judgment and delayed reaction time.

Employees who use or are addicted to or engage in the abuse of any substance compromise the reputation of the Division, which may undermine parent and community confidence. Employees are role models for students and fellow employees.

The Division is committed to promoting a safe and healthy workplace free from the abuse of alcohol, cannabis and other drugs.

Definitions

Abuse means any use of Alcohol, Cannabis, Drugs, Controlled Substance, or any combination thereof, that causes or may be likely to cause a physical or psychological problem if: (i) taken in large quantities or doses; (ii) if taken regularly for a long period of time; or (iii) if taken without following prescribed medical instructions, or any combination of the foregoing.

Addiction a primary, chronic disease characterized by impaired control over the use of a substance and/or behaviour. It recognizes the manifestations that occur along biological, psychological, sociological and spiritual dimensions and in the description of the condition's common features, it recognizes (among others) the user's pre-occupation with the use of substance, or the exhibiting of ritualistic behaviour(s), as well as the continued use of the substance(s) and/or engagement in behaviour(s), despite adverse physical, psychological and/or social consequences.

Alcohol means ethyl alcohol or ethanol.

Administrative Procedures Manual	Administrative Procedure 414
	Employee Substance Abuse in the Workplace
Page 2 of 6	APPROVED: AMENDED/REVIEWED: October 5, 2017, January 2019, September 2019, August 2022
LEGAL REFERENCE:	Section 11, 33, 52, 53, 196, 197, 222 Education Act Alberta Human Rights Act Employment Standards Code

Cannabis means product containing the active component THC which can lead to impairment. The term recreational is also utilized in these cases.

Controlled substances mean substances controlled in Canada by the Controlled Drugs and Substances Act, as listed in Schedules I, II, II, IV or V of the Act.

Drugs means any substance, including controlled substances, taken into the body, other than alcohol, which may deleteriously affect one's mental function and/or physical performance.

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

Prescription medications means drugs used to treat a wide variety of illnesses which can be obtained only from a pharmacist with a prescription issued by a medical doctor or Pharmacist.

Under the Influence is when alcohol, cannabis or drugs, or any combination thereof, has been consumed and there is an observed adverse effect on behaviour and/or ability to perform job functions.

Procedures

1. Suggested Procedures to Assist Employees with Substance Abuse Problems

- 1.1 The Division strongly encourages employees to voluntarily and confidentially seek treatment for addiction or the use of alcohol, cannabis or drugs when use of same falls within the definition of abuse.
- 1.2 The Division has an Employee and Family Assistance Program (E.F.A.P.), which is designed to help employees with a variety of personal problems, including addiction, alcohol, cannabis or drug abuse. Alternatively, or in addition, a physician or other health care professional may be consulted for treatment, the cost of which may be covered in whole or in part by any available health spending account to which the employee may have access.
- 1.3 The Division offers leaves of absences from work to employees for various reasons. Leaves may be available to those needing time off for treatment of addiction or abuse.
- 1.4 If an employee reasonably believes that a colleague, might benefit from the E.F.A.P. the employee may in a non-judgmental manner, encourage the colleague to seek assistance through the E.F.A.P.
- 1.5 Awareness training on recognizing alcohol, cannabis and drug abuse and on the safety risks associated with such use/abuse will be provided to supervisors and to

Administrative Procedures Manual	Administrative Procedure 414
	Employee Substance Abuse in the Workplace
Page 3 of 6	APPROVED: AMENDED/REVIEWED: October 5, 2017, January 2019, September 2019, August 2022
LEGAL REFERENCE:	Section 11, 33, 52, 53, 196, 197, 222 Education Act Alberta Human Rights Act Employment Standards Code

staff in higher- risk situations.

2. Duties and Obligations of Employees

- 2.1 Whenever a person observes what appears to be abnormal behaviour on the part of another employee and the observing employee suspects that the behaviour may be caused by the use of cannabis, drugs or alcohol, the person must report it as soon as possible to a supervisor or to the Director of Human Resources, and the person receiving the report must investigate the matter and must ensure that any necessary corrective action is taken without delay.
- 2.2 Where there is an imminent risk to the safety or well-being of students or staff due to the abnormal behavior of an employee, it is each employee's obligation to intervene to level of the intervening employee's skill, ability and training, to avert the risk and report the matter. This is based on the common law duty of care owed by employees to ensure the safety of students and staff in the care of the Division.

3. Directions

- 3.1 This Administrative Procedure is to be included in new staff orientation and reviewed annually with all staff by an immediate supervisor.
- 3.2 Any employee on Division business, on or off Division premises, is prohibited from purchasing, transferring, using, or possessing controlled substances. The use of alcohol, cannabis, drugs, and the abuse of prescription medications is also prohibited and will fall within the provisions of this Administrative Procedure.
- 3.3 Employees must report to work in a fit condition to perform their duties. Being "under the influence" is not acceptable and will be considered to be just cause for immediate termination subject only to the Board determining if it has a legal duty to accommodate the employee.
- 3.4 Where performance of an employee and/or the safety and well-being of students and staff is a concern, treatment may be mandated as a condition of continued employment.
- 3.5 Employees will not be terminated for voluntarily seeking assistance for addiction or abuse problem; however, continued performance, attendance, or behavioural problems related to addiction or abuse may result in loss of employment.
- 3.6 Employees convicted for off-the-job cannabis, drug or alcohol abuse or related illegal activities may be considered to be in violation of the Division's substance abuse procedures when these activities affect their performance of duties.
- 3.7 Employees taking prescribed medication prior to or during work hours are requested to notify a supervisor if there is a likelihood that such medication could affect job performance or safety. This information will be held by the supervisor, in strictest confidence.

Administrative Procedures Manual	Administrative Procedure 414
	Employee Substance Abuse in the Workplace
Page 4 of 6	APPROVED: AMENDED/REVIEWED: October 5, 2017, January 2019, September 2019, August 2022
LEGAL REFERENCE:	Section 11, 33, 52, 53, 196, 197, 222 Education Act Alberta Human Rights Act Employment Standards Code

4. Drug Testing

The decision to employ any type of drug testing will be made only after careful consideration in the following circumstances:

- 4.1 When pre-employment testing for applicants is deemed to be beneficial to the program, e.g. employees who may transport students or supervise students and staff in the use of potentially dangerous equipment and materials.
- 4.2 “Under the Influence” testing following accidents or observed abnormal behaviour.
 - 4.2.1 Disclosure covered by a signed Authorization for Release of Confidential Information (Form 409-2) under a formal referral to E.F.A.P.
- 4.3 “For Cause” testing may be recommended as part of an improvement program following a formal referral to E.F.A.P and an assessment as the result of a serious decline in an employee’s performance.
 - 4.3.1 Disclosure covered by a signed Authorization for Release of Confidential Information (Form 409-2) under a formal referral to E.F.A.P.
- 4.4 “Post Treatment” testing for employees following treatment for addiction or abuse where agreed on by the treating facility and E.F.A.P. personnel.

5. Refusal to Test

A refusal to test occurs when an employee fails to:

- 5.1 Appear at the testing site and participate in the testing process until it is complete.
- 5.2 Remain at the testing site until the testing process is complete.
- 5.3 Provide a urine specimen for any test required by the Division.
- 5.4 Provide a sufficient amount of urine when directed, if it has been determined through a medical evaluation that there is no adequate medical explanation for the failure.
- 5.5 Provide a saliva or breath specimen when required.
- 5.6 Provide a sufficient breath specimen when a physician has determined through a medical evaluation that there is no adequate medical explanation for the failure.
- 5.7 Cooperate with any part of the testing process (e.g. refuse to empty pockets when so directed by the collector or behave in a confrontational way that disrupts the collection process).

6. Accommodating Medical Marijuana in the Workplace

- 6.1 Duty to Accommodate

Administrative Procedures Manual	Administrative Procedure 414
	Employee Substance Abuse in the Workplace
Page 5 of 6	APPROVED: AMENDED/REVIEWED: October 5, 2017, January 2019, September 2019, August 2022
LEGAL REFERENCE:	Section 11, 33, 52, 53, 196, 197, 222 Education Act Alberta Human Rights Act Employment Standards Code

- 6.1.1 The duty to accommodate extends to disabled employees who use medical marijuana. The employee's rights under the Alberta Human Rights Act must be balanced with the employer's obligations under the Occupational Health and Safety Act.
- 6.2 Objectives
 - 6.2.1 Every reasonable precaution must be taken for the protection of the employee.
 - 6.2.2 The employee and the employer must facilitate the accommodation process.
 - 6.2.3 The safety of the workplace must be considered.
- 6.3 Employee Responsibilities
 - 6.3.1 Establish that they have a disability-related need to consume medical marijuana while at work and make this need known to the Director of Human Resources through a request for accommodation.
 - 6.3.2 Provide to the Director of Human Resources documentation which is medically substantiated for the use of medical marijuana during work hours including, but not limited to, a copy of the licensing documentation.
 - 6.3.3 Cooperate with the accommodation process by attending accommodation meetings and participating in the process to explore reasonable accommodations.
 - 6.3.4 Commit to review the accommodation plan with the Director of Human Resources on a regular basis.
 - 6.3.5 Disclose to the Director of Human Resources their use of medical marijuana where its use may give rise to impairment in the workplace.
 - 6.3.6 Be capable of performing their job without endangering other staff or students.
 - 6.3.7 Understand that the sharing, selling or distribution of cannabis in the workplace is prohibited.
- 6.4 Division Responsibilities
 - 6.4.1 Provide reasonable accommodations based on medical information.
 - 6.4.2 The Director of Human Resources will confirm the nature of the accommodations with the Principal or supervisor.
 - 6.4.3 The Principal/supervisor will discuss options with the employee around when and where the medical marijuana is stored and administered without interfering with the operation of the school or workplace. Subject to the

Administrative Procedures Manual	Administrative Procedure 414
	Employee Substance Abuse in the Workplace
Page 6 of 6	APPROVED: AMENDED/REVIEWED: October 5, 2017, January 2019, September 2019, August 2022
LEGAL REFERENCE:	Section 11, 33, 52, 53, 196, 197, 222 Education Act Alberta Human Rights Act Employment Standards Code

Tobacco and Smoking Reduction Act, cannabis may not be used in any form, including vaping on Division property.

- 6.4.4 Establish that no accommodation is possible based on workplace health and safety concerns or considerations that are rationally related to the school environment or that the employee is impaired from the use of medical marijuana and is not medically fit to perform their duties.
- 6.4.5 Treat all employee health information in a private and confidential manner.