

Administrative Procedure 408.1

SUBSTANCE (DRUG AND ALCOHOL) DEPENDENCE/IMPAIRMENT

Background

The Division is committed to the health and safety of its employees, volunteers, and members of the public. The Division has adopted this administrative procedure to communicate its expectations and guidelines surrounding substance use, misuse and abuse.

All individuals working at the Division (including volunteers and contractors) are expected to report fit for duty for scheduled work and be able to perform assigned duties safely and acceptably without any limitations due to use or after effects of alcohol, illicit drugs, non-prescription drugs, prescribed medications, or any other substance that may impair judgment or performance.

The Division has taken the position that the presence of illicit drugs, recreational drugs, and alcohol on Division property is not permitted.

Any individual failing to adhere to this administrative procedure will be subject to discipline up to and including dismissal.

Procedures

1. Guidelines

Employees under the influence of drugs or alcohol on the job can pose serious health and safety risks both to themselves and their fellow employees. To help ensure a safe and healthy workplace, the Division reserves the right to prohibit certain items and substances from Division premises.

2. Expectations

The following expectations apply to employees, administration, and supervisors, alike while conducting work on behalf of the Division, whether on or off Division property:

- Employees are expected to arrive to work fit for duty and able to perform their duties safely and to standard; employees must remain fit for duty for the duration of their shift;
- Distribution or sale of drugs or alcohol during work hours, including during paid and unpaid breaks, is strictly prohibited;
- Possession of non-prescribed drugs during working hours is strictly prohibited;
- Use and possession of medically prescribed drugs is permitted during working hours, subject to the terms and conditions of the Division's policies, administrative procedures, and all applicable legislation;
- Employees are prohibited from reporting to work while under the influence of non-prescribed drugs or alcohol; and

- Employees on prescription medication or medically approved substances must communicate to management any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment.

3. Roles and Responsibilities

3.1 The Division:

- Ensure this administrative procedure is communicated and accessible to all employees;
- Maintain a program of employee health and awareness;
- Provide a safe work environment; and
- Review and update this administrative procedure as required.

3.2 Human Resources will:

- Advise administrators/supervisors and employees regarding the administration of this procedure;
- Clearly communicate expectations surrounding alcohol and drug use, misuse and abuse;
- Advise both administrators/supervisors and the employee when an investigation has begun and recommend appropriate interim action;
- In conjunction with administrators/supervisors, investigate the incident and confirm the facts;
- Ensure that employees are given information on where they can access counseling and support, if requested;
- Present the results of the investigation and suggested resolution to administrators/supervisors and the affected parties; and
- Ensure the confidentiality of information.

3.3 Administrators/Supervisors will:

- Identify any situations that may cause concern regarding an employee's ability to safely perform their job functions;
- Pro-actively respond to any reported or suspected violations of this guideline in a consistent and fair manner;
- Notify Human Resources of any employees found to be in violation of this guideline;
- Immediately send any employee home by taxi who reports to work under the influence of alcohol or drugs and notify Human Resources;
- Document any incidents of substance abuse;
- In conjunction with Human Resources, investigate the violation and follow through with the appropriate discipline; and
- Maintain the confidentiality of the individuals concerned, except where disclosure is necessary for the purposes of investigating the situation or taking disciplinary measures in relation to the incident if discipline is being imposed.

3.4 Employees will:

- Take responsibility for their own safety and the safety of others by ensuring that they do not violate the work rules contained in this administrative procedure;
- Arrive to work fit for duty, and remain as such for the duration of shift;
- Perform work in a safe manner in accordance with Division established safe work practices;
- Avoid the consumption, possession, sale, or distribution of drugs or alcohol on Division property and during working hours (even if off Division property);
- When off duty, refuse a request to come into work if unfit for duty;
- Report limitations and required modifications as a result of prescription medication;
- Disclose any problems they are experiencing with an alcohol or drug dependency to their administrators/supervisors or Human Resources;
- Report unfit co-workers to administrators/supervisors;
- Seek advice and/or appropriate treatment, where required;
- Cooperate with the recommendations of any required professional assessments and provide medical information to Human Resources as necessary;
- Follow the after-care program, where established; and
- For Employee and Family Assistance Program (EAP) services, contact Homewood Health. These services are confidential and available 24 hours a day, seven days a week, and 365 days a year.

4. Suspicion of Impairment

The following administrative procedure will be enacted if there is reasonable belief that an employee is impaired at work:

- 4.1 If possible, the employee's administrator/supervisor will first seek another administrator/supervisor's opinion to confirm the employee's status.
- 4.2 Next, the administrator/supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations. If the employee exhibits unusual behaviour that may include, but not limited to:
 - Slurred speech;
 - Impairment of motor skills, and perception, altered bodily perceptions, loss of full control of bodily movements, falls;
 - Bloodshot or glazed eyes;
 - Dilated or constricted pupils;
 - Suspiciousness, nervousness, episodes of anxiety resembling a panic attack, paranoia (loss of contact with reality), hallucinations (seeing or hearing things that do not exist); and
 - Odour of alcohol.
- 4.3 If an employee is considered impaired and deemed "unfit for work" this decision is

made based on the best judgment of two administrators/supervisors and DOES NOT require a breathalyzer or blood test. The employee will be advised that the Division has arranged a taxi or shuttle service to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. The employee may be accompanied by an administrator/supervisor or another employee if necessary.

- 4.4 An impaired employee will not be allowed to drive. The employee should be advised if they choose to refuse the Division's arranged transportation and make the decision to drive their personal vehicle, the Division is obligated to and will contact the police to make them aware of the situation.
- 4.5 A meeting will be scheduled for the following work day to review the incident and determine a course of action which may include a monitored referral program as part of a treatment plan.

5. Substance Dependency

The Division understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability. Employees are not excused from their duties as a result of their dependencies. The Division promotes early diagnosis. Any employee who suspects that he/she might have an emerging drug or alcohol problem is expected to seek appropriate treatment promptly.

6. Voluntary Identification

Employees are encouraged to communicate if they have a dependency or have had a dependency so that their rights are protected and they can be accommodated appropriately. Employees will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort.

All medical information will be kept confidential by the Division, unless otherwise authorized by law.

7. Agreement for the Continuation of Employment

The Division reserves the right to invoke an Agreement for the Continuation of Employment in accordance with an employee's commitment to become, and remain alcohol and drug-free. The Agreement will outline the conditions governing the employee's return to the job and the consequences for failing to meet the conditions.

An Agreement for the Continuation of Employment may include a requirement for drug and alcohol testing.

8. Disciplinary Action

Employees will be subject to disciplinary action, up to and including termination of employment for failure to adhere to the provisions of this administrative procedure, including, but not limited to:

- Failure to meet prescribed safety standards as a result of impairment from alcohol and/or drugs; and
- Engaging in illegal activities (e.g. selling drugs and/or alcohol while on Division premises).

Reference: Section 33,52,53,204,222,226 Education Act
Alberta Human Rights Act
Child, Youth and Family Enhancement Act
Controlled Drugs and Substances Act
Criminal Code (Canada)
Criminal Records Act
Food and Drugs Act
Freedom of Information and Protection of Privacy Act
Homewood Health
Personal Information Protection Act
Teaching Profession Act