



# **Impairing Substances in the Workplace Toolkit**

October 2018



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## Introduction

Effective October 17, 2018, the federal [Cannabis Act](#) will make it legal for adults to purchase, possess and grow certain amounts of cannabis in Canada.

The BC government has enacted the [Cannabis Control and Licensing Act](#) (CCLA) and [Cannabis Distribution Act](#), which regulate how cannabis may be sold, distributed, and consumed in British Columbia once it is legalized. The legislation includes significant restrictions aimed at preventing access to cannabis by minors under age 19, including vicarious liability for boards of education and administrators for certain violations of the legislation:

- Cannabis cannot be consumed in or on school property or within a prescribed distance.
- A board of education, superintendent, and principal are deemed vicariously liable for violating the CCLA if a person consumes cannabis in or on school property, unless it/they can demonstrate having taken reasonable steps to prevent the violation.
- Cannabis cannot be smoked or vaped in a vehicle or anywhere where tobacco smoking and vaping are prohibited, including a workplace, playground or outdoor park, sports field, skate park, or other places where children commonly gather, near entry/exits, or at a bus stop.
- Cannabis cannot be sold, supplied, or allowed to be consumed by minors, in addition to a variety of other measures to prohibit and prevent access of cannabis to minors.

The legislation creates a number of provincial cannabis offences, which may result in a fine ranging from \$2,000 to \$100,000, imprisonment of three to 12 months, or both. These obligations will require school districts to review and update policies which apply to students in addition to staff policies.

There are no changes to legislation regarding the use of cannabis for medical reasons. Individuals who have authorization from a physician to use cannabis for medical reasons may continue to do so.

More information about the legislation and other provincial government resources are available [here](#).

Public school employers are unique employers, tasked with fostering a safe and effective learning environment for a vulnerable population. Public school administrators, teachers, and support staff act as role models for K-12 students in their formative years of development. This is reflected in the unique obligations set out in the CCLA for boards of education and administrators to take reasonable steps to prevent violations of the CCLA, including the consumption of cannabis in or on school property.

More broadly, the legalization of recreational cannabis in Canada has made employers consider how they manage, and communicate with employees about impairing substances in the workplace. All employers have the legal right and obligation to ensure that their employees are fit to work safely and productively.

## What is This Toolkit?

The *Impairing Substances in the Workplace Toolkit* is intended to support British Columbia public school employers to effectively manage impairing substances in the workplace, including cannabis, using the following resources:

### 1. Guide for Managing Impairment in the Workplace

- An overview of the laws public school employers need to know to manage impairing substances in the workplace, and develop and apply an impairing substances policy.
- A checklist summarizing the steps needed to make sure any impairing substances policy the district chooses to implement is legally defensible.
- Best practices on intervention for districts to consider when impairment is suspected.

### 2. Template: Impairing Substances Policy

- A template policy to communicate expectations to employees about what is acceptable/not acceptable regarding impairing substances in the workplace. Any policy applicable to students is outside the scope of this Toolkit.

These resources **do not** replace independent legal advice, and we strongly recommend that districts carefully review their local collective and employment agreements with legal counsel to ensure implementation of the resources in this toolkit are consistent with the district's legal obligations.

## Guide for Managing Impairment in the Workplace

### The Starting Point is Safety

The board of education, its supervisors and staff all have responsibilities to ensure the health and safety of the school workplace:

- Employers and supervisors cannot allow a person reported or observed to be impaired by alcohol, a drug, or other substance to be at work.<sup>1</sup>
- Employees must not be impaired by alcohol, drugs or other causes at work, and must inform their supervisor if they **or** someone else may be impaired at work.<sup>2</sup>
- The board of education, superintendents, and principals must exercise due diligence and take reasonable steps to prevent the consumption of cannabis on or in school property<sup>3</sup>, including having clear policies prohibiting consumption on or in school property, which are

<sup>1</sup> Occupational Health and Safety Regulation, s. 4.19(2) s. 4.20

<sup>2</sup> Occupational Health and Safety Regulation, s. 4.19(1), s. 4.20(1) and (3); Workers Compensation Act, s. 116

<sup>3</sup> Sections 61 and 68(1), CCLA

effectively communicated to staff and students (e.g., through bulletins, training, and signage) and consistently enforced.

Boards of education expect their employees to model professional and appropriate behaviour toward students and in the community. Teachers,<sup>4</sup> administrators, education assistants, bus drivers,<sup>5</sup> and other support staff<sup>6</sup> work closely and independently with students, and must conduct themselves in a way consistent with their unique positions of trust.<sup>7</sup> Arbitrator Goodfellow put it this way in *Re Ottawa-Carleton District School Board and O.S.S.T.F., District 25* (Cobb), (2006) 154 L.A.C. (4th) 387 (at p. 394):

*Parents must know when they drop their children off in the morning and entrust them to the school for seven or eight hours a day five days a week that they will be safe, secure and in the care of people that they can count on.*

The template policy included in this toolkit is offered to districts as part of ensuring employee and student safety through communication of expectations around impairing substances in the workplace.

## Off-duty Consumption

School districts may need to address off-duty consumption of an impairing substance when it has an impact on the work environment. Off-duty consumption that impairs the employee's ability to work is an obvious example. Impairing substances used recreationally off duty may have a variety of effects on the body, including physical and/or mental impairment. Impairment may extend for some period beyond the immediate moment of consumption and will depend on the type of drug, dosage, amount, and timing of consumption, any other food or substance consumed by the individual, their individual characteristics, and the nature of their job and workplace.

Off-duty conduct may also have an impact on the workplace if it negatively affects the school district's reputation, such as a bus driver being charged with impaired driving<sup>8</sup> or a teacher intervening at a local bar when an under-age student was asked for ID,<sup>9</sup> or negatively impacts students such as students viewing a school district employee's social media posts about impairing substance use.

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<sup>4</sup> *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*;

<sup>5</sup> *The Board of Education of School District No. 48 (Sea to Sky) v. C.U.P.E., Local 779*, 2012 CanLII 58063 (Kinzie) at pp. 17-18

<sup>6</sup> *Toronto District School Board* (2009), 181 L.A.C. (4<sup>th</sup>) 49 (Luborsky) at para. 61; *Ottawa-Carleton District School Board* (2006), 154 L.A.C. (4<sup>th</sup>) 387 at paras. 16-18

<sup>7</sup> *School District No. 30 and C.U.P.E., Loc. 733*, unreported, March 4, 1980 (Hope) at p. 25, cited in *Rocky Mountain School District No. 6 v. C.U.P.E., Local 440* (2002), 114 L.A.C. (4th) 298 (Jackson), at para. 81

<sup>8</sup> *Board of School Trustees of School District No. 6 (Rocky Mountain) v. C.U.P.E. No. 440* (2002), 114 L.A.C. (4th) 298 (Jackson)

<sup>9</sup> *Board of School Trustees of School District No. 20 (Kootenay-Columbia)*, unreported, March 31st, 2003 (Morley)

## Implementing an Impairing Substances Policy

The board of education's right to implement an impairing substances policy must always be exercised fairly and reasonably. To be legally defensible, labour arbitrators have established that the policy must be:<sup>10</sup>

- a. consistent with the collective agreement
- b. reasonable
- c. clear and unequivocal
- d. communicated to employees, including that a breach may result in discipline — employees should be provided with a copy of the policy and, ideally, their acknowledgement of the policy should be recorded
- e. consistently enforced — it is essential that the school district train all supervisors and administrators on how to exercise their responsibilities under the policy. Training can be incorporated into existing district training for supervisors on how to support and communicate with employees about health, wellness and workplace performance.

## Balancing Employees' Rights

How school districts manage the use of impairing substances by employees must be balanced against employees' rights — not only under the collective agreement but also their human rights and privacy rights.

### ***Human Rights Code***

The *Human Rights Code*<sup>11</sup> protects employees from discrimination in employment on the basis of mental or physical disability or perceived disability. Addiction to drugs or alcohol is a recognized disability protected by human rights law.<sup>12</sup>

Districts should consider the following questions when seeking to address the conduct of an employee who is impaired at work or otherwise breached a district policy, and that breach may relate to a disability:

#### **1. Is there a disability?**

If an employee's breach of policy is not related to a substance use disorder, but rather to recreational or casual use, then human rights considerations do not apply. However, even if an employee has not disclosed a disability, employers may have a duty to inquire into whether an employee has a disability if there is reasonable basis to conclude that an employee's conduct could be the result of an addiction.

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<sup>10</sup> *KVP Co.* (1965), 16 L.A.C. 73 (Robinson)

<sup>11</sup> R.S.B.C. 1996, c. 210

<sup>12</sup> *Handfield v. Board of School Trustees, School District No. 26 (North Thompson)*, 1995 CarswellBC 3081

Where an employee does have a substance use disorder, there may remain a question as to whether that substance use disorder caused the misconduct at issue (i.e., the “hybrid analysis”). The mere existence of a disability does not preclude a district from considering discipline. For example, in *Stewart v. Elk Valley Coal Corp.*,<sup>13</sup> an addicted employee in a safety sensitive position breached a mandatory disclosure policy by failing to proactively disclose his addiction to cocaine. His employment was terminated after he tested positive for cocaine after a workplace accident. The termination was found not to be discriminatory because there was no evidence that the employee’s addiction prevented him from proactively disclosing his disability as required under the employer’s policy.

## 2. Has the district met its duty to accommodate?

If an employee’s impairment or breach of the policy is caused by his/her disability then the district must demonstrate that its policy is a bona fide occupational requirement (BFOR) and that the district has attempted to accommodate the disability to the point of undue hardship. A BFOR<sup>14</sup> is:

- a. A rule or standard adopted for a purpose rationally connected to the performance of the job
- b. The rule or standard is adopted in an honest and good faith belief that it is necessary to fulfil the work-related purpose
- c. The rule or standard is reasonably necessary to accomplish the work-related purpose and cannot be accommodated without incurring undue hardship.

Undue hardship is a high but imprecise standard, considering financial costs, disruption to the collective agreement, interchangeability and morale of the workforce, and safety risks to employees or others in the workplace.<sup>15</sup> For example, arbitrators have concluded that it can be an undue hardship to accommodate use of an impairing substance like cannabis by an employee in a safety-sensitive position without sufficient evidence that the employee is not impaired in their ability to work safely.<sup>16</sup> In the context of a safety-sensitive position, accommodation typically includes a leave of absence and support to permit the employee to undergo treatment or a rehabilitation program. Additional supports may be available under the collective agreement and other district or union programs.

Districts will necessarily engage their existing disability management, and attendance support and wellness processes, to support employees who may have disabilities in the workplace. The search for an accommodation requires the active cooperation of the employee seeking to be accommodated and, if applicable, their union.<sup>17</sup> The employee and the union, if applicable, will

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<sup>13</sup> 2017 SCC 30

<sup>14</sup> *British Columbia (Public Service Employee Relations Commission)*, [1999] 3 S.C.R. 3 (“Meiorin”)

<sup>15</sup> *Syndicat des Employées de Techniques Professionnelles et de Bureau d’Hydro-Québec, Section Locale 2000 v. Hydro-Québec* (2008), 174 L.A.C. (4<sup>th</sup>) 1 (S.C.C.)

<sup>16</sup> *French v. Selkin Logging*, 2015 BCHRT 101; *Aitchison v. L&L Painting and Decorating Ltd.*, 2018 HRTO 238; *International Brotherhood of Electrical Workers, Local 1620 v. Lower Churchill Transmission Construction Employers Association Inc.* (2018), 136 C.L.A.S. 26 (Roil)

<sup>17</sup> *Central Okanagan School District No. 23 v. Renaud*, [1992] 2 S.C.R. 970, at para. 43

need to participate in the accommodation process by providing relevant information.<sup>18</sup> The union may also need to agree to modify collective agreement provisions which may otherwise impede an accommodation.

## Prescription Treatments

Employees may also legally be prescribed cannabis or other impairing substances as treatments for a disability. A prescribed treatment may or may not cause impairment, depending on the nature of the job and workplace, the type of drug, dosage, amount, and timing of consumption, any other food or substance consumed by the individual and their individual characteristics. In accordance with privacy and arbitral law, school districts should request information necessary to determine if an employee's prescribed use of an impairing substance impairs their ability to work safely and productively. Employees have a positive duty to be fit for work and, in accordance with the template Impairing Substance Policy included in this Toolkit, must inform the district if there is some impairment associated with the use. If there is such impairment, the district will need to consider if it is possible to accommodate the employee, such as through a change in shift hours, position, or duties.

## Privacy Rights

School districts will need to consider employees' privacy rights when managing impairment in the workplace, including requesting medical information from employees. School districts are subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA),<sup>19</sup> which requires a board of education to have a legal authority to collect, use, and disclose personal information. A board of education must only collect information that is *directly related to* **and** *is necessary* for managing or terminating the employment relationship.<sup>20</sup> If an employee's recreational or medical use of an impairing substance impacts their fitness to work, that information may be reasonably required to be disclosed by an employee.

FIPPA also obliges boards of education to collect personal information directly from an individual, with some exceptions for the employment relationship,<sup>21</sup> use that information only for the purpose for which it was collected or a consistent purpose,<sup>22</sup> make every reasonable effort to ensure personal information used to make decisions about individuals is accurate,<sup>23</sup> and protect personal information through reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.<sup>24</sup>

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<sup>18</sup> *Dennis v. British Columbia* (No. 3), 2003 BCHRT 168, para. 27

<sup>19</sup> R.S.B.C. 1996, c. 165

<sup>20</sup> Section 26, FIPPA

<sup>21</sup> Section 27, FIPPA

<sup>22</sup> Section 30.4, FIPPA

<sup>23</sup> Section 28, FIPPA

<sup>24</sup> Section 30, FIPPA

## Drug Testing

Drug and alcohol testing by employers is legally permissible in very limited circumstances in Canada. Because of the direct impact of testing on an employee's privacy and human rights, Canadian courts and arbitrators have found drug and alcohol testing is justified only if there is a clear policy communicated to the employee, the employee works in a safety sensitive position, and there is either reasonable cause to suspect impairment, there is a workplace incident of which impairment is a potential cause, or as part of an agreed return to work/rehabilitation plan. If a district wishes to implement a drug and alcohol testing policy, it is strongly advised to consult legal counsel.

## Managing Impairment in the Workplace: Checklist

If a school district elects to implement an impairing substance policy, it should ensure that **before implementation**, it has met the key steps below to ensure the policy is legally defensible:

- District has developed a template impairing substance policy consistent with its disability management, attendance support and wellness practices.
- District has reviewed the policy with legal counsel to ensure compliance with collective agreements and other policies.
- District has provided a copy of the policy to all existing employees and included as part of the orientation package with all new employees, and records employee acknowledgement of receiving the policy.
- District has provided training with employees and local union/employee associations about the policy, including its purpose.
- District has communicated to employees about the risks of impairing substance use and abuse, the effects that such use and abuse has on job performance, health and safety, and resources available to support employees (including substance use disorders).
- District has trained supervisors and managers about how to recognize potential signs of impairment, their responsibilities under the policy and human rights (including the need for individualized assessment and accommodation), occupational health and safety, and privacy laws.<sup>25</sup> Training may take a variety of forms and may be readily incorporated into existing district training for supervisors on effectively supporting, and communicating with, employees on health and safety, attendance support, wellness, disability management, and/or performance.

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<sup>25</sup> Optional but recommended training may also include the impact of cannabis on the developing brain, appropriate social media use, and the impact of school personnel as role models for students.

## Best Practices: When to Intervene

Supervisors are responsible for identifying and addressing, in consultation with identified school district staff and/or human resources (and/or BCPSEA), any situation where there is a concern about an employee's ability to perform their job safely and productively due to an impairing substance.

Supervisors are not impairment detection experts. Supervisors are managers who know their employees as individuals and can identify behaviours or other physical signs that may be consistent with impairment. The following best practices are offered for districts' consideration and may need to be adapted to fit with districts' existing disability management, and attendance support and wellness programs and practices.

### 1. When should I intervene?

Every situation must be assessed objectively and the right approach will depend on all the facts. Supervisors should intervene when:

- you hear a report or information that an employee may be impaired or consuming an impairing substance at work
- you observe use or evidence of use of an impairing substance
- you observe an employee with erratic or unusual behaviour or changes in the employee's behaviour or appearance, which may indicate impairment.

### 2. What are the signs of potential impairment?

You are not required to be an impairment expert or to diagnose an employee. Some of the signs of impairment or substance use that will prompt you to intervene are:

- physical signs: odours, changes in appearance (red or watery eyes, unkempt appearance), paraphernalia in or around the employee or their worksite (e.g., empty bottles, edibles, joints, etc.)
- behavioural changes: slurred speech, unsteadiness, irritability, unexplained lateness or leaving early, yelling or inappropriate emotional responses, erratic or unusual behaviours
- performance changes: difficulty communicating or concentrating, changes in quality of work or inability to complete work, increase in accidents or near-misses
- admission or observation of impairing substance use — including before work or during work hours (e.g., lunch).

**3. Example Scenario: An Education Assistant who reports to you has been showing a decline in their attendance and performance over the course of several months and appears to be unusually dishevelled when they reported to work this morning. What should you do?**

- Do not ignore the employee's declines in attendance, performance, and/or appearance. Talk to identified district staff/HR to make sure you understand the district's and employee's rights and responsibilities, including under any applicable district policy (e.g., substance use disorder policy).
- Treat the employee fairly and respectfully and respect their right to privacy. Ask the employee to speak with you in a confidential area.
- Share directly and non-judgmentally with the employee what you have observed (or what has been reported) regarding the employee's attendance, performance, and/or appearance, and the impact of that behaviour in the workplace. Ask if there is anything going on for the employee, and if there may be a medical reason for the changes.
- Be open to all relevant information. Signs and symptoms consistent with impairment could also be related to other causes such as fatigue, stress, other medical condition(s), or non-medical personal issue(s).
- If the employee denies a medical problem, consult with identified district staff/HR and set expectations for the employee's attendance, performance, and/or appearance to improve. Remind the employee of all available resources to support them, including the employee and family assistance program (EFAP), which may assist with personal and other non-medical life challenges.
- If the employee acknowledges a medical problem, consider the next steps in consultation with identified district staff/HR such as a leave of absence pending receipt of medical information.
- Advise the employee of confidential assistance available through EFAP and any rights that may assist them in seeking treatment (sick leave benefits, leave of absence). Contact identified district staff/HR to assist the employee in confirming their rights to leave, benefits, and other assistance, inquire about fitness to work, and any other support or accommodation the district may be able to provide. Additional supports may be available under the collective agreement and other district or union programs.

**4. Example Scenario: A teacher arrives at school after lunch smelling of cannabis. What do you do?**

- Ask the teacher to remain outside the classroom in a confidential area and arrange for an appropriate replacement for the class, as necessary.
- Contact identified district staff/HR immediately for advice and assistance in conducting the investigation. Record your observations and those of other witnesses.

- Comply with any collective agreement obligations requiring notice of investigation and a union representative to attend the meeting with the teacher. Have another person at the meeting to record what is said.
- Advise the teacher they will be sent home pending further investigation. If there is any suspected impairment **do not allow the employee to drive**. Arrange for safe transportation home or to medical assistance.
- Work with identified district staff/HR to determine next steps in your investigation, which may include requiring medical information to determine if there is an addiction and treatment required.
- Work with identified district staff/HR regarding the outcome of the investigation, which may include disciplinary action and/or accommodation in the case of a disability.

**5. Example Scenario: A bus driver tells you she received a roadside license suspension on Saturday for cannabis. What do you do?**

- The employee must report the suspension to you, their supervisor, on the next working day as it interferes with their ability to do her job.
- Contact identified district staff/HR to inform them about the report of suspension and discuss next steps.
- Let the employee know that you will not be able to permit them to drive pending investigation.
- Comply with any collective agreement obligations requiring notice of investigation and a union representative to attend before asking for more details about the location, time, and other particulars about the suspension.
- Work with identified district staff/HR to determine next steps in your investigation, which may include requiring medical information to determine if there is an addiction and treatment required.
- Work with identified district staff/HR regarding the outcome of the investigation, which may include disciplinary action and/or accommodation in the case of a disability.

**6. Example Scenario: What if an employee discloses to me that they are addicted to an impairing substance?**

- Once you are aware that an employee may have a substance use disorder or other disability requiring accommodation, contact identified district staff/HR. The district will arrange for the employee to confidentially share the information necessary and determine next steps, which may include a leave of absence pending receipt of medical information and completion of any treatment required.

- The district must keep records of accommodation requests, information provided, solutions considered, and actions taken. These should be kept and stored confidentially by identified district staff/HR.
- Keep all information about an employee's disability strictly confidential and only share information that is needed for other employees to do their jobs.
- Communicate as appropriate (and consistent with district practices) with an employee about their accommodation, including status, planned next steps, and expected check-ins to ensure the accommodation is working/still needed.

**7. Example Scenario: What if an employee self-discloses to me that they are using a substance that is impairing, which has been prescribed as treatment?**

- Contact identified district staff/HR to determine next steps, including whether the employee should be placed on a leave of absence pending receipt of medical information.
- Advise the employee the district will need information from their physician regarding their limitations in order to assess the impact on the workplace. Contact identified district staff/HR to coordinate the inquiry and potential accommodations if necessary.

## Appendix: Template Policy

Policy Creation Date:

Policy Revision Date(s):

<b>Policy Statement</b>	<p>School District &lt;&gt; (the “School 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.</p> <p>All employees are expected to perform their work safely, competently, and efficiently, without limitation from the use or after-effects of impairing substances.</p> <p>This policy is designed to prevent and address impairing substance use at work.</p>
<b>Purpose</b>	<p>School district employees are in positions of trust. This policy 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 school district’s requirements regarding employee:</p> <ul style="list-style-type: none"><li>▪ fitness for duty</li><li>▪ use of impairing substance(s), and</li><li>▪ disclosure of impairing substance(s) use.</li></ul> <p>It is the intent of the policy 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 policy.</p>
<b>Scope</b>	<p>This policy applies to all employees. Contractors engaged by the school district are expected to have an equivalent policy in place prior to attending on or in school property.</p> <p>Policies with respect to student use of impairing substances are set out in &lt;POLICY NAME/NUMBER and link&gt;.</p>
<b>Compliance</b>	<p>Non-compliance with this policy may result in appropriate disciplinary measures, up to and including dismissal.</p>

<b>Definitions</b>	
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 school district or where the employee is seen as acting as a representative of the school 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 school 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 school district, and where an employee telecommutes or works from home.
<b>Application</b>	<ol style="list-style-type: none"> <li>1. Subject only to an exception required by human rights law, the school district does not permit the use of impairing substances at work or in the workplace.</li> <li>2. The school district does not permit the possession, use, distribution, or sale of illicit drugs, at work or in the workplace.</li> <li>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.</li> <li>4. The school 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.</li> <li>5. The school district complies with all applicable health and safety, human rights, and privacy legislation.</li> <li>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.</li> </ol>

<b>Responsibilities</b>	
Employees	<p>Employees must:</p> <ol style="list-style-type: none"> <li>1. Be fit for duty at work or in the workplace.</li> <li>2. Ensure that their ability to perform their job duties is not negatively affected by the use or after-effects of impairing substances.</li> <li>3. Consult with their physician and/or pharmacist to determine if their use of any impairing substance may affect their fitness for duty or the safety of any person at work or in the workplace.</li> <li>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.</li> <li>5. Advise their supervisor or manager in a confidential manner if they reasonably believe that another employee is not fit for work.</li> <li>6. If an employee is working on-call, they must remain fit for duty or decline the call-in for work.</li> </ol> <p>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.</p>
Supervisors and Managers	<p>Managers and Supervisors will:</p> <ol style="list-style-type: none"> <li>1. Communicate with employees about the need to maintain a workplace free from impairing substance use, including answering questions about this policy.</li> <li>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.</li> <li>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.</li> <li>4. Record relevant information about any incident of suspected impairment and report it without delay to [district contact].</li> <li>5. Address any situation, including prohibiting operation of a motor vehicle, where an employee is reasonably suspected of being not fit for duty.</li> </ol>

<b>Additional Resources</b>	<p>Employees and their dependents may seek free and confidential assistance from the Employee and Family Assistance Program (EFAP) available at: [insert]. All voluntary referrals to the EFAP are confidential.</p> <p>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).</p>
<b>Related Documents</b>	<ol style="list-style-type: none"><li>1. [Policy re student use of impairing substances]</li><li>2. [Policy re tobacco and vapour products]</li><li>3. [Respectful Workplace/Code of Conduct/Ethics Policy]</li><li>4. [Policy or policies re disability management, attendance support and/or wellness]</li><li>5. <i>Workers Compensation Act</i>, R.S.B.C. 1996, c. 492, s. 2</li><li>6. <i>Controlled Drugs and Substances Act</i>, S.C. 1996, c. 19</li><li>7. <i>Cannabis Control and Licensing Act</i>, citation not yet available</li><li>8. <i>Cannabis Act</i>, citation not yet available</li><li>9. <i>Criminal Code</i>, R.S.C., 1985, c. C-46</li><li>10. <i>Tobacco and Vapour Products Control Act</i>, R.S.B.C. 1996, c. 451</li></ol>