

429 SUBSTANCE (DRUG AND ALCOHOL) DEPENDENCE/IMPAIRMENT

Beliefs

The Maskwacis Education Schools Commission (MESC) follows cultural and traditional teachings of the Maskwacis Cree, in particular Wahkohtowin. Wahkohtowin is the belief that all things are related and connected, that all of existence has spirit and that living in a good way requires us to maintain good relationships with each other and other aspects of existence. We recognize that respect for mother earth, elders, youth, and the Treaties are paramount to planning ahead and making decisions for future generations.

The MESC believes that a commitment to the health and safety of its staff, volunteers, and members of the public demonstrates Wahkohtowin. Staff under the influence of drugs or alcohol on the job can pose serious health and safety risks both to themselves and their colleagues.

To help ensure a safe and healthy workplace, the MESC reserves the right to prohibit certain items and substances from MESC premises. The presence of illicit drugs, prescription medications that may cause impairment, recreational drugs, and alcohol on MESC property is not permitted. All individuals working at MESC (including volunteers and contractors) are expected to report fit for duty for scheduled work and be able to perform assigned duties safely and without any limitations due to use or aftereffects of alcohol, illicit drugs, recreational drugs, non-prescription drugs, prescribed medications which may cause impairment, or any other substance that may impair judgment or performance.

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

Definition: Fit For Duty

Fit for duty is defined as a condition in which an employee's physical, physiological and psychological states enable them to continuously perform assigned tasks safely. All MESC staff must report for duty with their strength, vision and hearing, psychological and mental faculties unimpaired by fatigue, the use of alcohol or drugs, or any psychological condition which might impair a driver's mental state or faculties.

Procedures

1. The following expectations apply to staff, administration, and supervisors alike, while conducting work on behalf of MESC, whether on or off MESC property:
 - 1.1. Staff are expected to arrive at work fit for duty and able to perform their duties safely and to standard;
 - 1.2. Staff must remain fit for duty for the duration of their shift;
 - 1.3. Distribution or sale of drugs or alcohol during work hours, including during paid and unpaid breaks, is strictly prohibited;
 - 1.4. Possession of non-prescribed drugs during working hours is strictly prohibited;
 - 1.5. Use and possession of medically prescribed drugs is permitted during working hours, subject to the terms and conditions of MESC's policies, administrative procedures, and all applicable legislation;
 - 1.6. Staff are prohibited from reporting to work while under the influence of non-prescribed drugs or alcohol;
 - 1.7. Staff are prohibited from reporting to work while under the influence of prescription medication which may impact the drivers attention to detail, and reaction time; and
 - 1.8. Staff on prescription medication or medically approved substances must communicate to their supervisor any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment.

2. Responsibilities

2.1. MESC will:

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

2.2. People Services will:

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

2.3. Administrators/supervisors will:

- 2.3.1. Identify any situations that may cause concern regarding staff ability to safely perform their job functions;
- 2.3.2. Pro-actively respond to any reported or suspected violation of this guideline in a consistent and fair manner;
- 2.3.3. Notify People Services of staff found to be in violation of this guideline;

- 2.3.4. Immediately arrange for staff to be escorted home who reports to work under the influence of alcohol or drugs and notify People Services;
 - 2.3.5. Document any incidents of substance abuse;
 - 2.3.6. In conjunction with People Services, investigate the violation and follow through with the appropriate discipline; and
 - 2.3.7. 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.
- 2.4. Staff will:
- 2.4.1. 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;
 - 2.4.2. Arrive to work fit for duty, and remain as such for the duration of shift;
 - 2.4.3. Perform work in a safe manner in accordance with MESC established safe work practices;
 - 2.4.4. Avoid the consumption, possession, sale, or distribution of drugs or alcohol on or off MESC property during working hours;
 - 2.4.5. When off duty, refuse a request to come into work if unfit for duty;
 - 2.4.6. Report limitations and required modifications because of prescription medication;
 - 2.4.7. Disclose any problems they are experiencing with an alcohol or drug dependency to their administrators/supervisors or People Services;
 - 2.4.8. Report unfit co-workers to administrators/supervisors;
 - 2.4.9. Seek advice and/or appropriate treatment, where required;
 - 2.4.10. Cooperate with the recommendations of any required professional assessments and provide medical information to People Services as necessary;
 - 2.4.11. Follow the after-care program, where established; and

2.4.12. For Employee and Family Assistance Program (EFAP) services, contact Homewood Health. These services are confidential and available twenty-four hours a day, seven days a week, and 365 days a year.

3. Suspicion of Impairment

- 3.1. Where a staff is suspected to be impaired while on duty, the following process shall be carried out by MESC administrators/supervisors:
 - 3.1.1. If possible, the staff's supervisor will first seek another supervisor's opinion to confirm the staff's status.
 - 3.1.2. Next, the supervisor will consult privately with the staff to determine the cause of the observation, including whether substance abuse has occurred.
- 3.2. Suspicions of a staff's ability to function safely may be based on specific personal observations.
- 3.3. If the staff exhibits unusual behaviour that may include, but not limited to:
 - 3.3.1. Slurred speech;
 - 3.3.2. Impairment of motor skills, and perception, altered bodily perceptions, loss of full control of bodily movements, falls;
 - 3.3.3. Bloodshot or glazed eyes;
 - 3.3.4. Dilated or constricted pupils;
 - 3.3.5. 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
 - 3.3.6. Odour of alcohol or drug use.
- 3.4. If a staff member 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.
- 3.5. The staff will be advised that MESC has arranged transportation to safely transport them to their home address, or to a medical facility, depending on the determination of the observed impairment. The staff may be

accompanied by an administrator/supervisor or another staff member if necessary.

- 3.6. An impaired staff member will not be allowed to drive. The staff should be advised that if they choose to refuse MESC's arranged transportation, and make the decision to drive their personal vehicle, MESC is obligated to and will contact the police to make them aware of the situation.
- 3.7. Where a staff is found to be impaired or suspected to be impaired while on duty, the staff's Supervisor shall complete an incident report documenting the staff's impairment or suspected impairment within six (6) hours of the supervisor observing the staff's impairment or suspected impairment.
- 3.8. A meeting will be scheduled to review the incident and determine a course of action, which may include a monitored referral program as part of a treatment plan.

4. Substance Dependency

- 4.1. MESC understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability.
- 4.2. Staff are not excused from their duties solely because they may suffer from or develop a chemical dependency. Any MESC Staff who is or may be struggling with substance dependency of any kind is encouraged to seek out early diagnosis and to share said diagnosis with their supervisor so that MESC might undertake reasonable accommodation efforts.

5. Voluntary Identification

- 5.1. Staff 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.
- 5.2. Staff will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort.

- 5.3. All medical information will be kept confidential by MESC, unless otherwise authorized by law.
6. Agreement for the Continuation of Employment
 - 6.1. MESC will support the Staff's commitment to become, and remain alcohol and drug-free. An agreement, for the continuation of employment, will be developed outlining the conditions governing the staff members return to the job and the consequences for failing to meet the conditions.
7. Disciplinary Action
 - 7.1. Staff may 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:
 - 7.1.1. Failure to meet prescribed safety standards because of impairment from alcohol and/or drugs; and
 - 7.1.2. Engaging in illegal activities (e.g., selling or distributing drugs and/or alcohol while on MESC premises).
8. Drug and Alcohol Testing
 - 8.1. MESC staff, including bus and commercial vehicle drivers, are subject to the following types of alcohol and drug testing:
 - 8.1.1. Pre-Employment Post-Offer: All MESC staff who are offered employment as bus and/or commercial vehicle drivers will be required to undergo a pre-employment post-offer alcohol and drug test. Each prospective vehicle operator shall be provided with two weeks advance notice of when said alcohol and/or drug test shall be administered. Staff tested in this circumstance acknowledge that their employment with MESC is contingent upon passing the above noted alcohol and drug test, and that a positive test may result in their offer of employment being rescinded at MESC's sole discretion.
 - 8.1.2. Post-Incident: Alcohol and Drug testing may be required after a serious, or potentially serious work-related incident as part of a

full investigation into the circumstances. The decision to refer any staff for a test will be made by the supervisor investigating the incident if no credible explanation is found after appropriate consultation. Specimens for testing will be collected as soon as possible after the decision to test is made. Staff tested in this circumstance will be removed from duty until the investigation is complete.

- 8.2. Reasonable Cause: MESC may require a test whenever there is reason to believe that the actions, appearance or conduct of a staff member indicate the use of Alcohol or Drugs. Specimens for testing will be collected as soon as possible after the decision to test is made. Staff tested in this circumstance will be removed from duty until the investigation is complete.
 - 8.3. Return to Duty – Post Violation: In those situations where employment is continued after a Policy violation, Staff will be required to pass a return to duty test and may be subject to unannounced follow-up testing as a condition of continued employment.
 - 8.4. Return to Duty – Post Treatment: In those situations where employment is continued after treatment has been completed, staff will be required to pass a return to duty test and may be subject to unannounced follow-up testing as a condition of continued employment.
9. A positive Alcohol test result is an Alcohol level equal to or in excess of 0.040 grams per 210 litres of breath.
 10. A laboratory confirmed positive drug test is one in which the amount of drug in the specimen is at or exceeds the established cut-off levels outlined in the chart below, and as found in the Canadian Model for Providing a Safe Workplace.

Drug	Confirmation Test Levels (Urinalysis (ng/mL))
Marijuana Metabolite	15
Cocaine Metabolite	100
Codeine	2000
Morphine	2000
Hydrocodone	100
Hydromorphone	100
Oxycodone	100
Oxymorphone	100
6-Acetylmorphine	10
Phencyclidine	25
Amphetamine	250
Methamphetamine	250
MDMA	250

11. When a Staff has been charged with an impaired driving related offence, or has received an administrative temporary license suspension as a result of impaired driving, then prior to operating any equipment, a staff must advise their supervisor accordingly. Impaired driving includes, but is not restricted to, testing over the legal BAC in that jurisdiction, driving while impaired, refusal to blow into a breathalyzer or refusal to provide a sample for testing. This may result in not being able to operate equipment until suspension is complete and the staff has no further restrictions on their driver's license.

12. Consequences of a Policy Violation
 - 12.1. Any violation of this Policy may result in discipline up to and including termination of employment. In all situations, an investigation will be conducted to verify that a Policy violation has occurred. The appropriate discipline in a particular case depends on the nature of the Policy

violation and the circumstances surrounding the situation. The severity of the violation will warrant entering the discipline process at different levels.

- 12.2. Should MESC determine that employment will be continued after a violation of the Policy, the staff will be required to enter into an agreement governing their continued employment. Failure to meet the requirements of the agreement will be grounds for discipline up to and including termination.
13. Confidentiality will be maintained to the greatest extent possible, and disclosure will be restricted to where it is necessary for related health, and safety concerns of MESC as it relates to staff on duty. Information will only be shared for the purposes of determining Fitness for Duty, appropriate work accommodations, work re-entry initiatives, or as may be required by law.
14. This Administrative Procedure is subject to ongoing review and modifications as may be necessary from time to time.
15. Unopened alcohol containers may be stored in the trunk of locked personal vehicles parked outside secured areas at MESC Premises, provided such vehicles are not being used for MESC work related purposes.

Reference:

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
MESC Administrative Procedure 413: Code of Conduct
MESC Administrative Procedure 422: Employee Discipline