

## Chapter 4 Human Resources Management

### 4.8 Drugs and Alcohol

#### Policy Statement

The Atlantic Provinces Special Education Authority (APSEA) is committed to ensuring a healthy, safe, and productive working and learning environment. The use of drugs or alcohol by an APSEA employee, contractor, or volunteer may pose a risk to health and safety and may undermine APSEA's ability to provide effective programs, services, and supports to children, youth, and families.

#### Definitions

**Alcohol** – The intoxicating agent in beverage alcohol, such as ethyl alcohol or other low molecular weight alcohols and agents, like methyl (antifreeze) and isopropyl (rubbing alcohol). Without limitation, alcohol includes beer, wine, and spirits such as vodka, gin, rum, and tequila and any beverages incorporating those products.

**Cannabis** – Any substance produced or derived from marijuana plants that can be consumed by a person through ingestion, smoking, or topical application for medicinal or recreational purposes, whether or not lawfully obtained. Without limitation, cannabis includes items such as marijuana cigarettes, marijuana-infused pills, beverages, food, and vapor.

**Drug** – Any substance, including alcohol, cannabis, illicit drugs, or medications, the use of which has the potential to change or adversely affect the way a person thinks, feels, or acts. For the purpose of this policy, drugs of concern are those that inhibit an employee's ability to perform their job safely and productively.

**Drug or Alcohol Abuse** – The use of a potentially impairing substance to the point that it adversely affects performance or safety at work, either directly through intoxication or withdrawal, or indirectly through social or health problems.

**Employee** – A person whose terms and conditions are set out in accordance with a contractual agreement of employment with APSEA, as well as other direct employees performing work for APSEA.

**Fit for Duty** – In the context of this policy, this means being able to safely perform assigned duties and responsibilities without any impairment due to the influence, or after-effects, of drugs or alcohol (as defined in this policy), that may hinder performance or compromise the safety of the employee, learners, or others within the context of job duties or participation in APSEA-sponsored learning programs or events.

**Illicit Drug** – Any drug or substance which has not been legally obtained or which is not legally possessed and whose use, sale, possession, or transfer is restricted or prohibited by law.

**Medication** – A drug obtained legally, either over-the-counter or through a doctor's prescription.

**Reasonable Grounds** – In the context of this policy, this means that a graded approach, commensurate with risk, may be used to determine when a person may be impaired to the point of not being able to perform their duties or participate safely in an activity, or who may compromise the safety of others.

## **Policy Objectives**

This policy is established to promote a safe and healthy workplace and learning environment by reducing risks associated with the use of drugs or alcohol and by striving to eliminate the effects of drugs or alcohol abuse on APSEA and members of the APSEA community. This policy respects the privacy and dignity of individuals. It also places priority on awareness, education, and supporting access to treatment and recovery.

## **Application**

This policy applies to all full-time, part-time, casual employees, contractors, and volunteers of APSEA. This policy applies to conduct connected to or capable of impacting the work, learning, services, and/or reputation of APSEA, including conduct in any physical or electronic sites where APSEA conducts work or learning activities.

## **Policy Directives**

1. APSEA employees, contractors, or volunteers must report fit for duty for any scheduled or unscheduled work activity and remain fit for duty during their entire time engaged in such activities. Accordingly, APSEA employees, contractors, or volunteers must not use or be under the influence of potentially impairing drugs during work hours or in any other context to which this policy applies.
2. APSEA employees, contractors, or volunteers must not, at any time, possess illicit drugs or distribute, offer for sale, or sell any drugs and/or drug paraphernalia during work, within any APSEA work location, or in any other context to which this policy applies.

3. APSEA understands that APSEA employees, contractors, or volunteers may be under medical care involving medications, including cannabis, that may have impairing effects. It is the responsibility of all individual APSEA employees, contractors, or volunteers to become familiar with the effects of medications they are taking and, if the use of such medication may impact on performance, health, or safety, the individual must contact their Supervisor, Director, or the Coordinator of Human Resources immediately before reporting for work activities under the influence of such medications.
4. Any suspected violation of this policy will, subject to the provisions of any applicable contract or collective agreement, be investigated and pursued as deemed appropriate to the circumstances. Without limitation, such investigation may include, at the option of APSEA, appointing an internal or external investigator and/or interviewing those believed to have relevant knowledge. APSEA employees, contractors, or volunteers are required to cooperate in any such investigation.
5. When APSEA is aware there are reasonable grounds to believe that an APSEA employee, contractor, or volunteer is in violation of this policy, the Supervisor will as soon as reasonably possible, connect with the employee to give them an opportunity to explain why they appear to be not fit for duty. If the Supervisor, having heard any explanation offered by the individual, continues to have concerns about their fitness for duty, the individual may be removed from the workplace. The Supervisor will make all reasonable efforts to provide the individual with safe transportation to their home from the work location.
6. Any action taken under section 5 must be reported immediately to the Coordinator of Human Resources and/or APSEA Superintendent for review, consideration, and to determine appropriate actions.
7. Where an APSEA employee, contractor, or volunteer reports their use of medication under section 3, which may impair their job performance or compromise safety, APSEA and the individual will work together to determine what accommodation, if any, is necessary and can reasonably be made to permit the individual's continuing work without compromising safety.
8. APSEA understands drug dependency can constitute a condition that is recognized as a disability under provincial Human Rights Acts. APSEA employees with a medically supported disability of this kind will be supported under the relevant provincial Human Rights Act to the point of undue hardship. Employees have a responsibility to identify and seek accommodation and/or treatment in order to avoid breach of this policy. APSEA offers additional support through the Employee & Family Assistance Program.
9. Any employee who witnesses or has concerns about whether an APSEA employee, contractor, or volunteer is fit for duty must immediately advise their Supervisor or the Coordinator of Human Resources.

10. Disciplinary action, up to and including termination of employment, could result from a failure to follow the requirements set out in this policy and related documents.

### **Accountability**

#### **All APSEA Employees**

APSEA employees are responsible to understand and follow all APSEA policies and documents related to media relations.

#### **Superintendent/Directors/Supervisors/Managers**

As members of the Leadership Team, these individuals are responsible for implementing APSEA's drug and alcohol policy and any related documents. Members of the Leadership Team will take reasonable measures to bring this policy to the attention of all employees and to ensure directives are being followed.

Any known instances of non-compliance with APSEA's Drug and Alcohol Policy will be addressed.

### **Monitoring**

- The Superintendent of APSEA or their designate will review this policy annually.

### **References**

- Provincial Occupational Health and Safety Acts
- Provincial Human Rights Acts
- Relevant Collective Agreements

This is an organizational policy designed to supplement other APSEA policies and is not intended to replace or preclude them. If a situation occurs where there is a conflict between application of this policy and any other APSEA policy, the policy most specific to the situation will apply.

### **Approval Dates**

Approved: June 2021

Revised: