



Living Sky School Division No. 202

Procedure Type: Human Resource

Procedure Number: 5.37

Procedure Title: Employee Use of Drugs and Alcohol

Legal Reference: Education Act, 1995 Section 85, 87, 150, 151, 152, 153, 154, 175
Cannabis Act
Controlled Drugs and Substances Act

Approval Date: October 10, 2018

Revision Date:

Background

Living Sky School Division has an educational and societal responsibility to prohibit employee use or possession of alcohol and drugs at all buildings and property owned by the Division. Living Sky School Division is also committed to the health and safety of its employees, students, environment, and the public. The use of drugs and alcohol can create unacceptable safety risks to everyone at the workplace.

Employees have the right to work and students have the right to be educated in an environment free of substance abuse and with persons free from the effects of drugs or alcohol. Drugs and alcohol are hazards to the school environment and to the credibility and reputation of the Division.

Definitions

For the purposes of this administrative procedure, the following definitions shall apply:

Illegal Drugs fall into two categories: the first category is comprised of those drugs that are illegal to possess, sell, and consume. The second category includes those drugs that are legal to possess, sell, and consume when prescribed by a physician, but are then misused by the person to whom the drugs have been prescribed, or are used by individuals not under a prescribing doctor's care, and who may have obtained the drugs by illegal means.

Impairment is defined as the inability to perform essential job functions and interact safely and effectively with others.

Procedures

1. Use of alcohol and drugs is prohibited at work or while on school premises or at school sponsored events, including during breaks which may be paid or unpaid. Employees shall not:
 - a) Use, consume, possess, distribute, offer for sale, or sell alcohol, tobacco, cannabis, illegal drugs, illegal drug paraphernalia, prescribed drugs for which the employee does not have a prescription or prescribed drugs which may cause impairment;
 - b) Be impaired or under the influence or be unfit for work due to drugs, alcohol or other substances which may be illegal or cause impairment;
 - c) Be impaired or under the influence while operating a Division vehicle or their personal vehicles for Division-related purposes, or



- d) Have a strong odour on their person of alcohol or cannabis.
2. Employees are expected to demonstrate reasonable and responsible use of alcohol or cannabis at Division-sponsored events, or at social gatherings or events hosted by other organizations when the employee is representing the school division.
3. Use of alcohol, tobacco or cannabis on school property is strictly prohibited at all times.
4. Employees who report to work under the influence or are determined to be under the influence while at work will be sent home via safe transportation with further follow-up required.
5. **Disciplinary Action:** Violation of this administrative procedure will lead to disciplinary action up to and including possible termination of the contract of employment.
6. **Responsibility of Employee:** An employee found guilty of driving while under the influence of alcohol or performance inhibiting drugs while on school division business shall be responsible for all related costs.
7. **Follow Up After Disciplinary Action:** At the sole discretion of the Employer, an employee who is subject to discipline for a breach of this administrative procedure may be required by the Employer to do any or all of the following:
 - a) Continue with counselling as recommended by a physician or addictions counsellor;
 - b) Provide correspondence from the treating physician that the employee can return to work and safely perform the required duties;
 - c) Comply with return to work alcohol and/or drug testing, if appropriate, and
 - d) Provide updates from the employee's physician regarding treatment on a predetermined schedule.

Use of Prescribed Drugs at Work for Accommodation Purposes

1. Every employee shall immediately disclose to the Employer if he or she has been prescribed the use of any prescription drug which may have the potential to cause impairment.
2. Possession or use of prescription drugs that may cause impairment may be allowed if required to accommodate an employee with a disability as defined by the *Saskatchewan Human Rights Code*.
3. In order to determine if an accommodation is required, the employee shall provide to the Employer a medical report from the employee's doctor setting out:
 - i) The medical restrictions which require the use of the prescription medication during work hours;
 - ii) The details of the prescription including the following:
 - Whether or not the prescription drug must be taken during working hours or so close before working hours that impairment would be present during working hours;
 - The name and dosage of the prescription drug that must be taken during working hours;
 - The specific method by which the prescription drug will be administered, ex; oral, injection, smoking or vaping;
 - The length of time after taking the prescription drug that impairment may persist, and
 - The expected duration the prescription drug will need to be taken by the employee.

The employee must provide updates to the Employer in the event of any changes to the medical information.

4. Upon receiving the required medical information from the employee, the Employer shall determine what, if any, accommodation is required.



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5. As part of an accommodation plan, the Employer will set out the requirements for the possession, use, storage and security of the prescription drug and any associated equipment while on school property.
 6. Any prescribed drug allowed as part of an accommodation plan must be used solely for the intended purpose as currently prescribed by the employee's physician and must be used solely by the employee for whom it has been prescribed.

Related:

Form 5.37A: *Statement of Acknowledgement – Employee Use of Drugs and Alcohol*

Form 5.37B: *Prescription Drug Impairment Disclosure*