
AP 413 - Impairing Substances In The Workplace

Background

The District is committed to protecting employees and the public from the potential adverse effects of the use and/or misuse of illegal drugs, alcohol, recreational marijuana, medically authorized marijuana and prescription drugs in the workplace.

The Federal Cannabis Act allows 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. The legislation includes significant restrictions aimed at preventing access to cannabis by minors under age 19:

- 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.

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.

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.

Purpose

School district employees are in positions of trust. This AP 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:

- fitness for duty
- use of impairing substance(s), and
- disclosure of impairing substance(s) use.

Scope

This AP applies to all employees. Contractors engaged by the Board are expected to have an equivalent policy in place prior to attending on or in school property.

Policies with respect to student use of impairing substances are set out in our Codes of Conduct.

Compliance

Non-compliance with this AP may result in appropriate disciplinary measures, up to and including termination of employment.

Application

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.
2. The school district does not permit the possession, use, distribution, or sale of illicit drugs, at work or in the workplace.
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.
4. Individuals who believe they may have an alcohol and/or drug problem are required to assume responsibility and seek assistance from their personal physician(s) and/or appropriate community resources before their job performance is affected or violations of this AP occur (WorkSafeBC Regulation 4;4.19(1)). Employees are encouraged to access the Employee and Family Assistance Program.

5. Individuals who suspect or recognize a substance use disorder or emerging alcohol or drug problem in others should seek advice from their manager and/or human resources before office or personal safety is compromised or violation of this policy occurs.
6. All employees are required to use medications responsibly both prescribed and over the counter. Employees who have lawful medical authorization to use marijuana for medical purposes must do so responsibly. "Marijuana" as used throughout this policy includes marijuana, cannabis and all related derivatives. Employees are expected to consult with their physician to determine if the medication or medically authorized marijuana used will have any potential negative effect on attendance, behaviour, job performance or safety.
7. Employees who use prescribed medications or medically authorized marijuana are required to determine from their health-care professional whether there will be adverse effect on their performance including safety issues and if so are required to report this to their manager and human resources who will take steps to determine any necessary accommodations to their job such as modified hours or duties.
8. The school district recognizes employees' human rights and will support employees who struggle with a substance use disorder, by assisting with access as appropriate to programs, services, benefits, or work accommodation as per human rights law.
9. The school district complies with all applicable health and safety, human rights, and privacy legislation.
10. 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.

Related Documents

[School Act](#)

[Cannabis Act](#)

[Cannabis Control and Licensing Act](#)

[Cannabis Distribution Act](#)

[Occupational Health and Safety Regulation Part 4.20](#)

[Controlled Drugs and Substances Act](#)