



PROCEDURE

Title: **Substance Abuse and Addiction**

Procedure No.: 3017b
Effective Date: 2019 May 28

Department Organizational Support Services

Reference(s): Ontario *Human Rights Code*, *Education Act*, *Occupational Health and Safety Act*,
Employee Code of Conduct Policy

INTRODUCTION

Thames Valley District School Board (TVDSB) is committed to providing a healthy and safe work environment for its employees. As a public service provider, TVDSB also has an obligation to provide safe, reliable and efficient services to children, students, staff, parents, guardians and to the community.

1. General Principles

- 1.1 TVDSB believes the abuse of prescription and illegal drugs, marijuana (including cannabis by-products such as edibles, oils, etc.) and alcohol to be a serious health problem and recognizes that drug and alcohol addiction is a disability as defined by the Ontario *Human Rights Code*. Accordingly, TVDSB has a legal obligation to accommodate employees to the point of undue hardship in instances where substance addictions are identified.
- 1.2 In order to address issues of substance abuse and addiction in a manner that protects the best interests of our employees, students and the general public we are committed to:
 - Promoting prevention and encouraging early identification of substance abuse through education and awareness;
 - Providing access to assistance and time away from work when medically supported followed by a safe, thoughtful and individualized return to work strategy ; and,
 - Maintaining a safe and healthy environment through the enforcement of this policy.

Administered By: Organizational Support Services
Amendment Date(s):

2. Prohibited Activities

2.1 TVDSB maintains the same level of expectation of all of its employees and does not tolerate:

- Reporting to work while under the influence by drugs (legal or illegal), alcohol, and/or by any other substance rendering the employee unfit to work;
- Smelling of alcohol or marijuana while at work or performing duties or engaged in extra-curricular activities;
- Consuming alcohol or non-prescribed or authorized drugs while at work, on duty, engaged in activity on behalf of TVDSB, representing TVDSB including wearing work identification while off duty, or engaged in extra-curricular activities;
- Using TVDSB technology property and/or transportation for the purpose of possessing, obtaining, offering to sell, selling, or distributing illegal drugs, marijuana (including cannabis by-products) and/or alcohol; and/or
- Possessing, using or selling alcohol, marijuana (including cannabis by-products) and/or illegal drugs or related paraphernalia while in the work place or in the course of their work.

2.2 For clarity, the above does not apply to medically necessary drugs prescribed or authorized by a physician that do not render the employee unfit for work and are taken in accordance with that physician's instructions. Where there is a reasonable concern that an employee may be unfit for work due to medically prescribed or authorized drugs, the employee must report this to the Board's Disability Management Office.

2.3 Subject to TVDSB's obligations under the Ontario *Human Rights Code*, violations of the above may result in discipline up to and including termination.

3. Employee Responsibilities

3.1 Every employee is expected to:

- Self-disclose any instances of substance abuse or addiction and request assistance or accommodation without fear of reprisal prior to a significant event such as an accident and/or instance where ongoing performance issues are not addressed resulting in disciplinary action;

- Cooperate with the employer in the event that accommodation is required by submitting satisfactory medical documentation to the Board detailing the expected timing of return to work, any restrictions or accommodations required and prognosis.
- 3.2 Employees who refuse to cooperate in the rehabilitation process and/or who continue to present at work as safety risks to themselves or others due to the influence of drugs (legal or illegal), alcohol and/or by any other means of impairment will be subject to progressive discipline up to and including termination.

4. Employer Responsibilities

- 4.1 Any employee having self-identified as having a disability due to substance addiction will be subject to a meeting with the Disability Management Office. The intent and purpose of this meeting is to provide the staff member with the opportunity to request accommodation and to seek support and/or rehabilitation to assist in their recovery. The employee may choose to bring a Union Representative/support person with them to this meeting.
- 4.2 Employees who present unfit for work due to suspected substance abuse and/or addiction will be asked by their Supervisor to leave the workplace and transportation home will be provided, if appropriate (See Appendix A). A meeting will be scheduled with the worker and Human Resources, Organizational Support Services prior to their return to work to provide them with the opportunity to explain why they appeared to be unfit for work. The staff member may choose to bring a Union/Association representative with them to this meeting. Depending on the circumstances, the employee may be subject to progressive discipline up to and including termination.

Appendix A

Step by Step Guide to Workplaces Addressing Problematic Substance Use

If a Supervisor observes an employee who is presenting as:

- disoriented
- smelling of alcohol or marijuana
- has slurred speech
- is staggering or has an unsteady gait, and/or
- is using inappropriate/unusual tones/language

Please take the following steps:

- Escort the employee to private area
- Request another supervisor to serve as a note taker
- Advise the employee about noted observations and obtain their explanation
- Call Human Resources (who will notify Union Representative if applicable)
- If a decision is jointly made by Human Resources and the Supervisor to send the employee home, arrange for the employee to be sent home by taxi, or other accessible transportation or arrange for the employee to be picked up by a family member or designate
- Call 911 if the employee appears to be in extreme distress
- Document observations (including place, date of time and observations related to behaviour, gait, speech, balance) and any witnesses
- Take necessary and appropriate follow up action in consultation with Human Resources