



Policy Concerning Tobacco, Drugs and Alcohol ES-186

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1. **PREAMBLE**

As part of its mission, the Eastern Shores School Board wishes to provide its students, its employees and the public with a healthy and safe environment that is conducive to student success.

Furthermore, as an employer, the School Board must take the necessary measures to ensure the health, safety and integrity of all its employees within the meaning of this Policy.

The purpose of this Policy is that all parties involved have a clear understanding of the principles and rules concerning the use of tobacco, drugs and alcohol products on school premises, at off-campus school-sponsored events or in other applicable locations or situations, and that these are well communicated and consistently applied.

As role models who have the responsibility to educate, employees of school boards must adhere to high standards. ESSB understands the sensitive nature of some information or personal situations covered by the Policy and is committed to provide guidance and support in its application. Employees may communicate their questions or concerns to the Human Resources Department and are encouraged to contact the Employee Assistance Program whenever they deem it appropriate. Questions or concerns from other stakeholders may be directed to the Secretary General.

2. **OBJECTIVES**

The objectives of this Policy are the following:

- Eliminate the risks associated with tobacco, drug and alcohol use or misuse to ensure the health and safety of employees, students and the public (including, in particular, parents, volunteers, suppliers, subcontractors and external consultants, education and health professionals working for the School Board) and maintain the quality of educational services.
- State the applicable rules of conduct concerning tobacco, drug and alcohol use in the workplace as well as the consequences for violating these rules.
- Inform employees, students and the public (including, in particular, parents, volunteers, suppliers, subcontractors and external consultants, education and health professionals working for the School Board) of the School Board's restrictions concerning tobacco, drug and alcohol use in the workplace.

- Ensure that the School Board's position on tobacco, drug and alcohol use in the workplace is clearly stated.
- Communicate this Policy and ensure it is consistently applied.
- Promote drug, alcohol, smoke and tobacco-free environment and lifestyles throughout the School Board.

3. **LEGAL FRAMEWORK**

This Policy is based on laws governing health and safety in the workplace and on provisions of the following legal and conventional documents:

- *Charter of Human Rights and Freedoms, CQLR, c. C-12*
- *Education Act, CQLR, c. I-13.3, and its regulations*
- *Act Respecting Occupational Health and Safety, CQLR, c. S-2.1, and its regulations*
- *Act Respecting Access to Documents of Public Bodies and the Protection of Personal Information, CQLR c.A-2.1*
- *Cannabis Regulation Act, CQLR c. C-5.3*
- *Cannabis Act (S.C. 2018, c. 16)*
- *Civil Code of Québec, CQLR, c. CCQ-1991, c. 64*
- *Criminal Code, RSC, 1985, c. C-46, and its regulations*
- *Controlled Drugs and Substances Act, SC, 1996, c. 19, and its regulations*
- *Tobacco Control Act, CQLR, c. L-6.2*
- *Collective agreements*
- *The School Board's policies and regulations, including all its guideline or codes;*
- *Encadrement Cannabis: <https://encadrementcannabis.gouv.qc.ca/en/>*
- *Cannabis in Canada: <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis.html>*

4. **DEFINITIONS**

Unless otherwise stated, the words below are used in this Policy to mean the following:

- 4.1 **Tobacco:** Any product containing tobacco, all electronic cigarettes (vaping) and any other device of this nature that are put to one's mouth to inhale any substance that may or may not contain nicotine, including their components and accessories, and any other product or class of product considered to be tobacco under a government regulation.

- 4.2 **Alcohol:** Any beverage containing alcohol.
- 4.3 **Drug:** Any substance, including cannabis and pharmaceutical drugs, that may alter the way a person thinks, perceives or acts and that may consequently reduce their ability to function normally.

Pharmaceutical drugs, referred to as medication in the present Policy, are chemical substances used to prevent, cure or improve the symptoms of an illness or medical condition. Prescribed medication is destined for a specific individual and is to be taken in accordance with the prescription while over-the-counter medication can be purchased without a prescription and has a recommended dosage.

- 4.4 **Employee:** Any person remunerated for working for the School Board, regardless of their status. For the purposes of this Policy, the notion of employee also includes commissioners.
- 4.5 **Reasonable grounds:** means one or more indications that lead to the belief that an employee is under the influence of alcohol or a drug, or suffers from an alcohol or drug dependency, including: (also refer to Addendum A):
- Confirmation of alcohol or drug use concomitant with an incident or while at work;
 - Repetition of errors or observations of other unexplained changes in an employee's performance (work slowdown), attendance (absenteeism or lateness) or behavior;
 - Unusual or unsafe behavior while at work.
- 4.6 **Third party:** With the necessary adjustments, this Policy also applies to health and education professionals, consultants, suppliers or subcontractors working for the School Board as well as students, parents and volunteers.
- 4.7 **Under the influence** of drugs or alcohol or their residual effects: ranging from being impaired by drugs or alcohol while at work, or having one's judgment, perceptions, behavior or capacity affected by drugs or alcohol, or having one's work performance hindered by drugs or alcohol, to being incapable of carrying one's work duties.
- 4.8 **Workplace:** All buildings and facilities that the School Board owns, rents or uses and all locations in which activities are carried out for the School Board.

5. SCOPE OF APPLICATION

This Policy applies to all employees of the School Board, regardless of their status. With applicable adaptations, this Policy pertains as well to all third parties defined at paragraph 4.6 above. This Policy must be respected on all School Board premises and in all other locations in which activities are carried out for the School Board.

6. GUIDING PRINCIPLES

6.1 In conformity with section 2 of the *Tobacco Control Act*, smoking (which includes vaping and smoking cannabis) is prohibited at all times on all Eastern Shores School Board grounds as follows:

- All schools and centers of the ESSB; All workplaces of the ESSB;
- All means of transportation, including school buses;
- All enclosed spaces where sports, recreational, judicial, cultural or artistic activities are presented, or where conferences, conventions or other similar events are held;
- All enclosed spaces where community or recreational activities intended for minors are held.
- All outside premises up to their boundaries.

6.2 Though the School Board respects its employees' right to privacy, it also cares about their health, safety and integrity and expects all employees to be able to safely carry out their normal and regular work tasks at all times. The School Board has adopted the following guiding principles concerning drug and alcohol use and misuse by employees while they are working or in the workplace.

Accordingly, it is forbidden for employees while carrying out their work duties:

6.2.1 To be under the influence of drugs or alcohol or their residual effects;

6.2.2 To have alcohol on one's breath or to emit an odor of cannabis (with the potential exception of authorized medical use) for any employee who is in direct contact with students while executing their duties so as to not disrupt the learning environment;

6.2.3 To be in possession of, consume, distribute, manufacture, offer, sell, exchange or otherwise use drugs (for medication, refer to paragraph 6.2.4 below) or alcohol, other than as per the exceptions indicated at section 8, while executing their duties;

6.2.4 To be in possession of a prescription medication without the authority of a physician, to misuse any medication, and to distribute, manufacture, offer, sell or exchange medication, other than as legally permitted, while executing their duties;

6.2.5 To consume drugs (with the potential exception of authorized medical use) or alcohol in any ESSB building, or other locations, while students are present, other than as per the exceptions indicated at section 8.0.

The guiding principles are not meant to prevent the authorized distribution or administration of medication to students solely as part of the procedures in effect or generally recognized for this purpose in the School Board.

6.3 If the School Board has reasonable grounds to believe an employee or a volunteer, as well as any third party, is under the influence of drugs or alcohol or has misused medication, immediate steps, as applicable, will be taken for their removal from the workplace/school/center. For employees, the processes outlined in the respective collective agreements shall apply.

6.4 Employees must use medication responsibly. Accordingly, they must verify with a health professional if the medication used is likely to influence their usual work performance. If so, they must immediately inform their immediate superior that their work performance could be affected due to the medication they take. If more information is required, such as the type of medication or the dosage taken, the Human Resource Coordinator may communicate with the employee.

6.5 If asked by the Human Resources Department, employees who take a prescription medication must present to the Human Resource Coordinator a document duly completed by their attending physician certifying the medication is not likely to influence their work or if it is, the manner in which their work performance could be affected. The School Board reserves the right to seek medical expert advice in this respect.

6.6 Employees who notice that a colleague or another person shows signs of intoxication while in the workplace are required to immediately notify an administrator of the School Board (refer to Addendum A). This may be done anonymously.

7. TESTING AND SEARCHES

- 7.1 Should the School Board have reasonable grounds to believe that an employee is under the influence of drugs or alcohol, or has misused medication or alcohol, they will be asked to leave their work place immediately on the first offence.
- 7.2 Should the School Board have reasonable grounds to believe that an employee is under the influence of drugs or alcohol, or has misused medication or alcohol, it could immediately require the employee to undergo a drug test.
- 7.3 The School Board may also ask an employee involved in an incident or accident to undergo a drug test if it has reasonable grounds to believe that drug (including medication) or alcohol use or misuse (unauthorized or abusive consumption) could have caused this event or been a contributing factor.
- 7.4 When the employee has been absent from work for reasons related to drug (including medication) or alcohol use or misuse, the School Board may ask them to undergo a drug test before returning to work to make sure they are fit for work. The processes outlined in the respective collective agreements shall apply.
- 7.5 When the employee has been absent from work for reasons related to drug (including medication) or alcohol use or misuse, the School Board may also ask them to follow a return-to-work protocol determined by a medical expert in accordance with a specific agreement to this effect or in accordance with the terms and conditions determined by the School Board.
- 7.6 Drug or alcohol testing is conducted by independent health professionals or trained professionals in accordance with applicable medical and regulatory standards. In addition, such tests should be performed with the objective to be the least intrusive as possible for the individual. In all cases, employees are required to cooperate with the testing process.
- 7.7 The Director General or the Human Resources Department may delegate authorization to an immediate supervisor of an employee to search their office or personal belongings, if there are reasonable grounds to believe that the employee is in violation of the Policy.
- 7.8 Failure to cooperate, either by refusing to cooperate, by giving a late consent or by using any other tactic aimed at influencing test results, may be considered a breach of Policy.

- 7.9 Employees who require assistance may consult section 10 of the Policy or contact the Human Resources Department, the Human Resource Coordinator or the Employee Assistance Program anytime they deem it appropriate.

8. EXCEPTIONS

ALCOHOL CONSUMPTION

- 8.1 When alcohol is present at a social, cultural, sports, promotional or fundraising event organized by the School Board (Head Office or Schools/Centers) or in which the School Board participates, the following rules must be strictly observed:
- 8.1.1 Attendance at the event must be authorized beforehand.
 - 8.1.2 Alcohol may not be served to minors.
 - 8.1.3 Minors who are not with a parent or a responsible adult may not be admitted to the event, unless their presence is specifically required.
 - 8.1.4 Alcohol service must be provided by persons over the age of majority who are not students of the School Board.
 - 8.1.5 The laws and regulations in effect must be respected when serving alcohol.
- 8.2 Despite the foregoing, alcohol consumption is strictly prohibited for employees, volunteers or any other person responsible for supervising students or who must drive a vehicle while performing their duties.
- 8.3 Considering the School Board's mission, employees who organize, attend or participate in events must constantly keep in mind the image they project when drinking alcohol. Employees attending work-related functions must conduct themselves professionally and responsibly concerning consumption
- 8.4 The immediate superior responsible for the building where the event takes place or the person in charge of the event must take precautions to intervene should a participant be inapt to drive upon leaving the event.

Notwithstanding the above, employees must be able to carry out their tasks without compromising their safety and health, and the safety and health of other employees or third parties.

MEDICAL USE OF CANNABIS

- 8.5 The use of cannabis for medical purposes will be treated like prescription medication, with the necessary legal and medical authorizations to possess and use cannabis.
- 8.6 Clarifications were made to the *Act respecting occupational health and safety* to specify the responsibilities of employers and workers with respect to performing work when the worker's condition, safety or physical well-being, or that of other persons at or near the workplace, by reason, in particular, of them being impaired by alcohol, drugs, including cannabis, or any similar substance. The employer must see to it that a worker does not perform this work if such is their condition¹.

9. **NON-COMPLIANCE**

9.1 The following section relates to labor laws and applies to employees of ESSB.

Any School Board employee who contravenes the provisions of this Policy is liable for a sanction deemed reasonable based on the facts of the case (e.g., suspension from work, exclusion from activities, dismissal, etc.).

Should an employee fail to comply with this Policy, administrative or disciplinary measures may apply:

- a) Administrative measures: The School Board may take immediate steps to remove an employee from the premises as an administrative measure if there are reasonable grounds to believe the employee is under the influence of drugs or alcohol or misused medication. The employer will take reasonable steps to ensure that the employee is able to return home safely.
- b) Disciplinary measures: Failure to comply with this Policy may result in disciplinary action, up to and including dismissal. Trafficking, possession or use of illegal substances in the workplace are grounds for immediate dismissal. In addition, the situation will be reported to the authorities. The sale, distribution or procuring of alcohol or drugs to students are also grounds for immediate dismissal.

¹<https://www.canada.ca/en/employment-social-development/services/health-safety/cannabis-workplace/questions-answers.html#h2.1-h3.3>;
<https://encadrementcannabis.gouv.qc.ca/en/loi/loi-encadrant-le-cannabis/#regarding-workspace>

- 9.2 In cases of potential breach of this Policy, the School Board shall conduct an investigation which could lead to sanctions or disciplinary measures, including the employee's dismissal, in accordance with the provisions of the applicable collective agreement, this Policy and applicable laws and regulations. Any employee who refuses to collaborate with the investigation, fails to take steps to address his or her drug or alcohol problem or who does not cooperate under this Policy may be imposed disciplinary measures, up to and including dismissal.
- 9.3 Should a volunteer fail to comply with this Policy, their privilege to volunteer may be suspended and other sanctions or measures deemed appropriate may be taken by the Director of Human Resources or the School Board.
- 9.4 The School Board may impose any sanction or measure deemed appropriate to any other party who contravenes this Policy.

10. PREVENTION AND REHABILITATION

- 10.1 The School Board favors a preventative approach to drug and alcohol use or misuse and offers its support to employees.
- 10.2 The School Board recognizes that a drug or an alcohol dependency can be treated and will therefore fulfill its duty to accommodate the employee.
- 10.3 The School Board strongly encourages employees suffering from a substance abuse problem or substance use disorder to consult the available resources to obtain the necessary support for their condition and to quickly seek help from the School Board. Knowingly hiding a substance abuse problem from the employer or when asked by the employer or failing to report a dependency or substance use disorder hindering their work performance may constitute a breach of Policy.

11. RESPONSIBILITIES

11.1 Employees and third parties

11.1.1 Employees and third parties must read this Policy and comply with its provisions. They must also respect the laws and regulations in effect concerning drug and alcohol use when they are working or on School Board premises.

11.1.2 Employees and third parties must also cooperate in applying this Policy. In particular, they must notify an administrator of the School Board as soon as they become aware that the Policy has been breached.

11.1.3 Employees who believe they have developed a substance abuse problem or substance use disorder must take the necessary steps to treat this problem.

11.2 Management

11.2.1 Administrators must read, understand, communicate and apply this Policy as well as all related documents.

11.2.2 Administrators who have reasonable grounds to believe that an employee is under the influence of drugs or alcohol or has misused medication must take the appropriate measures, based on the situation, in cooperation with the Director of Human Resources. (Refer to Addendum A).

11.2.3 Administrators who have reasonable grounds to believe that a volunteer or student is under the influence of drugs or alcohol or has misused medication must take the appropriate measures, based on the situation and in compliance with the school's or center's code of conduct and the applicable ESSB policies.

11.2.4 Administrators must respect confidentiality as per article 63.1 of the *Act Respecting Access to Documents of Public Bodies and the Protection of Personal Information*.

11.2.5 A breach of this Policy must be immediately reported in writing to the Director of Human Resources.

11.3 Director of Human Resources

11.3.1 The Director of Human Resources must make all employees aware of this Policy.

11.3.2 The Director and Coordinator of Human Resources shall support and advise administrators to ensure they understand this Policy, are able to apply it and to communicate its content.

11.3.3 In cooperation with the Administrator or supervisor of an employee in breach of this Policy, the Director of Human Resources shall recommend appropriate measures to apply. The processes outlined in the respective collective agreements for employees shall be followed.

ADDENDUM A

Notice: The signs below could be an indicator of a medical condition; further examination or investigation may be required.

General signs of potential substance abuse:

- Smell of alcohol or drugs;
- Difficulty speaking;
- Difficulty walking or standing;
- Pasty mouth;
- Disorientation, confusion or drowsiness;
- Dilated pupils;
- Glassy eyes or red eyes;
- Nausea and vomiting.

ALCOHOL

Some physical signs of alcohol intoxication are recognizable as follows:

- Slurred or incoherent speech;
- Poor balance and clumsiness;
- Delayed reflexes;
- Stomach pains, vomiting or nausea;
- Loss of consciousness or blacking-out;
- Redness of the face during or after periods of consumption

General signs of alcohol abuse may include the following:

- Progressive increases in the frequency and quantity of alcohol consumption can begin to produce more serious medical symptoms of alcoholism.
- Someone abusing alcohol makes drinking a central activity of their life, displacing healthy activity and relationships, and resulting in negative consequences.
- Alcohol abusers often maintain some capacity to recognize situations that lead to over-consumption, and to regulate their alcohol intake.

Signs of alcohol abuse include:

- Loss of control over amount consumed once they begin drinking;
- Regular inattention to family and professional obligations;
- Dangerous behaviors that carry risk of legal, financial and/or health consequences for themselves and others;
- Increase in expressions of anger or other emotions, especially in inappropriate settings;
- Insomnia, which may be followed by oversleeping.

CANNABIS

Possible signs of cannabis use may include the following:

Physical Change:

- Bloodshot eyes;
- Fast heart rate;
- Sleepy, lethargic;
- Lack of coordination;

Change in Actions:

- Change of usual behavior;
- Confusion and lack of focus;
- Unusually talkative;
- Dropping usual activities;
- Misjudging time;
- Secretiveness;
- Increased food consumption or increased cravings for snacks;