

# EMPLOYEE SUBSTANCE ABUSE AND TESTING

## Background

The Division believes that it has the responsibility to ensure that its schools and other workplaces are as safe, supportive and wholesome as possible.

## Procedures

### 1. Introduction

#### 1.1 Purposes

- 1.1.1 The use of illicit drugs and the inappropriate use of alcohol, medications or other substances, can have serious adverse affects on the safety and well-being of employees, students and the public.
- 1.1.2 Alcohol or drug dependency is a treatable condition and that early intervention greatly improves the probability of lasting recovery.
- 1.1.3 The Division has established this employee substance abuse procedure for the following reasons:
  - 1.1.3.1 To maintain a positive work environment in order to assure the highest quality education for the students served by the Division;
  - 1.1.3.2 To provide a workplace for our employees and others which is free from the effects of drugs and alcohol, thereby promoting a safe work environment; and
  - 1.1.3.3 To support employees drug and alcohol rehabilitation at the earliest possible stage.

#### 1.2 This procedure is designed to:

- 1.2.1 Establish guidelines for dealing with alcohol and other drug related problems;
- 1.2.2 Identify as soon as possible the employee at risk and the appropriate intervention so that the employee's work performance may be positively affected;
- 1.2.3 Encourage voluntary participation in rehabilitation; and
- 1.2.4 Maintain the rights of employees and to interfere as little as possible with the privacy of employees.

#### 1.3 Application

- 1.3.1 In the event of a conflict between any provision and applicable law, the applicable law shall apply.

1.3.2 This procedure may be modified at any time by the Division. Notice of any changes to this procedure shall be communicated to employees.

1.3.2.1 The person who initiates the hiring of a contractor who will perform services for the Division shall ensure that all contracts include language requiring the contractor to comply with the provisions of this administrative procedure.

1.3.2.2 The person initiating and/or supervising the contract shall monitor compliance by the contractor with the administrative procedure and shall immediately report any breaches to the Director.

## 2. Prevention

The Division recognizes the importance of the prevention of substance abuse and substance dependency and is committed to:

2.1 Clarify its expectations with respect to employee substance abuse through communication and consistent application of this procedure;

2.2 Support specific programs of education and awareness on substance use and available treatment sources;

2.3 Support peer prevention/referral programs of other initiatives based on shared responsibility;

2.4 Encourage early detection and identification of possible abuse or dependency; and

2.5 Encourage early participation in assessment and rehabilitation.

## 3. Assessment and Rehabilitation

### 3.1 General

3.1.1 The Division will provide confidential assessment, counseling assessment, counseling, referral and after-care services through its Employee Assistance Program.

3.1.2 Employees who follow approved treatment will receive disability and health insurance benefits in accordance with existing plans.

3.1.3 At the sole discretion of the Division, at the request of a health professional and with the consent of the employee, the Division may modify the work conditions of the employee during treatment.

3.1.4 Information concerning an employee's involvement with the EAP or other treatment agencies will be held in the strictest confidence and will not be disclosed except:

3.1.4.1 As authorized in writing by the employee;

3.1.4.2 As required by law;

3.1.4.3 Where there is serious and imminent risk that the health or safety of the employee or others would be jeopardized.

3.1.5 Any decision by an employee to seek help will not interfere with the position, advancement or employment of the employee.

## 3.2 Referrals to Treatment

### 3.2.1 Voluntary Referral

3.2.1.1 Employees who suspect they have a substance dependency or emerging alcohol or drug problem are encouraged to seek advice and to follow appropriate treatment promptly, before job performance is affected or violations of this procedure occur.

### 3.2.2 Fellow-Employee Initiated Referral

3.2.2.1 Any employee who notices that another employee has or may be developing a problem with drugs or alcohol is encouraged to discuss with the fellow employee the availability of the Employee Assistance Program and its services and to encourage the employee to consider the value of participating in the program.

3.2.2.2 Any employee who notices that another employee has or may be developing a problem with drugs or alcohol shall immediately report the matter to a supervisor if there is a possibility that the work performance of the fellow employee could detrimentally affect other employees, students or the public, by following applicable ethics codes.

### 3.2.3 Employer Initiated Referral

3.2.3.1 When a supervisor or Principal notices or is informed that an employee has or may be developing a problem with drugs or alcohol the supervisor shall meet with the employee, advise the employee of the availability of the EAP and its services and shall encourage the employee to participate in the program.

- If a supervisor becomes concerned about the deterioration of work performance of an employee and if the supervisor believes that one of the causes may be alcohol or drug related, the supervisor shall meet with the employee, advise the employee of the availability of the EAP and its services and shall encourage the employee to participate in the program.
- If the employee refuses the help that is offered through the EAP and if the work performance does not improve or continues to deteriorate, the employee will be subject to normal disciplinary procedures.
- If the performance of the employee is such that disciplinary action would be appropriate:

- The Division may, at its sole discretion, offer the employee the option of obtaining an assessment by a health professional or agency chosen by the Division;
- The employee shall then follow any course or treatment recommended by that health professional or agency;
- Failure of the employee to attend for the assessment and follow the recommendations will result in imposition of the disciplinary action.

#### 4. Work Rules Concerning Possession, Use or Effects of Substances

- 4.1 In order to minimize the risk of impaired performance due to substance abuse, the following are strictly prohibited for all employees while engaged in school related activities, on school premises or at school sponsored events:
  - 4.1.1 The use, possession, distribution, offering or sale of illicit drugs, illicit drug paraphernalia or un-prescribed drugs for which a prescription is legally required in Saskatchewan;
  - 4.1.2 The presence in the body of illicit drugs, un-prescribed drugs for which a prescription is legally required in Saskatchewan, or their metabolites;
  - 4.1.3 The use, possession, distribution, offering or sale of alcoholic beverages, except for the moderate and responsible use of alcohol at approved staff or social functions.
  - 4.1.4 Having a blood alcohol concentration in excess of zero (.00) percent;
  - 4.1.5 Intentional misuse of prescribed medication, over-the-counter medications or other substances;
  - 4.1.6 Being unfit for work due to the after-effects of alcohol, illicit drugs, un-prescribed drugs for which a prescription is legally required in Saskatchewan, or the intentional misuse of medications; and
  - 4.1.7 Consumption of alcohol during working hours, on or off school premises, including meal times or the personal work breaks, whether or not they are considered to be paid time.
- 4.2 Such prohibitions do not apply to a prescription drug where:
  - 4.2.1 Such drug is being used for its intended purpose as currently prescribed for the person possessing it; and
  - 4.2.2 The use of such drug doesn't adversely affect judgement, coordination or other senses or the ability to perform work in a safe and productive manner.
- 4.3 The Division reserves the right to request a physician's statement confirming that the use of such drugs has been prescribed and that the use of such drug

will not adversely affect the performance of the employee or the safety of students and/or other employees.

## 5. Disciplinary Action

- 5.1 No employee with a alcohol or drug problem will be disciplined or terminated solely due to a request for help in overcoming the problem or because of involvement in a rehabilitation effort.
- 5.2 If an employee violates the provisions of this procedure, appropriate disciplinary action will be taken, up to and including termination of employment.
- 5.3 This administrative procedure does not require and is not to result in any exemptions from normal job performance requirements.
- 5.4 The Division may take into custody any unauthorized alcohol, drugs or drug paraphernalia and may:
  - 5.4.1 Turn such items over to the proper law enforcement authorities; or
  - 5.4.2 Return such items to the employee on condition that they be immediately removed from the Division property.
- 5.5 A supervisor who confronts a violation of this administrative procedure will immediately remove from the Division property any employee who appears to be impaired by alcohol or drugs, whether consumed at work or prior to work.
  - 5.5.1 Where an employee is ordered to leave the Division property, for being impaired the supervisor will offer to provide transportation to the employee's residence.

## 6. Identification/Confirmation of Substance Abuse and Work Rule Violations

- 6.1 Performance Monitoring

The normal process of job performance monitoring and counseling will remain the primary emphasis and method by which substance abuse problems and violations of administrative procedure will be identified.
- 6.2 Substance Abuse Testing
  - 6.2.1 Circumstances When Testing May Take Place
    - 6.2.1.1 Random Testing

Employees may be subject to random testing.
    - 6.2.1.2 Reasonable Suspicion

Employees shall be tested when their job performance or behaviour, an incident while on duty, or some other relevant and specific indication would cause a reasonable person to believe that the employee might be in violation of this substance abuse administrative procedure.
    - 6.2.1.3 Post-Rehabilitation

Testing for alcohol or specified drugs may also be conducted during or after a rehabilitation program, by mutual agreement between the employee undergoing treatment and the Division.

#### 6.2.1.4 Voluntary Testing

An employee of the Division may voluntarily consent to the taking of a drug or alcohol test at any time during the school year and the Division may, at its sole discretion, agree to pay the expense of such test.

## 6.2.2 Confidentiality

The confidentiality of all test results shall be strictly maintained, with only those persons having a need to know being informed of the results.

## 6.2.3 Results of Test

6.2.3.1 Applicants who test positive will be required to submit to a second test.

6.2.3.2 If the test is positive:

- The employee will be required to attend an assessment by a health professional or agency chosen by the Division; and
- The employee shall then follow any course or treatment recommended by that health professional or agency.
- Failure of the employee to attend for the assessment and follow the recommendations will result in termination of employment.

## 6.2.4 Refusal to Take Test

Refusal to consent to, or refusal to disclose results of a drug test by any employee required to do so pursuant to this administrative procedure shall be deemed to be a refusal to accept the conditions of employment and shall result in termination of the employee.

## 6.2.5 Procedures for Drug and Alcohol Testing

6.2.5.1 All drug and alcohol testing will be performed by a professional laboratory to be designated from time to time by the Division.

6.2.5.2 The testing program will cover alcohol and only the drugs specified from time to time by the Division and will not include testing for other conditions.

6.2.5.3 All employees who are being tested will be asked to declare their current or recent use of all medications and to provide the physician designated by the Division with any information the employee or the physician believes may be relevant to the tests.

6.2.5.4 All employees who are being tested will be asked to complete an informed consent document and will be asked to cooperate with the designated physician or laboratory in providing any other documents that may be required to complete the testing.

6.2.5.5 The Division shall from time to time designate a physician to receive all drug tests from the laboratory and to

determine whether or not an employee has tested negative or positive. All test results will be communicated by the laboratory to the designated physician.

- 6.2.5.6 The determination of whether or not an employee has tested positive or negative shall be made by the designated physician and shall be based on factors considered medically relevant by the appointed physician. These factors may include, but are not limited to:
- Alternate medical explanations for confirmed positive results;
  - Medical interviews with the employee;
  - The medical history of the employee;
  - Relevant biomedical factors; and
  - Medical records made available by the employee.
- 6.2.5.7 The results of the drug test shall be reported in writing by the appointed physician to the Director. The Director will notify the appropriate supervisor who shall, in turn, notify the employee.
- 6.2.5.8 An employee may request re-analysis of the original specimen at the employee's own expense.
- 6.2.5.9 The physician and laboratory designated to provide the testing service shall be chosen by the Division based, in part, on their ability to provide the following services:
- Rigorous sample collection and chain-of-custody procedures;
  - Alcohol test administered with a breathalyzer, breath tube device or saliva strip;
  - Urinalysis tests performed using a two-step process, with all confirmations being performed by gas chromatography/mass spectrometry (GC/MS); and
  - The laboratory will be subject to blind performance testing and other such quality assurance measures.
- 6.2.5.10 Testing will include the following substances:  
cannabinoids, cocaine metabolite, opiates,  
amphetamines, PCP, methaqualone, barbiturates,  
ethanol, propoxyphene and any other substances as  
may be designated from time to time by the Division.

Reference: Sections 85, 87, 108, 109, 110, 174, 175 Education Act  
Human Rights Code  
Labour Standards Act  
The Local Freedom of Information and Protection of Privacy Act  
Canadian Human Rights Act  
Canadian Charter of Rights and Freedoms