

 <p>Cree School Board Commission scolaire crie</p>	<h1>Policy on Drugs, Medication and Alcohol</h1>	
	<p>Department responsible: Human Resources Effective date: September 7, 2018 Approved by: Resolution #EC 2018-472</p>	
	<p>References:</p>	<ul style="list-style-type: none"> ▪ Code of Ethics / Employees (ADM-13) ▪ Code of Ethics / Elected members (By-Law #6) ▪ Non-Smoking (ADM-07) ▪ Housing (MRS-01)

This Policy on drugs, medication and alcohol establishes rules and frameworks aiming to prevent and eliminate the risks and consequences of consuming these substances. The Cree School Board implements this Policy with the goal to ensure the quality of the educational services with respect to all persons, property and the environment and to preserve and enhance the image of the education system under its jurisdiction.

The Board considers that the application of the provisions of this Policy is necessary for the proper functioning of its activities in all its schools, centres and offices.

1) General provisions

Objectives

1.1. The objectives of this Policy are to:

- provide a healthy and secure learning environment and ensure the well-being, development and safety of both young and adult students;
- ensure the quality of educational services and maintain the highest standards in terms of role models in the education sector with students;
- prevent and reduce risks associated with drugs or alcohol use and inappropriate medication use;
- protect the health and safety of employees at work;
- ensure optimal safety conditions for students, everyone present in its facilities and the public;
- support employees who want to overcome an addiction.

Scope

1.2. This Policy applies to all employees of the Board, regardless of their hierarchical level. This Policy also applies to elected members of the Board by making the appropriate adaptations.

The Board will apply a zero tolerance policy for non-respect of this Policy and measures will be taken accordingly including termination of employment.

[Legal framework](#) 1.3. This Policy takes into account namely the following applicable legislation:

- Act respecting occupational health and safety¹
- Quebec Civil Code²
- Charter of Human Rights and Freedoms³
- Criminal Code
- Cannabis Act (federal law)⁴
- Cannabis Regulation Act (provincial law)⁵

This Policy does not replace or supersede the existing collective agreements or applicable by-law's provisions and/or management rights where applicable.

2) Definitions

2.1. In this Policy, the following words or expressions mean:

- a) **Alcohol**: any beverage containing any degree of alcohol;
- b) **At the Board's service**: all the activities a person subject to this Policy can be a part of, arising out of or in the course of his work or activities of the Board and educational institutions, including break periods, in or outside the workplace. This concept also includes all the circumstances in which a person subject to this Policy represents the Board or accompanies students;
- c) **Being in direct contact with students**: refers to the positions, duties and situations that cause a person subject to this Policy to be in contact with students (young or adults) or parents within the meaning of the *Education Act for the Cree, Inuit and Naskapis Native Persons* (CQLR, c. I-14);
- d) **Being under the influence**: means being under the influence of drugs or alcohol including their residual effects;
- e) **Drug**: any substance that is consumed⁶ without a medical prescription or beyond such a prescription, including cannabis, despite its legalization, the consumption of which may affect someone's way of thinking, perception or behavior. For the purposes of this Policy, any medication, prescribed or not, which is abused, is considered to be a drug;
- f) **Employee**: any person employed by the Board including, (with the appropriate adaptations regarding the sanctions, etc.), trainees, volunteers, partners, subcontractors, suppliers and other actors of the Board. It also includes an elected member when applicable and by making the appropriate adaptations;

¹ CQLR c. S-2.1

² Art. 2087, Civil Code of Quebec

³ CQLR c. C-12, art. 46

⁴ S.C. 2018, c. 16

⁵ 2018, chapter 19, section 19

⁶ Or taken under any form (inhalation, vaporization, etc.)

- g) **Safety-sensitive situation:** a situation which, according to the Board, may present a risk, in particular, the work:
- in the presence of students;
 - during student activities and educational outings involving students, whether they take place during or outside the normal work hours, in or outside the workplace;
 - done with tools or machines;
 - with chemicals or hazardous products;
 - in a workshop, laboratory or kitchen;
 - in enclosed areas (crawl space, etc.) and work at height;
 - involving the driving of a vehicle or equipment;
 - in a gym or sports facility (swimming pool, fitness room, arena, etc.);
 - involving physical maintenance, repairs and landscaping, as well as renovations;
 - requiring the handling heavy loads with or without equipment;
 - involving assistance or personal support (SATs, etc.);
 - related to the surveillance, intervention and decision-making in emergencies or crises;
- h) **Workplace:** all buildings and facilities owned, leased or used by the Board or over which it exercises direct control, including vehicles. This word also includes any place where a person subject to this Policy is required to go for professional activities and/or to accompany students.

3) Requirements

[Alcohol](#)

3.1. It is prohibited for any person subject to this Policy while at the Board's service:

- a) to consume alcohol;
- b) to have in his possession alcohol;
- c) to distribute or sell alcohol;
- d) to be under the influence of alcohol.

Also, it is forbidden to have an odour of alcohol for any person who is in direct contact with the students or co-workers.

[Drugs](#)

3.2. It is prohibited for any person subject to this Policy while at Board's service:

- a) to use drugs;
- b) to have in his possession drugs;
- c) to distribute or sell drugs;
- d) to be under the influence of drugs;
- e) to show signs that drug was used or taken (smell, etc.).

More particularly, it is prohibited for anyone to have in his possession cannabis or any drugs on premises or in buildings owned or occupied by the Board for the delivery of its services.

[Medication](#)

3.3. Any employee who is taking a prescription or over-the-counter medication affecting his ability to work safely and effectively, his alertness or his ability to perform the tasks assigned to him while he is at the Board's service, must provide the Board with a document from his physician or pharmacist indicating the possible side effects and confirming that he can actually perform his duties.

4) Screening Tests

[Circumstances](#)

4.1. For the application of this Policy, the Board may require an employee to undergo a drug or alcohol test in any of the following circumstances:

- a) when the employee consents freely, voluntarily and in an informed manner;
- b) when the Board has reasonable and probable grounds to believe that the employee is under the influence of drugs or alcohol or has consumed drugs or alcohol while he's at the Board's service;
- c) following an accident or a significant incident that takes place in a context that it can reasonably indicate that the employee was under the influence of drugs or alcohol at the time of the event;
- d) as part of a return to work plan following an absence related in whole or in part to a drug, medication or alcohol addiction, according to a specific agreement to that effect or terms and conditions determined by the Board;
- e) in sensitive situations⁷ where there are reasonable grounds to believe there is a problem related to the use of drugs or alcohol in the workplace. In this context, the possibility of random testing for drugs and alcohol can be considered.

Any drug or alcohol testing under this Policy is conducted in accordance with medical and regulatory/legal standards. One of its objectives is to be the least intrusive possible for the individual.

5) Non-compliance with Policy – *administrative measure and disciplinary action*

[Administrative measure](#)

5.1. An employee for whom the Board has reasonable grounds to believe that he is under the influence of drugs or alcohol or who is misusing medication will be immediately removed from the workplace.

[Sanctions](#)

Failure to comply with this Policy or applicable legislation exposes the employee to the appropriate measures and/or disciplinary actions up to and including termination of employment or contract.

⁷ As per article 2.1 g)

[Criminal offence](#) **5.2.** Appropriate measures or sanctions may be taken when the image of the Board is at stake, namely for employees involved in drug/alcohol trafficking or any related criminal activities, even when the incident occurred when the employee was not at the Board's services.

6) Prevention and rehabilitation

6.1. The Board encourages any employee who is addicted to drugs, medication or alcohol to seek help and take the means to overcome the addiction and the Board invites such employee to contact Human Resources Department. The employee may be entitled to short term disability leave benefits (as per working conditions) if entering a rehabilitation program. The Board may also provide support through its Employee and Family Assistance Program and other measures⁸ as long as the employee has a genuine commitment to overcoming his addiction.

7) Application of this Policy

[Other provisions](#) **7.1.** The present Policy replaces any other Policies of the Board pertaining to this subject, while respecting the Council of Commissioners Policies where applicable. If there is any conflict between this Policy and a collective agreement or any legislation, the latter shall prevail.

[Official version](#) **7.2.** The official version of this Policy is kept by the Secretary General of the Board.

[Responsibility](#) **7.3.** Any person referred to in this Policy must abide by all its provisions and all managers of the School Board are responsible for ensuring that all its provisions are applied and respected.

The Director of Human Resources is the person responsible for providing support in the interpretation of this Policy and to ensure its revision when necessary.

⁸ Namely by accommodating employees as long as the accommodation requested is reasonable and does not cause undue hardship for the Board.