

SCHOOL DISTRICT No. 69 (QUALICUM)

ADMINISTRATIVE PROCEDURE

IMPAIRMENT IN THE WORKPLACE

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PURPOSE

1. The purpose of this administrative procedure is to set out how the School District 69 will handle impairment in the workplace, as well as the roles and responsibilities in relation to this matter.
2. This administrative procedure must be read in conjunction with the Policy 8003: Impairment in the Workplace.

ROLES AND RESPONSIBILITIES

Employees and Volunteers

3. Employees and volunteers must:
 - a. Understand and abide by this policy and related administrative procedure;
 - b. be fit for duty at work and in the workplace; Report to work and perform their assigned duties safely and acceptably without impairment in order to ensure their health and safety and that of others.
 - c. ensure that their ability to perform their job duties is not negatively affected by the use or after-effects of impairing substances;
 - d. consult with their physician and/or pharmacist to determine if their underlying health condition or their use of any medication may affect their fitness for duty or the safety of any person at work or in the workplace;
 - e. advise their supervisor if they are taking or have taken any impairing substance or are experiencing symptoms arising from an underlying health condition that may negatively impact their fitness for duty or the safety of any person at work or in the workplace;
 - f. advise their supervisor or the Health and Wellness Coordinator or designate, in a confidential manner if they reasonably believe another employee is not fit for duty;
 - g. remain fit for duty or decline unscheduled shifts if impaired; and,
 - h. immediately inform their supervisor if their job role requires a valid driver's licence and their driving privileges are lost, revoked, or suspended due to impaired driving, including but not limited to charge, suspension, or conviction while on or off duty.

Supervisors and managers

4. Supervisors and managers must:
 - a. play a key role in the communication, implementation and monitoring of this administrative procedure and related policy;
 - b. work with human resources to proactively identify and manage ~~issues~~ concerns relating to impairment;

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- c. collaborate with the Health and Wellness Coordinator or designate, union and employee to provide support and accommodation in accordance with human rights law;
- d. address any situation where an employee is reasonably suspected of being not fit for duty, including but not limited to prohibiting operation of a motor vehicle;
- e. record relevant information about any incident of suspected impairment and report it without delay to the Health and Wellness Coordinator or designate; and,
- f. foster a workplace culture that encourages employees to self-disclose and seek support for any conditions or concerns about impairment and to understand how this affects their job performance or compromises workplace health and safety.
- g. practice confidentiality.

CONFIDENTIALITY

5. All disclosures or discoveries of impairment in the workplace will be treated confidentially and with empathy.
6. Any details pertaining to an employee's impairment or suspected impairment in the workplace will not be shared unless the employee gives consent. The exception is when consent is not given, or not capable of being given, and there is an immediate risk of harm to the individual or others. Under such circumstances, only those who need to know in order to reduce the risk of harm, may be told.

ACCESS TO ASSISTANCE

7. Employees and their dependents may seek free and confidential assistance from the Employee and Family Assistance Program (EFAP) available at: www.workhealthlife.com or 1-844-880-9142.

All employees can self-refer to the EFAP and this service is free and confidential.

8. All Employees are also encouraged to seek assistance from their immediate supervisor, and/or the Health and Wellness Coordinator.
9. MATA members are encouraged to seek support through the BCTF Health and Wellness Program. CUPE members will be supported through the Joint Early Intervention Service.

MEDICAL ACCOMMODATIONS

10. It is the employee's responsibility to disclose their accommodation needs. However, there may be circumstances when a supervisor or manager notices changes in an employee's attendance, performance or behaviour, indicating possible issues with impairment. These circumstances may trigger a legal obligation to initiate a discussion with the employee in order to determine whether there is a need for accommodation of a disability. Union representation will be offered.
11. School District 69 will require a medical certificate from the employee's physician in order to consider medical accommodations. While adjustments or modifications may be offered to support an employee to improve their health and to remain safe at work, it should be

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understood that any such measures will be temporary and may be withdrawn at any time if they are unsustainable and lead to undue hardship for School District 69.

INTERVENING WHEN AN EMPLOYEE IS CONSIDERED NOT FIT FOR DUTY

Employees

12. The process for intervening with an employee when a supervisor observes physical, behavioural or work performance indicators that suggest that an employee is impaired at work and not fit for duty is as described below in 12a through to 12i. The employee will be reminded by the Superintendent or designate of their right to have support, including through Union Representation if applicable.
 - a. The supervisor or designate will take immediate action to determine if the employee is fit for duty and will consult with the Health and Wellness Coordinator or designate (if the incident occurs during regular business hours).
 - b. If the employee is deemed not fit for duty the Supervisor will arrange for the employee to be removed from the work site. Contact is to be made with the police in situations where an employee is uncooperative and/or acting inappropriately.
 - c. The supervisor will ask the employee to leave work and will arrange safe transportation for the employee to their residence or to the care of another person and will determine if the employee needs to be accompanied. When there is concern for the employee's immediate health status, arrangement is to be made for transport to medical assistance.
 - d. The supervisor will document observations and actions taken as soon as possible following an incident and will report to the Health and Wellness Coordinator or designate.
 - e. If the nature of the impairment is serious and there was an immediate risk of harm to the individual or others, the supervisor will notify the Director of Human Resources and the Superintendent as soon as possible that the employee was not fit for duty and the subsequent actions that were taken.
 - f. NOTE: After regular business hours, the person designated in charge of a worksite or department will follow the above process. If required, they may contact the appropriate supervisor on call for the department to seek advice and assistance. Observations and actions taken are to be documented and provided to the supervisor at the earliest opportunity.
 - g. The employee will remain off work pending further investigation.
 - h. The Health and Wellness Coordinator or designate will contact the employee as soon as mutually agreed following the incident to arrange a meeting for the purposes of understanding the nature of the impairment and deciding what further action or support is needed.

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- i. The employee and a union representative will be required to meet with the supervisor and the Health and Wellness Coordinator or designate prior to any return to work being approved. A Medical Clearance Certificate may be requested from the employee's physician.

INVESTIGATION

13. Non-compliance with the Impairment in the Workplace policy and administrative procedure will be investigated by the Director of Human Resources in order to review the employee's conduct, the extent of their culpability, and to determine whether School District 69 has a duty to accommodate the employee under human rights law.
14. The Director of Human Resources will initiate disciplinary action in circumstances of non-compliance with Board policy, where an employee is deemed to be culpable for their conduct. It should be noted that the existence of a recognized disability, such as a substance use disorder, will not prevent School District 69 from considering discipline.

INTERVENING WHEN A NON-EMPLOYEE IS CONSIDERED NOT FIT FOR DUTY

Contractors

15. Contractors must ensure individuals providing services to the School District 69 conduct themselves in a manner consistent with this administrative procedure and related policy. In order to provide a safe work environment, School District 69 will take reasonable steps to ensure contractors enforce the provisions of this administrative procedure and the related policy with their employees, sub-contractors and agencies. Appropriate requirements will be built into all requests for proposals and contracts. Any contravention of this administrative procedure and the related policy will be considered a breach of contract which may result in penalties, suspension or expulsion of the individual involved, or termination of the contract.
16. If there is any reason to suspect a contravention of the policy or administrative procedure:
 - a. The contractor, site supervisor and General Manager of Operations will be notified.
 - b. Any individual suspected of impairment will be respectfully removed from the premises and safe transport will be arranged at the contractor's expense.
 - c. The contractor and School District 69 will investigate the situation to determine if further action is required.
 - d. The individual will not be permitted to return to their contracted position without written permission from the General Manager of Operations.

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Volunteers

17. Volunteers are expected to perform their assignments in a safe manner consistent with this policy and administrative procedure.
18. School District 69 will ensure volunteers become aware of this administrative procedure and related policy. Copies of the policy and administrative procedure will be accessible for volunteers on School District 69 website. Any contravention of the administrative procedure or policy will be considered grounds for immediate forfeiture of an individual's opportunity to volunteer.
19. If a volunteer contravenes this policy:
 - a. The Principal will be notified.
 - b. The volunteer will be immediately and respectfully removed from their assignment and may be removed from the premises by staff who will ensure safe transport from the school or activity site.
 - c. The Principal will investigate the situation and consult with the Superintendent of Schools or designate to determine any further course of action which may be required.
 - d. The volunteer will not be permitted to return to volunteer service without written permission from the Superintendent of Schools.

RETURN TO WORK

20. Emphasis will be on fitness for duty and supportive reintegration into the workplace. Employees will be expected to provide a medical clearance certificate from a physician declaring the employee is fit for duty and detailing any limitations/restrictions that may require temporary modification of their duties or longer term accommodations under human rights law. Employees are expected to comply with reasonable accommodation provided by School District 69. In some circumstances, such as when an employee's job role is safety sensitive or where an employee is in a position of authority, drug testing may be required as part of a relapse prevention program.
21. If an employee neglects to accept or adhere to the return to work arrangements or if their performance, attendance or behavior does not meet agreed upon standards, the situation may be viewed as a disciplinary matter.

Return to Work Arrangements

22. Return to work arrangements will be set out in a written Return to Work Agreement which will set out the needs of the employee, and will document the expectations and requirements agreed upon by School District 69, the employee and their union representative.

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APPENDIX I

DEFINITIONS:

Fit for Duty	A state in which an employee is not impaired and is able to perform their job duties safely, competently and productively consistent with how that individual functions under normal or usual conditions.
Work	Any task or activity performed for or on behalf of the School District, any task or activity associated with an employee's employment with School District 69, or any task or activity where the employee is seen as acting as a representative of the School District. Work includes all breaks (whether paid or unpaid), any period during which an employee is on working call, and periods during which the employee is not actively performing work for School District 69, but is otherwise away from their normal residence and is involved in a School District organized trip, activity, or event.
Workplace	School property as defined in the Cannabis Control and Licensing Act, as amended (including areas consisting of a sidewalk, boulevard or similar components, that abuts school property), and any location, vehicle, or equipment whether owned, leased, licensed, operated, or otherwise controlled by School District 69, or any other place at or from which an employee works in the course of their duties (including their personal vehicle). This includes any location where an employee is in the vicinity of students, is responsible for the supervision of students, or could be seen as acting as a representative of the School District, and includes the location where an employee telecommutes or works from home.
Impairing Substance(s)	Any substance that is ingested, consumed, or otherwise introduced into the body, that can cause the individual to be impaired. Impairing substances may affect an employee's ability to perform their job safely or productively. The definition of impairing substances includes, but is not limited to, alcohol, cannabis, illicit drugs, and medications with impairing effects.
Impaired/Impairment	A deterioration or diminishment of an individual's physiological ability, functioning, judgment, or condition, and includes but is not limited to being unable to function as that individual does under normal or usual conditions, or safely. A person will be considered impaired if their physical or mental state appears to be negatively affecting their cognitive ability or judgement, or their ability to perform their job safely and competently, such as driving or operating machinery.
Medication	A substance obtained legally, either over-the-counter or through a doctor's prescription, that is taken in accordance with a doctor's directions, or, if over-the-counter, taken in accordance with the directions of the manufacturer.