

Central Eglinton Children's Centre
Fit for Duty.
Drugs, Alcohol and Recreational Cannabis in the Workplace Policy

Date Policy and Procedures Established: July 26, 2022

Date Policy and Procedures Updated: February 27, 2024

Purpose and Objectives

Central Eglinton Children's Centre (CECC) is committed to providing and maintaining a safe and healthy workplace and has adopted this policy to communicate its expectations and guidelines surrounding substance use, misuse and abuse.

CECC actively promotes and encourages early diagnosis and treatment of employees who may suffer from a drug, recreational drug and/or alcohol disability and will assist them towards full rehabilitation. Where an employee suffers from a disability under the Ontario *Human Rights Code*, we will make reasonable efforts to accommodate an employee, in accordance with its obligations at law.

Definitions

Drug(s) include but are not limited to, any substance; prescription medications which are acquired without a legally obtained prescription; intentionally misused prescription medications; solvents or inhalants that may inhibit or impair an employee's ability to perform their assigned duties in a safe and productive manner.

Recreational Drugs – includes recreational cannabis in all forms including plant, oils, mists and food goods that may include recreational drugs.

Medication - refers to a Drug obtained legally, either over the counter or through a doctor's or Nurse Practitioner's prescription.

Alcohol - includes, but is not limited to beer, wine, spirits or any other intoxicating compound.

Fit for Duty - in the context of this policy means being able to report for duty for scheduled work and be able to perform assigned duties in a safe and productive manner and not under the influence, impaired, or limited in any way by drugs, recreational cannabis and/or alcohol or their after-effects or any other substance that may impair judgment or performance.

Employee Expectations

Employees are required to comply with the terms of this policy. CECC reserves the right to discipline employees, up to and including termination of employment, for failure to comply with the policy.

The following is a non-exhaustive list that employees are required to adhere to:

- You, as CECC's employees, volunteers, student teachers, are prohibited from consuming alcohol, drugs (not prescribed by a physician) up to three hours prior to CECC's opening time of 7 a.m.
- Use, possession, distribution, cultivation, offering for sale of drugs, recreational drugs and/or alcohol on CECC's premises, including during paid and unpaid breaks, is strictly prohibited.
- Employees, volunteers and student teachers are required to report to work "Fit for Duty." This includes remaining fit for duty and in compliance with the policy for the duration of their shift.

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- Employees, volunteers, student teachers, who suspect they have a drug, recreational drug and/or alcohol dependency or emerging issue related to drugs and/or alcohol are encouraged to seek medical and/or professional advice and follow recommended treatment promptly. You are encouraged to consult CECC's directors or human resource committee chair, in the event you have concerns about your drug and/or alcohol use.
- Employees, volunteers, student teachers are expected to responsibly use prescribed and over-the-counter medications. Where the use of a prescribed or over-the-counter medication could inhibit your ability to carry out the duties of your position safely, you are required to advise the directors immediately.
- Where there are reasonable grounds to believe that you may not be fit for duty while working on CECC's premises, the directors may remove you from your duties. You will be given the opportunity to explain why you appear unfit for work in a private area. Depending on the circumstances, you may be subject to discipline, up to and including termination, if there is a breach of the Policy.
- Where you suspect a co-worker, volunteer or student teacher may not be fit for duty, you must report such suspicions to the directors or the human resources committee chair.
- When off-duty, refuse a request to come into work if you are not fit for duty.
- Employees, volunteers, student teachers on prescription medications or medically approved substances must communicate to the directors, or the human resources committee chair, the usage of such medication, any potential risk, limitation or restriction. Depending on the circumstances, duties may be modified, or you may be given a temporary re-assignment if you are unable to perform the duties of your position safely.
- Employees, volunteers, student teachers seeking accommodation involving prescription drugs, including medicinal cannabis, must provide medical documentation substantiating this requirement. Medical documentation provided should also include details such as:
 - When, how often, and how much of the product will you need to take.
 - If you will need to take it at work, where and how will you take it.
 - How long do you anticipate needing to take it?
 - What skills, if any, are impaired, and for what duration.
 - Any behavioural side-effects; and
 - Communicating and reporting if the dosage of the medication has been increased and will cause or is likely to cause impairment.

Prescribed Medications Expectations

The following expectations apply to prescribed medical cannabis or any other medical drugs that may impact your ability to perform assigned duties in a safe and productive manner.

- Does not entitle you to be impaired at work.
- Does not allow you to compromise the safety of the children, other employees, or yourself.
- Does not entitle you to smoke in the workplace. (See Smoke-Free Laws)

- Does not entitle you unexcused absences or late arrivals.

Management Expectations

CECC is committed to clearly communicating expectations surrounding alcohol and drug use, misuse and abuse.

To ensure appropriate steps are taken to promote a safe working environment, the directors will:

- Be responsible for administering the policy consistently. The directors will update the Policy where necessary to respond to the evolving needs of CECC and developments in the law.
- CECC will provide training in an effort that the directors and members of the health and safety committee shall be trained to recognize signs of drug, recreational drug and/or alcohol abuse or misuse and identification of situations where an employee, volunteer, student teacher may not be fit for duty.
- CECC will ensure steps are taken to protect the confidentiality and privacy of all employees, volunteers, student teachers in accordance with the law.
- CECC will ensure that all employees, volunteers, student teachers who suffer from a drug, recreational drug and/or alcohol related disability are appropriately accommodated.
- No employee, volunteer, student teacher with a drug and/or alcohol related disability will be disciplined or terminated solely for requesting help in overcoming their disability.
- If the directors or human resources committee chair is advised that an employee, volunteer, student teacher may need to use prescribed medicinal cannabis, matters that should be discussed include possible non-smoking options; a designated smoking area; the impact of second-hand smoke on others; and the avoidance of residual scents at work.

Suspicion of Impairment

The following procedure will be enacted if there is a reasonable belief that an employee, volunteer, student teacher is impaired at work:

1. If possible, the directors will first discuss to confirm your status.
2. Next, the directors will consult privately with you to determine the cause of the observation, including whether substance abuse has occurred. Suspicions of your ability to function safely may be based on specific personal observations. If you exhibit unusual behavior that may include, but is not limited to, slurred speech, difficulty with balance, watery and/or red eyes, dilated pupils, and/or there is an odour of alcohol, recreational drugs or other substance, you will not be permitted to return to your assigned duties in order to ensure your safety and the safety of other employees, children or visitors to the workplace.
3. If you are considered "impaired" and deemed not fit for duty, this decision is made based on the best judgment of the directors and DOES NOT require a breathalyzer or blood test. You will be advised that CECC has arranged a taxi to safely transport you home or to a medical facility, depending on the determination of the observed impairment. You may be accompanied by the directors or members of the health and safety committee if necessary.
4. If you are impaired, you will not be allowed to drive. You will be advised if you choose to refuse the CECC organized transportation and make the decision to drive your personal vehicle, we are obligated to and will contact the police to make them aware of the situation.
5. A meeting will be scheduled for the following workday to review the incident and determine a course of action which may include a monitored referral program as part of a treatment plan.

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Accommodation of Substance Abuse Dependencies

CECC understands that certain individuals may develop a dependency to certain prescription drugs, recreational drugs and/or alcohol substances, which may be defined as a disease or disability under the Ontario *Human Rights Code*.

In order to promote a safe and healthy workplace, CECC is committed to providing reasonable and appropriate accommodations to employees, volunteers, and student teachers who have substance abuse addictions. Such accommodations may include but are not limited to:

- Assisting and/or organizing for you to participate in a drug or alcohol rehabilitation program.
- Monitoring your progress in a rehabilitation program for the purposes of assessing whether you can resume your work duties and will be Fit for Duty.
- Consideration will be given to medical documentation received from medical and health professionals for purposes of accommodating you, either through being given modified duties or temporary re-assignment.

You play a role in the accommodation process and are expected to co-operate with reasonable requests for medical documentation, and to disclose if you suspect you have an emerging drug or alcohol problem. You are also expected to seek appropriate treatment promptly.

You are encouraged to communicate if you have a dependency or have had a dependency so that your rights are protected, and you can be accommodated appropriately. You will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort.

All medical information provided by you will be kept confidential by CECC, unless otherwise authorized to be disclosed by law.

CECC reserves the right to invoke an Agreement for the Continuation of Employment in accordance with your commitment to become, and remain alcohol, recreational drug and drug-free. The Agreement will outline the conditions governing your return to the job and the consequences for failing to meet the conditions. An Agreement for the Continuation of Employment may include a requirement for drug and alcohol testing if there is a reasonable basis to request such a test.

Disciplinary Action

Employees, volunteers, student teachers, will be subject to disciplinary action, up to and including termination of employment, placement, for failure to adhere to the provisions of this policy, including, but not limited to:

- Failure to meet prescribed safety standards as a result of impairment from alcohol, recreational drugs and/or drugs; and
- Engaging in illegal activities (e.g., selling drugs and/or alcohol while on CECCs premises).

See Disciplinary Measures – CECC's Human Resources Handbook.