

Workplace Impairment Policy

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1. Policy Statement

The Regional Centres for Education (RCEs) and Conseil scolaire acadien provincial (CSAP) are committed to providing a healthy, safe, and supportive learning and work environment. This policy is focused on an environment that is free from the effects, and aftereffects, of any impairing substances.

Impairment in the workplace affects the ability of employees to do their jobs safely and effectively. Workplace health and safety are shared responsibilities, and individuals who are impaired in the workplace can put themselves and others at risk. Impairing substances can affect the ability of employees to properly perform their employment responsibilities, including protecting the safety of themselves and those around them.

The RCEs and CSAP support the prevention of problematic substance use, and rehabilitation initiatives for employees who deal with problematic substance use or abuse. Awareness, education, early detection, and treatment for those who may have problematic substance use or abuse, or a substance dependency, help to maintain a safe and healthy workplace for all.

The directives outlined in this policy are in addition to, not in place of, those set out in other relevant legislation, policies, and guidelines, such as the *Occupational Health and Safety Act*, *Smoke-free Places Act*, *Cannabis Control Act*, *Education Act*, *Education (CSAP) Act*, *Human Rights Act*, and applicable provisions in collective agreements.

2. Definitions

authorized prescriber: A regulated health care professional who is permitted by federal and/or provincial legislation, their regulatory college, Nova Scotia Health Authority, and practice setting (where applicable) to prescribe medications.

fit for duty: The ability to perform assigned duties and responsibilities safely and effectively without impairment due to the effects or aftereffects of any impairing substance.

impaired: The state of having diminished physical or mental capabilities that would affect an employee's performance of their job. For this policy, impairment refers to impairment caused by an impairing substance.

impairing substance: A substance which has the potential to adversely affect a person's physical or mental capabilities. For the purpose of this policy, impairing substances are those that inhibit or impair the ability of a person to safely and effectively perform their job. The definition of impairing substances includes, but is not limited to:

alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol (grain alcohol), or other low molecular weight alcohols including methyl (methanol) and isopropyl (rubbing alcohol).

cannabis: A drug derived from the cannabis plant that may be used medically or recreationally, and includes, but is not limited to, dried cannabis, soft gels, topicals, extracts or oils, food/beverage items, and other products. Cannabis products may be introduced to the body by being smoked, inhaled, ingested (including eating and drinking), topically applied, or through other means of consumption.

impairing medication: An impairing drug legally obtainable as either an over-the-counter drug or through prescription or authorization by a physician or other treatment provider.

illicit drugs: Any drug or substance that is not legally obtainable and the use, sale, possession, purchase, or transfer is restricted or prohibited by law (e.g., cocaine, prescription drugs obtained without a physician's prescription, or legally obtainable drugs in amounts exceeding legal limits).

workplace: RCE and CSAP schools, property, buildings, facilities, work sites, vehicles, and equipment owned, leased, operated, or otherwise controlled by RCEs and CSAP and any other location and time where an employee is actively working on behalf of their employer.

3. Policy Objectives

The objective of this policy is to inform employees and supervisors of the requirements and expectations respecting the use of impairing substances that may impact the workplace. This includes the use of impairing substances both in and outside of the workplace that may impair an employee's ability to safely and effectively perform their job, and the requirement that all employees will be fit for duty.

This policy further provides supervisors with information, tools, and supports to address the use of impairing substances inside and outside of the workplace that impact an employee's fitness for duty.

4. Guiding Principles

- 4.1 The RCEs and the CSAP have a responsibility to provide safe learning environments for students.
- 4.2 The RCEs and CSAP are committed to providing a safe and healthy workplace, ensuring all employees are treated consistently, fairly, and with dignity and respect, which includes the protection of privacy.
- 4.3 The RCEs and CSAP acknowledge that substance use disorders are treatable and recognize their responsibility to promote and support treatment options for employees. Accordingly, RCEs and CSAP promote self-awareness and voluntary referral for assistance, enabling staff to pursue information and support, including workplace accommodations, where appropriate.
- 4.4 The RCEs and CSAP recognize that they have an obligation to maintain the confidentiality of personal employee information. The right of every employee to privacy shall be recognized and protected to the greatest extent possible.

5. Application

- 5.1 This policy applies to all employees of the RCEs and CSAP, including permanent, term, spare, and casual employees.
- 5.2 Any breach of this policy may result in discipline, up to and including the termination of employment.

6. Policy Directives

Protection of Privacy

- 6.1 The right of every employee to privacy shall be recognized and protected to the greatest extent possible, and access to confidential information will be restricted to employees who require such information as part of their assigned duties and responsibilities. All information, including medical information, will be kept confidential by the RCE or CSAP, unless otherwise authorized by law.

Fit for Duty

- 6.2 Employees must remain fit for duty and unimpaired at all times while performing their work duties.
- 6.3 If an employee is requested to attend work unexpectedly while they are impaired and not fit for duty, they must inform their supervisor that they are not fit for duty and must not report to work.

Professional Functions

- 6.4 An employee attending functions including conferences, workshops, social events, or other events as part of their work duties, where alcohol or other impairing substances are being served, must remain cognizant that they are representing the employer and ensure their conduct remains professional.

Carrying Substances

- 6.5 Except where identified under Medication Use, employees must not have impairing substances on their person or accessible at any time while performing their work duties. Employees who require workplace accommodation for matters that may affect their ability to report to work fit for duty must disclose this, and submit any appropriate documentation, to their supervisor and/or Human Resources representative.
- 6.6 Employees must not distribute, offer for sale, or sell impairing substances at RCE and CSAP workplaces.
 - 6.6.1 The RCE/CSAP may contact law enforcement in the case of any contravention of directive 6.6.
 - 6.6.2 Per the provincial Student Protection Policy and conditions for employment, engaging in drug-related criminal activities may jeopardize employment with the RCE or CSAP.
- 6.7 All employees are expected to use prescribed medication in a safe and responsible manner. Under this policy, employees may possess and use medication while performing their work duties under the following circumstances:
 - 6.7.1 The medication in the employee's possession or used by the employee must be duly prescribed or authorized, as required by law.

- 6.7.2 The employee must use the medication for its intended purpose and in the manner directed by the authorized prescriber.
 - 6.7.3 The use of the medication does not render the employee not fit for duty.
 - 6.7.4 Medication is properly secured in the workplace, out of sight and not easily accessible by others, specifically students.
- 6.8 Where an employee is prescribed medication that may impact their ability to be fit for duty, the employee will
- 6.8.1 consult with a physician to determine if use of the prescribed medication could have potential negative effects on job performance
 - 6.8.2 prior to beginning work, report to the Human Resources Department and/or their supervisor, in confidence, any impairment that may compromise their safety or the safety of others, or their ability to perform their duties and responsibilities

Reporting and Accommodation

- 6.9 Employees are encouraged to voluntarily disclose to their Human Resources representative and/or supervisor if they have a known or emerging substance abuse problem dependency so they can be accommodated appropriately.
- 6.10 Where an employee voluntarily discloses a substance dependency, and seeks help for such dependency, the Director of Human Resources or designate will ensure the employee is provided with the appropriate support, including appropriate reasonable workplace accommodation, and will be not disciplined for that disclosure specifically.
- 6.10.1 The appropriate workplace accommodation will be made, in consultation with the Human Resources Department, in compliance with the *Human Rights Act*, applicable collective agreements, terms and conditions of employment, and applicable policies.
- 6.11 Any employee who becomes not fit for duty due to impairment while at work must inform their supervisor immediately and take all reasonable precautions to address any safety concern(s) that do or may arise due to the employee being not fit for duty.
- 6.12 If an employee suspects that another employee is not fit for duty due to impairment, they must attempt to address the safety concern(s) that do or may arise due to the employee being not fit for duty, and inform their supervisor, or other appropriate authority, as quickly as is reasonably possible.
- 6.13 Employees who may require workplace accommodation related to a prescribed medication, substance use issue disorder, or other matters that may affect their ability to report to work fit for duty, must disclose and submit in the manner prescribed by the RCE or CSAP.

Incidents of Impairment

- 6.14 Where there are reasonable grounds for suspicion that an employee is impaired at work, the supervisor must promptly determine whether the impairment renders the employee not fit for duty.

- 6.15 If the supervisor believes that the employee is not fit for duty, the supervisor will
 - 6.15.1 remove the employee from their duties, in consultation with the Director of Human Resources, or their designate
 - 6.15.2 arrange transportation for the employee to their home, prohibiting, without exception, the operation of a motor vehicle and/or machinery by the employee
 - 6.15.3 advise the employee that if they refuse the arranged transportation and make the decision to drive their personal vehicle, the supervisor is obligated to, and will, contact the police to make them aware of the situation
- 6.16 The supervisor is responsible for documenting all details of an incident of suspected impairment in an appropriate manner, as prescribed by the RCE/CSAP, and immediately submitting the report to Human Resources.

7. Roles and Responsibilities

Department of Education and Early Childhood Development

- communicate the *Workplace Impairment Policy* to appropriate staff at the RCEs/CSAP
- monitor the implementation of and compliance with this policy, in collaboration with the RCEs/CSAP

Regional Centres for Education and Conseil scolaire acadien provincial

- provide a safe learning and work environment
- distribute this policy to all employees and clearly communicate expectations regarding workplace impairment
- hold supervisors and employees accountable for their responsibilities pursuant to this policy
- provide consistent support for the implementation and application of this policy

Directors of Human Resources

- provide advice and support regarding the application of this policy
- coordinate the programs, training, and resources required to support this policy, including training and education for employees and supervisors, and communicating the availability of these resources to employees and supervisors
- support supervisors in addressing incidents of impairment, including investigation and possible discipline
- support the safe, healthy, and productive attendance at work for employees voluntarily disclosing a substance abuse problem, the use of a prescription medication causing impairment, and/or return to work of an employee who has received treatment for a substance use disorder; this includes coordinating appropriate workplace accommodations, when necessary
- maintain confidentiality and employee privacy

Supervisors

- ensure that employees are aware of, and comply with, this policy
- promptly and appropriately address all situations regarding impairment in the workplace
- implement appropriate workplace accommodations, in consultation with Human Resources, when required
- maintain confidentiality and employee privacy

All employees

- review and comply with the directives and expectations set out in this policy

8. Monitoring

EECD, in collaboration with the RCEs and CSAP, are responsible for monitoring the implementation of this policy.

9. References

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- Department of Education and Early Childhood Development staff
- Public Schools Administrators Association of Nova Scotia (PSAANS)
- Unions and Labour Groups:
 - Canadian Union of Public Employees (CUPE)
 - Nova Scotia Government and General Employees Union (NSGEU)
 - Nova Scotia Teachers Union (NSTU)
 - Nova Scotia Union of Public and Private Employees (NSUPE)
 - Service Employees International Union (SEIU)