

Drug & Alcohol Policy

Effective Date:	November, 2018
Review Date:	October, 2020
Approving Body:	President and Vice-Chancellor
Implementation:	President Delegated to Vice-President (Finance and Administration)
Contact:	Director of Human Resources
Applies to:	Staff, Faculty, and Student Employees
Relevant Legislation:	New Brunswick <i>Occupational Health and Safety Act</i> New Brunswick <i>Human Rights Act</i> New Brunswick <i>Cannabis Control Act</i> Federal Government <i>Cannabis Act</i>

1.0 Purpose

Impairment through the misuse of alcohol and drugs affects the ability of a person to properly perform their employment responsibilities and can negatively affect the quality of work. Impairment can lead to incidents causing serious injury to employees and other persons or damage to the environment and property. The safety of employees and students is St. Thomas University's highest priority. Consequently, this Policy has as its purpose a working environment free of the effects of drug and alcohol impairment.

2.0 Scope

This Policy applies to faculty, staff, and student employees.

3.0 Definitions

Alcohol refers to beer, wine and distilled spirits, and includes the intoxicating agent found in medicines or other products, the use of which has the potential to change or adversely affect the way a person thinks, feels, or acts.

Drug means a substance, including cannabis, illicit drugs, medications or other mood altering substances, the use of which has the potential to change or adversely affect the way a person thinks, feels, or acts. For the purpose of this Policy, drugs of concern are those that inhibit or impair the ability of a person to safely and productively perform his or her job. The definition of drug includes:

- a. Cannabis, which refers to any part of a cannabis plant, including the phytocannabinoids produced by or found in a cannabis plant, or any substance that is identical to any phytocannabinoids produced by or found in a cannabis plant. It also

- includes a substance, or mixture of substances, that contains any part of a cannabis plant but does not include:
- i. a non-viable seed of a cannabis plant;
 - ii. a mature stalk, without any leaf, flower, seed or branch, of a cannabis plant;
 - iii. fibre derived from a stalk referred to in paragraph ii;
 - iv. the root, or any part of the root, of a cannabis plant.
- Illicit drug means any drug or substance that is not legally obtainable and whose use, sale, possession, purchase, or transfer is restricted or prohibited by law.
 - Medication refers to a drug legally obtainable as either an over-the-counter (OTC) drug or through prescription by a doctor.
 - Mood Altering Substances refers to any other product that is legally or illegally used, resulting in cognitive or physical limitations that negatively impact performance on the job.

Drug Paraphernalia includes any equipment, product or material that is used or intended for use in concealing a drug or for use in injecting, inhaling, or otherwise introducing a drug into the human body.

Employee includes faculty, staff, or students in the employ of St. Thomas University.

Employer is St. Thomas University.

Fit for Work means being able to safely and effectively perform assigned duties and responsibilities without limitations arising from or related to the use or after-effects of alcohol and/or drugs.

St. Thomas University Property includes all land, property, buildings, structures, installations, vehicles, and equipment owned, leased, operated or otherwise directly or indirectly controlled by St. Thomas University.

Safety Sensitive Job is a position, as determined by St. Thomas University, which has duties and responsibilities where even a momentary lapse of attention (whether by impaired performance, judgment or perception) could reasonably be expected to have a direct negative impact upon the health and safety of Employees, students, the public, property or the environment. Any employee who directly supervises an employee in a safety sensitive position will also be considered to work in a safety sensitive position.

Substance Abuse Expert is an individual with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug related disorders. This may include a licensed physician, a licensed or certified social worker, a licensed or certified psychologist, a licensed or certified employee assistance expert, or an alcohol and drug abuse counsellor. The Substance Abuse Expert may assess if the individual has an alcohol or drug dependency, make recommendations regarding education and treatment, and recommend a return-to-duty monitoring program including unannounced testing.

Supervisor, for staff members and student employees, means an individual who is accountable for a particular administrative unit. For the purposes of this Policy, a faculty member's supervisor will be the appropriate Dean.

4.0 Roles and Responsibilities under the *Occupational Health and Safety Act (OHS)* and under this Policy

All Employees and the Employer must comply with the *Occupational Health and Safety Act*, its regulations and any order made in accordance with this Act or its regulations.

In accordance with this Act, the Employer shall take every reasonable precaution to ensure the health and safety of its Employees, and every Employee shall:

- conduct himself/herself to ensure his/her own health and safety and that of other persons at, in or near his/her place of employment;
- report to the Employer the existence of any hazard of which he/she is aware;
- wear or use such protective equipment as is required by regulation;
- consult and co-operate with the Joint Health and Safety Committee; and
- co-operate with any person responsible for the enforcement of this Act and the regulations.

An Employee with an alcohol or drug dependency is expected to take responsibility to address their dependency. All employees are responsible for their own compliance with this Policy and are expected to place a priority on workplace safety in their attitude, performance and practices.

St. Thomas University will provide its employees with access to assistance programs (e.g., the University's Employee and Family Assistance Program (EFAP)) in a way that ensures confidentiality, fairness, respect for the individual, and supports the rights and responsibilities of employees.

Employee Responsibilities under this Policy

Employees are responsible for:

- Knowing and understanding this Policy.
- Complying with this Policy.
- Taking every reasonable precaution in all circumstances to protect their own health and safety and that of other persons at the workplace.

Employer Responsibilities under this Policy

St. Thomas University is responsible for:

- Educating employees on the Policy.
- Providing training for Supervisors.

- Providing a list of community resources and EFAP contact information.
- Monitoring and evaluating the Policy.

5.0 Confidentiality

An employer who collects, maintains, or uses personal health information is required to protect the confidentiality of that information, unless limited disclosure is necessary to address related health and safety concerns.

Documented health information is entrusted to the Human Resources Department for safeguarding and protection of confidentiality.

Employees who have substance dependence are strongly encouraged to seek assistance through the University's EFAP. All voluntary referrals to the EFAP are kept confidential.

6.0 Policy Standards

In order to ensure the safety of Employees, students, and the public, the following policy standards apply:

- Employees shall report Fit for Work for all scheduled work. An Employee shall accept unscheduled work (e.g., overtime, call-back) only if they are Fit for Work. An Employee shall remain Fit for Work while on standby.
- An Employee who is or becomes impaired and unfit for work during work must report this to his or her Supervisor immediately.
- Employees must inform their supervisor or the Human Resources Department about their use of medications (both prescriptive and OTC) that may impair work performance or compromise personal safety.
- Employees needing rehabilitation for alcohol or drug dependency are encouraged to seek professional care and support through the University's EFAP, or through their personal health care professional.
- Employees who present unfit for work shall be asked by their Supervisor to leave the workplace. Transportation will be arranged. The Supervisor is responsible for documenting any incident of suspected impairment and for reporting the incident to the Human Resources Department.
- The possession, use, distribution, and sale of illicit drugs and drug paraphernalia on University property are prohibited.
- In accordance with the New Brunswick *Cannabis Control Act*, employees must comply with the law regarding the consumption, possession, and storage of cannabis. The terms and conditions governing cannabis use on University property are outlined in the St. Thomas University Policy on Cannabis.
- The use of alcohol for social functions or any circumstances related to University business may be permitted when approved by St. Thomas University and as outlined in the University Expenditure Policy.

- The University will educate and inform employees with respect to Fitness for Work, the existence and effect of this Policy, and the availability of and the process for accessing the confidential EFAP.

7.0 Procedures

Reasonable Cause

St. Thomas University may determine, in its sole discretion, if there is reasonable cause to suspect alcohol or drug use or possession in violation of this Policy. Reasonable cause includes, but is not limited to:

- when alcohol, drugs and/or drug paraphernalia have been detected in the workplace and can reasonably be associated with a particular Employee;
- observation or credible eyewitness information demonstrating physical or behavioral signs of potential impairment;
- unexplained failure to follow critical safety rules.

Supervisors are to identify and handle all situations promptly where there are concerns about an Employee's ability to perform his or her job safely. Supervisors are encouraged to consult with the Human Resources Department if they have any questions.

Medication Use

Employees are expected to use prescription and non-prescription drugs in a safe and responsible manner such that their ability to perform their job safely and productively is not adversely affected. Specifically:

- a. the prescription or non-prescription drug in the Employee's possession or used by the Employee must be prescribed or authorized for the Employee by a licensed health care professional and the prescription or authorization must be current and valid;
- b. the Employee must use the prescription or non-prescription drug for its intended purpose and in the manner directed by the Employee's licensed health care professional or the manufacturer of the drug;
- c. the use of the prescription or non-prescription drug must not adversely affect the Employee's ability to safely and effectively perform their duties; and
- d. prior to beginning work, the Employee must notify their Supervisor immediately of any adverse effects of the prescription or non-prescription drug that could affect their ability to work safely and productively.

8.0 Accommodation

Nothing in this Policy is meant to detract from St. Thomas University's duty to accommodate a known disability to the point of undue hardship, and/or a person's rights under the *Human Rights Act*. As such, this factor shall be considered in the individualized management of any disclosed drug or alcohol dependency and any decision related to the discipline of an Employee.

An Employee who requires accommodation has a responsibility to communicate their need for accommodation and any medical restrictions or limitations to St. Thomas University in sufficient detail to indicate the type and duration of accommodation required and to cooperate in St. Thomas University's efforts to respond to the request.

9.0 Consequences of a Policy Violation

If an Employee violates the provisions of this Policy or does not meet St. Thomas University's satisfactory standards of work performance as a result of alcohol or drug use, appropriate disciplinary action will be taken in accordance with the relevant collective agreement.

No Employee will be disciplined for voluntarily disclosing to St. Thomas University that they have an alcohol or drug dependency or emerging alcohol or drug problem and seeking help in overcoming their problem, provided that the help is requested prior to the Employee having engaged in any conduct contrary to this Policy which contributed to the occurrence of a work related accident or other incident or reasonable cause situation. Employees who voluntarily disclose that they have an alcohol or drug dependency or emerging alcohol or drug problem may be referred to a Substance Abuse Expert for assessment.

10.0 Accountability and Review

The Vice-President (Finance and Administration) will be responsible for communication, administration, and interpretation of this Policy. This Policy shall be reviewed in October, 2020 and every two years thereafter.