



OSTA

Ottawa Student
Transportation
Authority

Alcohol and Drugs in the Workplace

Effective Date: February 24, 2020

Policy Code – Version: H23 - V1

Policy Name: Alcohol and Drugs in the Workplace or Substance Abuse

Approved by motion of Board on 24/02/2020

Cross Reference

- OH&S Policy Statement
- Code of Conduct
- Employee Assistance Program
- Ontario Human Rights Code, 1990
- Controlled Drugs and Substances Act, Canada
- Food and Drugs Act and Regulations, Canada

Related Forms

Policy Statement

1. Alcohol, cannabis, narcotics, and restricted drugs, other than those medically prescribed, are not to be used by or be in the possession of anyone on Ottawa Student Transportation Authority (OSTA) premises, on school buses or other contracted vehicles, or at OSTA related activities or premises.
2. All employees must be fit to perform their work while free from impairment as a result of the use, misuse, abuse or after-effects of alcohol, cannabis or other drugs that can affect an employee's ability to safely perform work. Employees do not have the right to be impaired at work.
3. The Chief Administrative Officer/General Manager is responsible for ensuring that all staff, members of the Board of Directors, parents, contractors, and others who work on or are invited into OSTA premises are made aware of:
 - a. the existence of this policy and the issues addressed herein;
 - b. the existence of supporting procedures issued under this policy; and
 - c. information and supports that are available to assist employees in overcoming alcohol and drug dependency.

Procedure

1. DEFINITIONS:

Alcohol refers to all substances defined as Liquor in the *Liquor License Act* including beer, wine, and distilled spirits including the intoxicating agent found in medicines or other products and low alcohol products.

Cannabis has the same definition as is used in the Cannabis Act, 2017.

Drug(s) means any substance including but not limited to alcohol, cannabis, illegal drugs, medications or other substances, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For purposes of this policy, drugs of concern are those that have the potential to inhibit a worker's ability to perform work safely and productively. This includes:

- a. all substances that are listed in the Controlled Drugs and Substances Act;
- b. all "controlled drugs", "authorized drugs" and "restricted drugs" as defined and listed in the Food and Drugs Act and Regulations;
- c. cannabis;
- d. all non-prescribed use/abuse of medical drugs which are available by prescription; and
- e. any other substance, when misused, to induce a mind- or body-altering effect, such as solvents, correction fluids, gasoline and cleaning fluids.

Impairment refers to the diminished capacity of a person to safely or acceptably perform assigned duties due to the use, misuse, abuse or after-effects of drugs or alcohol or due to exhaustion arising out of the use of drugs or alcohol.

In the course of employment means all circumstances which may occur in the performance of a person's job. This includes the time period commencing from when an employee reports to perform work up until the time the employee ceases to perform work for the day, and includes lunch and break times.

Medical cannabis user means a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal law.

Responsible use of drugs means the use that maximizes the benefits and reduces the risk of negative impacts on both the user and others.

Supervisor means any person who is responsible for the work of another employee.

Fit for work means a person is able to perform the duties of the job competently and in a safe manner.

2. OSTA is committed to ensuring the health, safety and well-being of its employees, students and the safety of the public.
3. Employees are expected to carry out their responsibilities safely and free from impairment as a result of the use, misuse, abuse or after-effects of alcohol, cannabis or other drugs. Employees who are uncertain as to whether or how this procedure applies in a particular circumstance should seek advice from their respective supervisor, or the CAO/GM.
4. Employees are prohibited from the following in the course of their employment:
 - a. attending work under the influence of alcohol, cannabis or any other drugs that may cause impairment and/or jeopardize safety of oneself and/or others, with the exception of medical cannabis use and other medically prescribed drug use;
 - b. using or consuming alcohol, cannabis (with the exception of medical cannabis if provided for as part of an approved accommodation plan) or any other drugs during work and/or breaks;
 - c. deliberately misusing medications, including using medications not as prescribed, using someone else's medication or combining the use of medication and alcohol against direction;
 - d. possessing prescribed medication without a legally obtained prescription; and
 - e. distributing, offering or selling alcohol, cannabis, drugs, illicit drugs, drug paraphernalia or medication that would breach any provincial or federal legislation.
5. Supervisors and team leaders to be responsible for:
 - a. monitoring and observing employees to ensure they are fit to perform work safely;
 - b. taking appropriate steps when they become aware of any circumstances involving the use, misuse or abuse of alcohol, cannabis or any other drugs by employees in contravention of this procedure;
 - c. ensuring employees who are suspected of being impaired have access to safe transport home;
 - d. ensuring employees are aware of the availability of the Employee Assistance Program (EAP); and
 - e. referring employees to the CAO/GM for support, as appropriate.
6. Employees to be responsible for:

- a. attending work free from impairment as a result of the use, misuse, abuse or after-effects of alcohol, cannabis or any other drugs and remaining free from impairment at all times in the course of the workday;
 - b. performing their responsibilities in a safe and effective manner, with or without accommodations;
 - c. notifying their supervisor immediately when they are unable to perform their responsibilities safely as a result of the use or after-effects of alcohol, cannabis or other drugs;
 - d. notifying the CAO/GM upon being prescribed any drug that is known to potentially cause impairment in the course of their employment so that accommodations can be discussed;
 - e. responsibly using all medications; and
 - f. reporting to the appropriate supervisor any observed behavior involving use, misuse or abuse of alcohol, cannabis or any other drugs by another employee that may jeopardize the safety of others.
7. Nothing in this procedure is intended to interfere with or prohibit the lawful and responsible consumption of alcohol or cannabis in the course of attending an event as a representative of OSTA that is held outside of the normal work day. OSTA employees are expected to behave responsibly.
8. Upon being prescribed drugs that may affect their ability to perform work safely and skillfully, employees shall:
- a. disclose to their supervisor that they require an accommodation; and
 - b. consult with the CAO/GM regarding the need for an Individual Accommodation Plan.
- a. Employees who suspect that they have a substance abuse problem are encouraged to seek assistance and to obtain appropriate treatment promptly before personal health, job performance or family life is compromised. OSTA will provide supports through the Employee Assistance Program.

9. Indicators of impairment may include:

Odour/Smell of alcohol, cannabis or other mood- or mind-altering substances on breath, in vehicle or on clothes.

Unusual Actions: Hiccupping, belching, crying, inappropriate laughing

Attitude: Excited, indifferent, combative, sleepy, nervous, overly talkative, insulting or profane, uncooperative

Balance/walking: Unsteady, swaying, staggering, stumbling, slow or fast-moving

Speech: confused, stuttered, slurred, deliberate, mumbled

Appearance: Flushed face, eyes glassy/bloodshot/watery, disheveled or untidy, shaking/trembling hands, red or runny nose.

10. When impaired behaviour is reported or observed, the supervisor will:
 - a. meet with the employee to review this procedure;
 - b. share the observed or reported behaviours with the employee; and
 - c. consult with the CAO/GM, as required.
11. If a supervisor has reason to believe an employee is impaired at work, the supervisor, as part of their duty to ensure a safe workplace, will take appropriate steps, including relieving the employee from duty and ensuring safe transport home, in consultation with their own supervisor, as appropriate.
12. Depending on the circumstances, additional steps may be required for purposes of determining whether there has been a breach of this procedure and/or whether a referral for purposes of discussing an accommodation is required.
13. Employees who act in violation of this procedure may face disciplinary consequences, up to and including termination of employment, based on the principles of progressive discipline.
14. This procedure will be communicated to all staff upon hire to ensure they are aware of the expectations set out herein.
15. Information and instruction will be provided to all employees to assist them in carrying out their responsibilities under this Procedure, including:
 - a. possible signs and symptoms of impairment;
 - b. the steps to take in the event an employee is suspected of being impaired while at work or in breach of this procedure; and
 - c. addiction, disability and the duty to accommodate.