



# Huron-Superior Catholic

## DISTRICT SCHOOL BOARD

### PROCEDURAL GUIDELINES EMPLOYEE USE OF MEDICAL AND RECREATIONAL CANNABIS

#### PURPOSE

The employees of the Huron-Superior Catholic District School Board are our most valuable resource, and for that reason, their health and safety is of paramount concern. Cannabis will be treated the same as all other recreational substances. The board has adopted this policy to communicate its expectations and guidelines surrounding cannabis use, misuse and abuse.

The board's cannabis policy, with accompanying procedural guidelines is intended to:

- maintain a healthy and safe workplace environment;
- attempt to eliminate the incidents of recreational cannabis use by employees during work hours;
- provide opportunities for employees to develop the skills necessary to identify and access appropriate interventions, when necessary;
- promote healthy life choices through education; and provide the required accommodations for employees on prescribed use of medical cannabis.

#### OVERVIEW

It is illegal for people under age 19 in Ontario to buy, possess, use and grow recreational cannabis. Smoking, vaping, consuming edible cannabis or using other cannabis products for recreational purposes at the Huron-Superior Catholic District School Board and all of its properties is strictly prohibited. Smoking, or vaping cannabis for recreational purposes in an enclosed workplace is also prohibited. Consuming edible cannabis or using cannabis extracts for a medical purpose related to a disability in an enclosed workplace is allowed, as long as it does not interfere with workplace health and safety or performing essential job duties.

#### ESSENTIAL IMPLEMENTATION COMPONENTS:

- A. **Recreational Cannabis Use** - Employees under the influence of recreational cannabis on the job can pose serious health and safety risks both to themselves, their fellow employees and students under their care. To help ensure a safe and healthy workplace, the board reserves the right to prohibit recreational cannabis from being brought on to or being present on board and school premises.

#### Expectations

The following expectations apply to employees and management alike while conducting work on behalf of the board, whether on or off board or school property:

- Employees are expected to arrive to work fit for duty and able to perform their essential duties safely and to standard.
- Employees must remain fit for duty for the duration of their entire shift.
- Use, possession, distribution, or sale of cannabis during work hours, including during paid and unpaid breaks, while on board and school property, is strictly prohibited.
- Employees are prohibited from reporting to work while under the influence of recreational cannabis.
- Employees on medically approved cannabis must communicate to administration / management any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment.
- Employees are expected to abide by all governing legislation pertaining to the possession and use of cannabis.

### **Roles and Responsibilities**

The board will clearly communicate all expectations surrounding recreational cannabis use, misuse, and abuse. To help enforce this policy, administration, management and employees are expected to adhere to the following:

#### ***Administration / management will:***

- identify any situations that may cause concern regarding an employee's ability to safely perform their essential job duties ;
- ensure that any employee who asks for help due to recreational cannabis dependency is provided with the appropriate support (including accommodation) and is not disciplined for doing so;
- maintain confidentiality and employee privacy.

#### ***Employees will:***

- arrive to work fit for duty, and remain fit for duty throughout their entire shift;
- perform work safely in accordance with the Occupational Health and Safety Act (*OHSA*);
- avoid the consumption, possession, sale, or distribution of recreational cannabis on board and school property;
- be encouraged to report unfit co-workers to their immediate supervisor;
- be encouraged to seek advice or appropriate treatment, where required;
- be encouraged to follow the substance abuse aftercare program, where established;
- abide by all governing legislation pertaining to the possession and use of recreational cannabis.

### **Disciplinary Action**

In the case of recreational cannabis-related infractions, the guidelines for the administration of fair and equitable disciplinary action will be followed as outlined in Policy 6002 Progressive Discipline of Employees Board

The *Education Act*, as well as the *Safe Schools Act, 2000*, prohibits the use of alcohol, recreational cannabis or illegal drugs by employees while on board and school property or at events sponsored by the board and its schools.

- B. ***Medical Cannabis Use at Work and the Duty to Accommodate*** - The process of accommodating employees is a shared obligation of the board, the employee and any applicable unions and associations representing employees.

The board is committed to providing equal treatment with respect to employment without discrimination because of a prohibited ground (e.g., disability) referenced in the Ontario

Human Rights Code (the Code). The board will support employees who require workplace accommodation under any of the prohibited grounds as outlined in the Code.

Duty to accommodate only applies to medical cannabis use related to a disability and not to recreational cannabis use.

- C. ***Requirement of Medical Documentation*** – Employees seeking accommodation will need to provide medical documentation to support a disability-related need and verify that medical cannabis use is not interfering with fitness for work. The duty to accommodate ends if the employee cannot ultimately perform the essential duties of the job after accommodation has been exhausted or if undue hardship would result. Impairment at work from medical cannabis use related to a disability may be prohibited if it interferes with the health and safety or performance of essential job duties and in safety sensitive jobs.

### **Guidelines**

- Employees may be allowed to use medical cannabis with appropriate medical documentation provided from a qualified health care practitioner.
  - If an employee needs to use medical cannabis while at work and requires accommodation to do so, they must inform the Manager of Human Resources or designate.
  - All information provided regarding medical cannabis use is considered confidential and will be treated as such, keeping an employee's privacy as a top concern, second only to safety.
  - Employees who have a medical condition which requires additional accommodation can discuss their cannabis use schedule in the context of the general accommodation plan with the Manager of Human Resources or designate.
  - The Manager of Human Resources or designate will work with the individual who requests accommodation to ensure that the measures taken are both effective and mutually agreeable.
- D. ***Use of Medical Cannabis While at Work*** - If an employee takes medical cannabis during regular work hours, they shall do so only at the recommended dosage and frequency of the doses. The board asks that where possible employees who require medical cannabis use a method of consumption other than smoking or vaping.

### ***Administration / management will:***

- respond to any employee queries regarding the use of medical cannabis, while maintaining the privacy of an employee's specific situation at all times;
- ensure that any employee who asks for help due to a medical cannabis dependency is provided with the appropriate support (including accommodation) and is not disciplined for doing so;
- provide accommodation up to the point of undue hardship;
- treat employees who use medical cannabis the same as all other employees using prescription medication;
- address situations in which the immediate supervisor observes behaviour which reasonably leads them to believe that an employee is not fit for duty and/or appears to be impaired and which impacts the employee's ability to perform their job safely;
- ensure that the use of medical cannabis does not adversely affect the safety of the employee, co-workers or students under their care.

***Employees will:***

- provide medical documentation from their health care practitioner when seeking accommodation to support a disability-related need for use of cannabis for medical purposes;
- cooperate with the Manager of Human Resources or designate in developing an accommodation plan that is mutually agreeable;
- follow the agreed-upon accommodation plan and the guidelines of this policy;
- be encouraged to never share their medication with any other employee, even those who may have a similar prescription;
- be encouraged to maintain ongoing communication with their immediate supervisor and/or the Manager of Human Resources or designate regarding the effects of medical cannabis on their ability to safely perform their job duties;
- be encouraged to never participate in activities which could cause a safety risk, such as driving while impaired due to medical cannabis use.

The goal of the Employee Use of Medical and Recreational Cannabis Policy is to clearly communicate the board's expectations regarding recreational and medical cannabis use on all board and school property. Compliance with this policy is designed to protect the health and safety of all employees. If there is a violation of this policy and its procedural guidelines, Policy 6002 Progressive Discipline of Employees Board will be followed.