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| <b>Policy Title:</b>                          | Substance Use and Impairment Policy                                |  |                   |
| <b>Category:</b>                              | <input type="checkbox"/> Institutional - Board                     | <input type="checkbox"/> Academic - Administrative   |                   |
|   | <input checked="" type="checkbox"/> Institutional - Administrative | <input type="checkbox"/> Employment - Administrative |                   |
| <b>Approved by:</b>                           | <input type="checkbox"/> Board                                     | <input type="checkbox"/> President                   |                   |
| <b>Date approved:</b>                         | November 29, 2018  | <b>Effective date:</b>                               | November 29, 2018 |
| <b>Policy Sponsor:</b>                        |  | <b>Date last reviewed:</b>                           | November 29, 2018 |
| <b>Date of Mandatory Review (expiry date)</b> | November 2023  | <b>Date of last revision of Procedures</b>           | November 29, 2018 |

## 1 POLICY

1. Employees and students are expected to attend CMCC in an unimpaired state and at all times to be fit to perform their duties or undertake their studies
2. Employees who report to work impaired or students who report to class, clinic or campus in an impaired state will be sent home and may be subject to disciplinary action. Employees will be sent home without pay, unless eligible for paid leave.
3. Drinking of alcoholic beverages anywhere on campus is prohibited, unless in conjunction with an approved CMCC activity or event including events hosted by CMCC Students' Council.
4. Employees and students of CMCC may not make any commitments on behalf of CMCC, or participate in the clinical or technique environment if impaired or while conducting business (whether at a workplace or elsewhere) or while at a corporate or social event where alcohol use was approved.
5. Events solely focused on the consumption of alcohol are not allowed.
6. Use, possession, distribution or sale of recreational or illicit drugs on campus is strictly prohibited.
7. Employees and/or students on prescription medication or medically approved substances must communicate to management any potential risk, limitation, or restriction requiring modification of duties, temporary reassignment or modification of classes. CMCC will provide accommodation up to the point of undue hardship and develop a reasonable accommodation to ensure safety and well-being of the employee, the student and the institution.

## 2 PURPOSE

To address instances of drug or alcohol abuse that may affect the performance and/or safety of the employees/students, their co-workers/peers and/or the workplace.

## 3 SCOPE

All CMCC employees and students.

#### **4 INFORMATION AND COMPLIANCE PLANS** (not a comprehensive list)

CMCC is committed to the health and safety of its employees/students and has adopted this policy to communicate its expectations and guidelines surrounding substance use, misuse/abuse.

Employees/students impaired due to substance use while in the workplace can pose serious health and safety risks both to themselves and their fellow employees/students.

Alcohol or drug abuse or addiction is a serious medical, social, public health, and employment /student issue, which can be treated by existing medical and therapeutic methods. CMCC encourages early treatment and rehabilitation as vital to the ongoing viability of the employment/student relationship.

In the event that CMCC is sponsoring a social event for employees and or students, on or off premises, at which alcoholic beverages may be available, an individual who consumes alcoholic beverages is expected to do so in a responsible manner. Each individual is expected to know their own tolerance for alcohol.

In order to support employees who wish to address issues relating to substance abuse, the Employee Assistance Program (EAP) will provide counselling and resources to assist such efforts. Students can speak with someone in the Student Services Division so they may direct them accordingly.

Important Standards to be familiar with include but are not limited to the following:

- Addictions Treatment Helpline Ontario (ConnexOntario)
- Cannabis Act (Bill C-45)
- Centre for Addiction and Mental Health (CAMH)
- Criminal Code
- Highway Traffic Act
- Municipal by-laws
- Non-smoker's Health Act (Canada)
- Ontario Liquor License Act
- Ontario Occupational Health and Safety Act
- Smoke-Free Ontario Act

#### **5 RELATED POLICIES** (not a comprehensive list)

- Accessibility – Integrated Regulation: Employment Standards
- Code of Conduct – Employees
- Discipline – Employees
- Discipline – Students
- Health and Safety
- Privacy
- Smoke Free

#### **6 DEFINITIONS**

Alcohol or Drug or Substance abuse is a disease in which a person's use of any alcoholic beverage and/or drug/substance interferes, or has the potential to interfere, with the individual's health and/or job performance.

Employee means any staff (including temporary, casual or contract) and faculty of CMCC.

Fit for duty / class / study describes an individual who is in a physical, mental and emotional state that enables them to perform the essential tasks of their work/study assignment in a manner that does NOT threaten the safety or health of oneself, co-workers, peers, property, or the public at large. If an individual does not meet the requirements of this definition, then they are considered unfit.

Impaired means the inability to safely, competently or efficiently perform duties without limitation resulting from alcohol or substance use, after-effects of alcohol or substance use or otherwise being under the influence of alcohol or substances. It is the deterioration of an individual's judgement and decrease in their physical and/or cognitive ability.

Management means individuals in positions of supervision: in the case of an employee this could be a Director or Manager; in the case of a student this could be a faculty member.

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

Prescription Medication is a drug obtained legally, either over the counter or as properly prescribed by a registered and regulated health professional.

Substance is any material that is ingested, consumed or otherwise taken, and includes alcohol, illicit drugs, recreational drugs and prescribed drugs or medication, the use of which represents a misuse of medication.

Substance dependency an adaptive state that develops from repeated drug administration, and which results in withdrawal upon cessation of drug use. Individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability.

Undue Hardship is the limit of a company's capacity to accommodate without experiencing an unreasonable amount of difficulty. According to the Ontario *Human Rights Code*, an employer must provide accommodation "up to the point of undue hardship." This means accommodation does not need to be provided if doing so would impose an unreasonable burden on the employer, having regard to health, safety and other considerations.

Workplace means any land, premises, location or thing at, upon, in or near which an employee works or student attends class or study.

**New Policy Approved (date):**

**Policy Revision History (dates):**

Smoking, Drug and Alcohol Consumption – 1999

May 27, 2010

Substance Abuse & Smoking in the Workplace – December 13, 2011

-----**END OF POLICY**-----

## 7 PROCEDURES

### CMCC will:

- Clearly communicate expectations surrounding alcohol and drug use, misuse and abuse;
- Maintain a program of employee and student health and awareness;
- Provide a safe work and learning environment;
- Ensure that all required permits will be attained for any CMCC functions at which alcoholic beverages may be served. Under some circumstances, CMCC may also sponsor special events at which alcoholic beverages may be available. Wine, beer and champagne may be served, but at no time may hard liquor be offered.
- Ensure that during CMCC sponsored events where alcoholic beverages are served (e.g. seasonal holiday parties outside of normal working hours), CMCC will provide a safe environment for all participants. Should an employee become impaired and unsafe to drive home, CMCC will provide taxi or bus options to ensure safe travel.
- CMCC will review and update this policy on a regular basis

### Management will:

- Identify any situations that may cause concern regarding an employee's and/or student's ability to safely perform their duties;
- Ensure that any employee or student who asks for help due to a drug or alcohol dependency is provided with the appropriate support (including accommodation) and is not disciplined for doing so; and
- Maintain confidentiality and employee/student privacy.

### Employees and Students will:

- Abide by the provisions of this policy and be aware of their responsibilities under it;
- Arrive at CMCC fit for duty, class, clinic or study, and remain as such for the duration of their shift/day. Employees and students are to perform work or attend class/study in a safe manner in accordance with CMCC's established safe work practices.
- Avoid the consumption, possession, sale, or distribution of drugs or alcohol on CMCC property and while in the normal course of their duties. This prohibition includes lunch hours and/or rest periods. No employee or student will consume drugs or alcohol on CMCC premises.
- If off duty, an employee should refuse a request to come into work if they are un-fit to perform their work duties.
- Report/discuss with their manager should they become aware of possible impairment of a co-workers or peer.
- Know their own tolerance for alcohol during CMCC sponsored functions or social events, on or off premises, at which alcoholic beverages may be available or served.

- Employees and/or students are encouraged to communicate if they have a dependency or have had a dependency so that their rights are protected and they can be accommodated appropriately. They will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort. All medical information shall be kept confidential by CMCC, unless otherwise authorized by law.
- Employees are to notify Human Resources / students are to notify Student Services if under a medical program of treatment which requires the consumption of drugs, including medical cannabis that may cause impairment or any physical limitations and/or work/study modification that may be required as a result of prescription medication:
  - When using prescription medication, including medical marijuana, which is labelled or known to the individual to cause impairment to provide proof, reasonable in the circumstances, that such use is necessary and recommended by a qualified medical practitioner for the treatment of a medical condition or disability.
  - When using prescription medication, including medical marijuana, which is labelled or known to the individual to cause impairment to be assessed by a qualified medical practitioner in order to determine the expected level of impairment from such a program and to advise Human Resources / Student Services of any accommodation which may be required.
  - Individuals will be prohibited from sharing their prescription medications, including medical marijuana, with co-workers/peers. A violation of this prohibition will lead to disciplinary action up to and including expulsion or termination for cause.
- Communicate dependency or emerging dependency
  - Seek advice and/or appropriate treatment, where required;
  - Follow the after-care program, where established.

### **Suspicion of Impairment**

The following procedure will be enacted if there is reasonable belief that an employee and/or student is impaired while at CMCC:

1. When possible, a manager will first seek the opinion of another manager and/or a member of Human Resources/Student Services to confirm the individual's status.
2. Management will consult privately with the individual to determine the cause of the observation, including whether substance abuse has occurred. Suspicions of an individual's ability to function safely may be based on specific personal observations. If the individual exhibits unusual behaviour 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, the individual should not be permitted to return to their assigned duties/classes in order to ensure their safety and the safety of others in the workplace.
3. If an individual is considered impaired and deemed "unfit for work", this decision is made based on the best judgment of management and Human Resources/Student Services. The individual will then be advised that CMCC has arranged a taxi or shuttle service to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. If necessary, the individual may be accompanied by management or another appropriate member of the community.
4. An impaired individual will not be allowed to drive. The individual should be advised that if they choose to refuse CMCC's organized transportation and make the decision to drive their

personal vehicle, the institution is 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.

### **Substance Dependency**

CMCC understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability. Employees and or students are not excused from their duties as a result of their dependencies. CMCC promotes early diagnosis. Any employee or student who suspects that they might have an emerging drug or alcohol problem is expected to seek appropriate treatment promptly.

### **Disciplinary Action**

Employees and students will be subject to disciplinary action 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 and/or drugs; and
- Engaging in illegal activities (e.g. possession or selling drugs and/or alcohol while on CMCC premises).

**New Procedure (date):**

**Procedure Revision History (dates):**

Smoking, Drug and Alcohol Consumption – 1999

May 27, 2010

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## **8 ATTACHMENTS**

None