



Lester B. Pearson  
School Board

Commission scolaire  
Lester-B.-Pearson

## REGISTER OF OFFICIAL DOCUMENTS

### Policy Concerning Tobacco, Drugs and Alcohol

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Operator and Storage Site:	Legal Department
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*Adapted from the Policy Concerning Tobacco, Drugs and Alcohol no. 2019-HR-11 approved by resolution no. CC-181212-HR-0080 with permission of Sir Wilfrid Laurier School Board.*

*In this document, the use of gender-neutral plural or collective form has been used whenever possible in the context.*

*The addendum is for reference and administrative purposes; it is subject to updates and modifications without consultation.*

## **1. PREAMBLE**

As part of its mission, the Lester B. Person School Board wishes to provide its students, its employees and the public with a healthy and safe environment that is conducive to student success.

Furthermore, as an employer, the School Board must take the necessary measures to ensure the health, safety and integrity of all its employees within the meaning of this policy.

The purpose of this policy is that all those involved have a clear understanding of the principles and rules concerning the use of tobacco, drugs and alcohol products on school premises, at off-campus school-sponsored events or in other applicable locations or situations, and that these are well communicated and consistently applied.

## **2. OBJECTIVES**

The objectives of this policy are the following:

- Eliminate the risks associated with tobacco, drug and alcohol use or misuse to ensure the health and safety of employees and the safety of students and the public (including, in particular, parents, education and health professionals, volunteers, suppliers, subcontractors and consultants working for the School Board) and maintain the quality of educational services.
- State the applicable rules of conduct concerning tobacco, drug and alcohol use in the workplace as well as the consequences for violating these rules.
- Inform employees, students and the public (including, in particular, parents, education and health professionals, volunteers, suppliers, subcontractors and consultants working for the School Board) of the School Board's requirements and expectations concerning tobacco, drug and alcohol use in the workplace.
- Make sure the School Board's position on tobacco, drug and alcohol use in the workplace is clearly understood by all.
- Communicate this policy to all those involved and ensure it is consistently applied.
- Promote smoke-free environments and tobacco-free lifestyles throughout all school communities.

### **3. LEGAL FRAMEWORK**

This policy is based on laws governing health and safety in the workplace and on provisions of the following legal and conventional documents:

- *Charter of Human Rights and Freedoms*, CQLR, c. C-12
- *Education Act*, CQLR, c. I-13.3, and its regulations
- *Act Respecting Occupational Health and Safety*, CQLR, c. S-2.1, and its regulations
- *Act Respecting Access to Documents of Public Bodies and the Protection of Personal Information*, CQLR c.A-2.1
- *Cannabis Regulation Act*, CQLR c. C-5.3
- *Cannabis Act* (S.C. 2018, c. 16)
- *Civil Code of Québec*, CQLR, c. CCQ-1991, c. 64
- *Criminal Code*, RSC, 1985, c. C-46, and its regulations
- *Controlled Drugs and Substances Act*, SC, 1996, c. 19, and its regulations
- *Tobacco Control Act*, CQLR, c. L-6.2
- Collective agreements
- The School Board's policies and regulations, including all its guidelines or codes
- Encadrement Cannabis: <https://encadrementcannabis.gouv.qc.ca/en/>
- Cannabis in Canada :<https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis.html>

### **4. DEFINITIONS**

Unless otherwise stated, the words below are used in this policy to mean the following:

- **Tobacco:** Any product containing tobacco, all electronic cigarettes (vaping) and any other device of this nature that are put to one's mouth to inhale any substance that may or may not contain nicotine, including their components and accessories, and any other product or class of product considered to be tobacco under a government regulation.
- **Alcohol:** Any beverage containing a percentage of alcohol.
- **Drug:** Any substance, including cannabis and pharmaceutical drugs, that may alter the way a person thinks, perceives or acts and that may consequently reduce their ability to function normally. Pharmaceutical drugs (or medication) are chemical substances used to prevent, cure or improve the symptoms of an

illness or medical condition. No distinction should be made here between over the counter and prescription drugs.

- **Employee:** Any person remunerated for working for the School Board, regardless of their status. For the purposes of this policy, the notion of employee also includes commissioners.
- **Third party:** With the necessary adjustments, this policy also applies to parents, health and education professionals, volunteers, suppliers, subcontractors and consultants working for the School Board.
- **Workplace:** All buildings and facilities that the School Board owns, rents or uses and all locations in which activities are carried out for the School Board.

## **5. SCOPE OF APPLICATION**

This policy applies to all employees of the School Board, regardless of their status. Certain elements of this policy pertain as well to all students, parents, health and education professionals, volunteers, suppliers, subcontractors and consultants working for the School Board. This policy must be respected on all School Board premises and in all other locations in which activities are carried out for the School Board.

## **6. GUIDING PRINCIPLES**

6.1 In conformity with section 2 of the Tobacco Control Act, smoking (which includes vaping and smoking cannabis) is prohibited at all times on all Lester B. Pearson School Board grounds as follows:

- All schools and centres of the LBPSB;
- All workplaces of the LBPSB;
- All means of transportation, including school buses;
- All enclosed spaces where sports, recreational, judicial, cultural or artistic activities are presented, or where conferences, conventions or other similar events are held;
- All enclosed spaces where community or recreational activities intended for minors are held, except if said activities are held in a dwelling.

Furthermore, smoking is prohibited outdoors within a nine-metre radius from any door, air vent or openable window communicating with a place referred to above.

However, if the nine-metre radius extends beyond the boundaries of the grounds on which the place is situated, smoking is prohibited up to those boundaries.

6.2 Though the School Board respects its employees' right to privacy, it also cares about their health, safety and integrity and expects all employees to be able to safely carry out their normal and regular work tasks at all times. The School Board has adopted the following guiding principles concerning drug and alcohol use and misuse by employees while they are working or in the workplace.

6.3 Accordingly, it is forbidden for employees:

6.3.1 To be under the influence of drugs or alcohol or their residual effects and to misuse medication while working or in the workplace;

6.3.2 To be in possession, consume, distribute, manufacture, offer, sell, exchange or otherwise use drugs or alcohol, in whatever form, while executing their duties (refer to exceptions at section 8);

6.3.3 To be in possession of a prescription medication without the authority of a physician, to misuse medication, and to distribute, manufacture, offer, sell or exchange medication, in whatever form, while working or in the workplace;

6.3.4 To consume drugs or alcohol in any LBPSB building, or other locations, while students are present (see section 8.0 for exceptions);

The guiding principles are not meant to prevent the distribution or the administration of medication to students as part of the procedures in effect or generally recognized for this purpose in the School Board (refer to LBPSB Safe and Caring Schools Policy).

6.4 If the School Board has reasonable grounds to believe an employee, a student or a volunteer is under the influence of drugs or alcohol or has misused medication, it shall immediately remove this person from the workplace/school/centre. The processes outlined in the respective collective agreements for employees shall apply.

Student interventions will be determined by the school or centre Code of Conduct and LBPSB Safe and Caring Schools Policy.

6.5 Employees must use over the counter and prescription medication responsibly. Accordingly, they must verify with a health professional if the medication used is

likely to influence their usual work performance. If so, they must immediately inform their immediate superior.

- 6.6 In addition, employees who take a prescription medication must, at the Human Resources Department request, present a document duly completed by their attending physician certifying the medication is not likely to influence their work. The School Board reserves the right to seek medical expert advice in this respect.
- 6.7 Employees who notice that a colleague or another person shows signs of intoxication while in the workplace are required to immediately notify an administrator of the School Board. This may be done anonymously.

## **7. TESTING**

- 7.1 Should the School Board have reasonable grounds to believe that an employee has taken drugs, is under the influence of drugs, or has misused medication or alcohol, it could immediately require the employee to undergo a drug test.
- 7.2 The School Board may also ask the employee involved in an incident or accident to undergo a drug test if it has reasonable grounds to believe that drug or alcohol use or misuse (unauthorized or abusive consumption) could have caused this event or been a contributing factor.
- 7.3 When the employee has been absent from work for reasons related to drug or alcohol use or misuse, the School Board may ask them to undergo a drug test before returning to work to make sure they are fit for work. The processes outlined in the respective collective agreements shall apply.
- 7.4 When the employee has been absent from work for reasons related to drug or alcohol use or misuse, the School Board may also ask them to undergo random drug tests after their return to work to make sure they are fit for work and have remained sober.
- 7.5 Drug or alcohol testing is conducted by independent health professionals in accordance with applicable medical and regulatory standards.
- 7.6 In all cases, employees are required to cooperate with the testing process.
- 7.7 Failure to cooperate, either by refusing to cooperate, giving a late consent or using any other tactic aimed at influencing test results, is considered a breach of policy.

## **8. EXCEPTIONS**

## ALCOHOL CONSUMPTION

8.1 When alcohol is present at a social, cultural, sports, promotional or fundraising event organized by the School Board or in which the School Board participates, the following rules must be strictly observed:

8.1.1 Attendance to the event must be authorized beforehand.

8.1.2 Alcohol may not be served to minors.

8.1.3 Minors who are not with a parent or a responsible adult may not be admitted to the event, unless their presence is specifically required.

8.1.4 Alcohol service must be provided by persons over the age of majority who are not students of the School Board.

8.1.5 The laws and regulations in effect must be respected when serving alcohol.

8.2 Despite the foregoing, alcohol consumption is strictly prohibited for employees or volunteers who are responsible to supervise students or must drive a vehicle while performing their duties. Also refer to the LBPSB Safe and Caring Schools Policy and the Extra-Curricular Activities and Field Trip Policy.

8.3 Considering the School Board's mission, employees who organize, participate in or attend such events must constantly keep in mind the image they project when drinking alcohol. Employees attending work-related functions must conduct themselves professionally and responsibly concerning consumption.

8.4 The immediate superior responsible for the building where the event takes place or the person in charge of the event must take precautions to intervene should a participant be inapt to drive upon leaving the event.

Notwithstanding the above, employees must be able to carry out their tasks without compromising their safety and health, and the safety and health of other employees or third parties.

## MEDICAL USE OF CANNABIS

8.5 The use of cannabis for medical purposes will be treated like prescription medication, with the necessary legal and medical authorizations to possess and use cannabis.



Clarifications were made to the Act respecting occupational health and safety to specify the responsibilities of employers and workers with respect to performing work when the worker's condition represents a risk to their health, safety or physical well-being, or that of other persons at or near the workplace, by reason, in particular, of them being impaired by alcohol, drugs, including cannabis, or any similar substance. The employer must see to it that a worker does not perform this work if such is their condition<sup>1</sup>.

## **9. NON-COMPLIANCE**

- 9.1 Should an employee fail to comply with this policy, the School Board shall conduct an investigation. Based on the investigation's findings, the School Board could impose a disciplinary measure possibly leading to the employee's dismissal, in accordance with the provisions of the applicable collective agreement, this policy and applicable laws and regulations.

Should a volunteer fail to comply with this policy, their privilege to volunteer may be suspended as deemed appropriate by the School Principal, the Centre Director or the School Board.

The School Board may impose any sanction or measure deemed appropriate to any other party who contravenes this policy.

## **10. PREVENTION AND REHABILITATION**

- 10.1 The School Board favours a preventative approach to drug and alcohol use or misuse and offers its support to employees.
- 10.2 The School Board recognizes that a drug or an alcohol dependency is a dependency that can be treated and will therefore fulfill its duty to accommodate.
- 10.3 The School Board strongly encourages employees suffering from a substance abuse problem to consult the available resources to obtain the necessary support for their condition and to quickly seek help from the School Board. Failure to report a dependency may constitute a breach of policy

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<sup>1</sup> <https://www.canada.ca/en/employment-social-development/services/health-safety/cannabis-workplace/questions-answers.html#h2.1-h3.3>;  
<https://encadrementcannabis.gouv.qc.ca/en/loi/loi-encadrant-le-cannabis/#regarding-workspace>

## **11. RESPONSIBILITIES**

### 11.1 Employees and third parties

- 11.1.1 Employees and third parties must read this policy and comply with its provisions. They must also respect the laws and regulations in effect concerning drug and alcohol use when they are working or on School Board premises.
- 11.1.2 Employees and third parties must also cooperate in applying this policy. In particular, they must notify an administrator of the School Board as soon as they become aware that the policy has been breached.
- 11.1.3 Employees who believe they have developed a substance abuse problem must take the necessary steps to treat this problem.

### 11.2 Management

- 11.2.1 Administrators must read, understand, communicate and apply this policy as well as all related documents.
- 11.2.2 Administrators who have reasonable grounds to believe that an employee is under the influence of drugs or alcohol or has misused medication must take the appropriate measures, based on the situation, in cooperation with the Director of Human Resources. (Refer to Appendix I).
- 11.2.3 Administrators who have reasonable grounds to believe that a volunteer or student is under the influence of drugs or alcohol or has misused medication must take the appropriate measures, based on the situation and in compliance with the school's or centre's Code of Conduct and the applicable LBPSB policies.
- 11.2.4 Administrators must respect confidentiality as per the Act Respecting Access to Documents of Public Bodies and the Protection of Personal Information.
- 11.2.5 A breach of this policy must be immediately reported in writing to the Director of Human Resources.

### 11.3 Director of Human Resources

- 11.3.1 The Director of Human Resources must make sure that all employees are aware of this policy and that training sessions are organized as necessary.
- 11.3.2 The Director of Human Resources shall support and advise administrators to ensure they understand this policy, are able to apply it and to communicate its content.
- 11.3.3 In cooperation with the administrator of an employee guilty of wrongdoing, the Director of Human Resources shall recommend the appropriate measure to apply. The processes outlined in the respective collective agreements for employees shall apply.

## **ADDENDUM A**

Notice: The signs below could be an indicator of a medical condition; further examination or investigation may be required.

### **ALCOHOL**

Some physical signs of alcohol intoxication may include the following:

Some physical signs of alcohol intoxication are recognizable as follows:

- Slurred or incoherent speech
- Poor balance and clumsiness
- Delayed reflexes
- Stomach pains, vomiting or nausea
- Loss of consciousness or blacking-out
- Redness of the face during or after periods of consumption

Some signs of alcohol abuse may include the following:

Progressive increases in the frequency and quantity of alcohol consumption can begin to produce more serious medical symptoms of alcoholism. Someone abusing alcohol makes drinking a central activity of their life, displacing healthy activity and relationships, and resulting in negative consequences. Alcohol abusers often maintain some capacity to recognize situations that lead to over-consumption, and to regulate their alcohol intake.

Signs of alcohol abuse include:

- Loss of control over amount consumed once they begin drinking
- Regular inattention to family and professional obligations
- Dangerous behaviours that carry risk of legal, financial and/or health consequences for themselves and others
- Increase in expressions of anger or other emotions, especially in inappropriate settings
- Insomnia, which may be followed by oversleeping

## CANNABIS

Possible signs of cannabis use may include the following:

### Physical Change:

- Bloodshot eyes
- Fast heart rate
- Sleepy, lethargic
- Lack of coordination
- Increased cravings for snacks

### Change in Actions:

- Change of usual behaviour
- Confusion and lack of focus
- Unusually talkative
- Dropping usual activities
- Misjudging time
- Secretiveness