



POLICY: GBEB
SUBJECT: WORKPLACE IMPAIRMENT
APPROVAL DATE: April 17, 2023
REVISION DATE: December 18, 2023
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1. GENERAL

- 1.1 The Winnipeg School Division (WSD) is committed to ensuring the safety and health of all students, employees and visitors to all schools/facilities.
- 1.2 In accordance with the Cannabis Control Act, Smoking and Vapour Products Control Act, WSD Policies and applicable legislation, the use of cannabis and vapour products is prohibited on WSD property.
- 1.3 The purpose of the Workplace Impairment Policy is intended to minimize risks in all WSD schools/facilities caused by the legal or illegal use of prescription, non-medical or any other substance that may cause impairment.
- 1.4 WSD recognizes an obligation to assist employees encountering personal difficulties affecting the performance of their duties. WSD shall assist those employees requiring assistance with personal difficulties to the extent that resources are available.
- 1.5 The primary responsibility for the resolution of problems affecting the performance of duties lies with the individual employee.
- 1.6 WSD encourages employees who develop a chemical dependency to take the necessary steps to control the dependency.
- 1.7 Any individual who appears under the influence of any legal or illegal substance will be requested by a supervisor to leave the premises immediately.
- 1.8 WSD will utilize and cooperate with the services of provincial and community education and treatment organizations in the process of employee rehabilitation.
- 1.9 The use/possession/display of tobacco products, cannabis or illicit drugs or accessories at school, school events, field trips, or on school/division property will not be tolerated.
- 1.10 Individual accommodation requests for the use of cannabis for medical purposes will be referred to the Chief Human Resources Officer and/or Assistant Superintendent.

2. DEFINITIONS

2.1 Schools/Facilities

Schools/Facilities includes any WSD building or any school premises or grounds; any WSD owned vehicle or any other vehicle approved to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of employees of WSD.



2.2 Impairment

Impairment is a reduced or weakened state impacting mental or physical capacity. It can be demonstrated by immediate signs and symptoms or through a pattern of concerning behaviour. In the workplace, signs and symptoms of impairment may include:

- a) Personality changes or erratic behaviour (e.g. increased interpersonal conflicts, overreaction to criticism);
- b) Appearance of impairment at work (e.g. odour of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, poor coordination);
- c) Working in an unsafe manner or involvement in an accident/incident;
- d) Consistent lateness, absenteeism, or reduce productivity or quality of work.

2.3 Employee Assistance Program

Employee Assistance Program is a voluntary, confidential, counselling service available to WSD employees. The purpose of this program is to support employees with problems that have an impact on their home or work life.

2.4 Cannabis

Cannabis, also known as marijuana, is psychoactive drug from the Cannabis plant used for medical or recreational purposes. There are two different types of plant, the cannabis sativa or the cannabis indica plant, which can be inhaled, consumed (eaten or drank) or absorbed through the skin.

2.5 Employee

Employee includes:

- a) Any person who is employed by an employer to perform a service, including a volunteer;
- b) Any person who is engaged by another person to perform a service, whether under a contract of employment or not; and
- c) Any person who is receiving instruction or training, or serving an apprenticeship.

3. MEDICATION

3.1 Employees who are required to take prescription or over-the-counter medication must consult with their physician or pharmacist to determine if the use of the medication will impair their ability to safely and effectively perform their assigned duties.

3.2 Where such impairment may occur, the employee must immediately advise their appropriate supervisor.

3.3 Individual accommodation requests for the use of cannabis for medical purposes will be referred to the Chief Human Resources Officer or appropriate Superintendent of Education Services.



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4. ACCOMMODATIONS

- 4.1 While the medical cannabis regime will remain under the federal government's jurisdiction, regulations made under The Smoking and Vapours Products Control Act allows medical cannabis users to medicate in some public places, except as follows:
- a) Within eight metres of a building to which the public has access;
 - b) Within eight metres of a playground;
 - c) On the property of an educational institution or facility.
- 4.2 Employees who require accommodations for the use of cannabis for medical purposes as delivery by a physician must advise and consult with the Chief Human Resources Officer.
- 4.3 In accordance with the Cannabis Act, employees seeking accommodation to use for medical reasons will be required to provide the following documentation to the Chief Human Resources Officer:
- a) Practitioner's full name, profession, business address and telephone number as well as the province they are authorized to practice their profession and the number assigned by the province;
 - b) Patient's full name and date of birth;
 - c) Address of the location at which the individual consulted with the health care practitioner;
 - d) The daily quantity of dried cannabis, in grams; and
 - e) The period of use, specified by days, weeks or month which must not exceed one year.

5. ALCOHOL AND CANNABIS

- 5.1 It is prohibited to use, possess or store alcohol or cannabis products on WSD property.
- 5.2 Employees who report to work smelling of alcohol or cannabis, or under the influence of alcohol, cannabis or illegal drugs will be requested by their supervisor to leave the workplace immediately.
- 5.3 Employees who during their work time, are found to be using alcohol, cannabis or any illegal substance will be removed from the workplace immediately.

6. EMPLOYEE ASSISTANCE

- 6.1 No employee with an alcohol or drug/substance addiction will be disciplined for voluntarily requesting assistance in dealing with the addiction. However, an employee will not avoid discipline by seeking assistance or declaring the addiction after they have violated any requirement of this or any other Policy.
- 6.2 WSD will provide counselling or make referrals to agencies for employees requesting assistance.
- 6.3 WSD shall grant sick leave to an employee to pursue treatment that may involve time away from work.
- 6.4 Certain other short-term workplace accommodations may be considered in order to support an employee's return to performing the full range of duties of their position.



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6.5 Addiction or substance abuse is recognized by the Manitoba Human Rights Commission as a form of disability and employees shall be offered the opportunity to attend a rehabilitation program and return to work with monitoring and conditions.

7. RESPONSIBILITIES

7.1 Superintendent/Chief Executive Officer (CEO)

The Superintendent/CEO is responsible for implementation of this policy.

7.2 Assistant Superintendent/Chief Human Resources Officer

The Assistant Superintendent/Chief Human Resources Officer are responsible for:

- a) Providing support to employees as required;
- b) Assisting with identifying workplace accommodations;
- c) Following appropriate protocols in response to any circumstances involving the contravention of this Policy;
- d) Providing information and resources to support employees who may be impacted by impairment; and
- e) Consulting with Labour Relations as required.

7.3 Principal/Manager

The Principal/Manager is responsible for:

- a) Ensuring that all employees work in a productive, safe and healthy environment;
- b) Taking immediate and appropriate action in the event an employee contravenes this Policy;
- c) Consulting with the Human Resources Officer regarding options to consider when there is suspicion or reported allegations of impairment;
- d) Ensuring all employees within their area of responsibility have been provided with education and resources as required.

7.4 Employees/Volunteers

The Employee/Volunteer is responsible for:

- a) Performing duties and tasks assigned in a productive, safe and healthy manner;
- b) Consulting with their physician or pharmacist about possible side effects of using prescribed over-the-counter medication;
- c) Advising their supervisor if they have been made aware of possible impairment as a side effect of medication, or if they feel impaired by medication that may affect their judgement, performance or ability to work in a safe and healthy manner;
- d) Advising their supervisor if they reasonably believe that another employee may be a safety and health risk to themselves or others due to possible impairment.



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8. INTERVENTIONS/CONSEQUENCES

8.1 Employees

Interventions and/or consequences will be applied for employees who do not adhere to this policy as follows:

For employees, failure to comply with the policy will result in consequences that may include:

- a) Verbal warning;
- b) Suspension without pay; and/or
- c) Termination of employment.

When appropriate, WSD will provide employees with resources and opportunities that would promote a healthier lifestyle.

9. EMPLOYEES COVERED BY COLLECTIVE AGREEMENTS

- 9.1 Where provisions regarding discipline and discharge exist within a collective agreement, they shall apply.