

TRANSPORTATION SAFETY RE: DRUGS AND ALCOHOL

Background

The Division is committed to the health and safety of its students, bus drivers, contractors, and the public. The Division recognizes and accepts the responsibility to provide its students and bus drivers with a safe, healthy and productive work environment. Bus drivers have the responsibility to report to work capable of performing their tasks productively and safely. The use of illegal drugs, improper use of prescription medication and the use of alcohol can have serious adverse affects on the safety of the workplace, students, bus drivers, contractors, and the public.

The purpose of this Administrative Procedure is to establish the Division's expectations for appropriate behaviour, the consequences for non-compliance and to provide consistent guidelines for all bus drivers.

Definition

Under the influence of drugs, including prescription drugs, alcohol or any controlled substance for the purpose of this Administrative Procedure is defined as the use of one (1) or more of these substances to an extent that a bus driver is:

- Unable to perform in a productive manner;
- In a physical or mental condition that creates a risk to the safety and wellbeing of the students, other bus drivers, the public or Division property;
- Displaying signs or symptoms of substance abuse such as smell of alcohol on breath, slurred speech, and atypical behaviour.

Procedures

1. Drugs

- 1.1 While on Division premises and while conducting Division related activities off Division premises, no bus driver may use, possess, distribute, sell or be under the influence of illegal drugs. This applies during meal periods and scheduled breaks as well as during regular work hours.
- 1.2 The legal use of prescribed drugs is permitted at work only if it does not impair a bus driver's ability to perform their work effectively and in a safe manner. Bus drivers are encouraged to discuss, with their supervisor, the use of prescription drugs that may affect work performance or safety. The Division is committed to accommodating a bus driver's necessary use of prescription drugs to the extent reasonably possible without undue hardship.

2. Alcohol

- 2.1 The Division will not tolerate the consumption of alcoholic beverages by bus drivers during their regular working hours. This includes meal periods and scheduled breaks.
- 2.2 No bus driver shall consume alcohol while in charge of any Division vehicle or equipment.
- 2.3 No bus driver shall be under the influence of drugs or alcohol during their regular working hours, including meal periods and scheduled breaks.
- 2.4 If a bus driver is called out to work outside regular working hours to perform work related duties and has been consuming alcohol, it is the bus driver's responsibility to:
 - 2.4.1 Under no circumstances operate a motor vehicle while under the influence of alcohol or drugs;
 - 2.4.2 Notify an authorized person of the circumstances immediately;
 - 2.4.3 Obtain assistance from a responsible bus driver, not under the influence of alcohol or drugs, to perform the required task.

3. Reasonable Cause Testing

- 3.1 The Division reserves the right to conduct testing for the presence of alcohol or drugs when it has reasonable cause to believe that the actions, appearance or conduct of a bus driver while on duty is indicative of the use of drugs or alcohol.
- 3.2 The basis for the decision to test will be documented as soon as possible after the action has taken place. The referral for the test will be based on specific, personal observations resulting from, but not limited to:
 - 3.2.1 Observed use or evidence of use of drugs or alcohol (e.g. smell of alcohol);
 - 3.2.2 Erratic or atypical behaviour of the bus driver;
 - 3.2.3 Changes in physical appearance of the bus driver;
 - 3.2.4 Changes in behaviour of the bus driver;
 - 3.2.5 Changes in speech patterns of the bus driver.
- 3.3 In all situations where Division administration believes a bus driver is unfit to be performing their duties, a responsible escort will be used to escort the bus driver home.

4. Random Alcohol Testing

- 4.1 The Division reserves the right to conduct random testing for alcohol impairment without prior notice or reasonable suspicion.
- 4.2 The Division's right to perform such testing is viewed as a reasonable and responsible practice given the extremely safety sensitive nature of the bus driver position.
- 4.3 Where reasonably possible, such tests are to be conducted respectfully and in a manner to minimize the intrusive nature of the tests.

5. Remediation and Discipline

- 5.1 The Division views the rules contained in this Administrative Procedure to be of the utmost importance.
 - 5.1.1 Any deviation from the above terms will result in disciplinary action that may include immediate dismissal.
 - 5.1.2 All bus drivers will be handed a copy of this Administrative Procedure as notification that any resulting dismissal will be considered as “dismissal with cause” and not subject to notice or remuneration in lieu.
- 5.2 Any bus driver suffering from a drug or alcohol addiction is strongly encouraged to disclose the addiction to their supervisor. The Division recognizes its responsibility to assist and accommodate bus drivers suffering from an illness/addiction due to alcohol or drugs (see Administrative Procedure 407 – Alcohol, Drug Abuse or Chemical Dependency). However, if a bus driver neglects or refuses to disclose such a condition to the Division, the Division will be forced to deal with breaches of this Administrative Procedure assuming that the bus driver is not suffering from an addiction or illness related to alcohol or drugs but has simply disregarded the Administrative Procedure, in which case immediate and strict disciplinary action will be taken.
- 5.3 Seeking voluntary assistance for drug or alcohol addiction will not jeopardize a bus driver’s employment with the Division, so long as the bus driver continues to co-operate and seek appropriate treatment for their disclosed problem and is able to treat and control the problem to facilitate a return to work within the reasonably foreseeable future.
- 5.4 Bus drivers suffering from alcohol addiction/illness who fail to co-operate with assistance or treatment programs and/or engage in repeated infractions of this Administrative Procedure, will be subject to the normal disciplinary sanctions, including immediate termination for just cause.

Adopted/Revised: JUN 2016/NOV 2019

Reference: Section 52, 53, 222 Education Act
Employment Standards Code
Labour Relations Code
Freedom of Information and Protection of Privacy Act
Personal Information Protection Act