

Toronto District School Board

Policy P095

Title: **RESTRICTIONS ON ALCOHOL, DRUG AND TOBACCO USE**

Adopted: April 17, 2019

Effectuated: April 17, 2019

Revised: N/A

Reviewed: N/A

Authorization: Board of Trustees

1.0 RATIONALE

The Restrictions on Alcohol, Drug and Tobacco Use Policy (the “Policy”) affirms the Toronto District School Board’s (TDSB) commitment to a healthy working and learning environment that is free from alcohol, drug (including cannabis), and tobacco use except in accordance with this policy.

This Policy supports governing legislation and Ministry of Education Policy/Program Memoranda (PPM), including but not limited to the *Criminal Code*, *Education Act*, *Human Rights Code*, *Occupational Health and Safety Act*, *Smoke-Free Ontario Act*, *Controlled Drugs and Substances Act*, *Cannabis Act* (both federally and provincially), *Liquor License Act*, PPM 128: The Provincial Code of Conduct and School Board Codes of Conduct, PPM 144: Bullying Prevention and Intervention, PPM 145: Progressive Discipline and Promoting Positive Student Behaviour, and the Ministry of Education Memorandum: Legalization of Cannabis – Supports for Schools.

2.0 OBJECTIVE

To promote a working and learning environment that is free from the harmful effects of drugs, alcohol and substance use, including tobacco, cannabis, and its related products.

3.0 DEFINITIONS

Addiction refers to a primary, chronic disease, characterized by impaired control over the use of a psychoactive substance and/or behaviour. Clinically, the manifestations occur along biological, psychological, sociological and spiritual dimensions. Common features are change in mood, relief from negative emotions, provision of pleasure, pre-occupation with the use of substance(s) or ritualistic behaviour(s); and continued use of the substance(s) and/or

engagement in behaviour(s) despite adverse physical, psychological and/or social consequences. Like other chronic diseases, it can be progressive, relapsing and fatal. Drug and alcohol (substance) addictions are disabilities protected by the Human Rights Code.

Alcohol refers to a product of fermentation or distillation of grains, fruits or other agricultural products, and includes synthetic ethyl alcohol as outlined in the *Liquor License Act* (e.g. beer, wine, spirits, etc.).

Board refers to the Toronto District School Board, which is also referred to as the “TDSB”.

Board Property or “*Board Premises*” refers to any TDSB land, premises, location or thing at, upon, in or near which a student learns or an employee works.

Cannabis refers to a drug that is made from the dried leaves and flowers of the cannabis indica or sativa plant. Often referred to as marijuana, pot, weed, etc., and is typically smoked, vaped, or digested.

Cannabis Related Product refer to any product containing, made or derived from cannabis (including synthetic products) that is intended for human consumption whether smoked, vaped, heated, inhaled or dissolved. Common types of cannabis products include dried cannabis (e.g., joints, spliffs, blunts), concentrated cannabis products (e.g. edibles, hash, hash oil, shatter, wax, etc.), or tetrahydrocannabinol (THC)/cannabidiol (CBD) infused drinks.

Controlled Drugs for the purpose of this Policy refers to the harmful substances, illicit drugs or narcotics as set out in the *Controlled Drugs and Substances Act*.

Electronic Cigarette Device refers to any vapourizer inhalant-type device whether called an electronic cigarette or by any other name, that contains a power source and heating element and produces vapour intended to be inhaled.

Impaired (or being under the influence) refers to having a substance that alters or diminishes an individual’s fitness to work and has negative effects on workplace health and safety and or performance of essential duties.

Medical Cannabis User, for the purpose of this Policy, refers to any person who is authorized to possess cannabis solely for their own medical purposes in accordance with the *Education Act*.

School Sponsored Events, for the purpose of this Policy, refers to events that are scheduled outside of school hours, strictly related to school activities (e.g., fundraising), and where no minors and students are present at the event.

TDSB refers to the Toronto District School Board, which is also referred to as the "Board".

TDSB Vehicles refers to any vehicles owned, leased, or rented by the TDSB, and operated by Board staff.

Tobacco refers to the leaves of the tobacco plant that have been dried and processed for people to roll up and smoke. Tobacco is the main ingredient in cigarettes and chewing tobacco.

Tobacco Related Product refers to any product containing, made, or derived from tobacco (including synthetic products) that is intended for human consumption, whether chewed, smoked, vaped, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. Common types of tobacco products include, but are not limited to, cigarettes, cigars, cigarillos, blunt wraps, beedies, shisha, chew, plug, snuff and snus.

Undue Hardship refers to the measure for any limitations to provision of Human Rights Accommodations. Accommodations need not be provided if it causes undue or excessive hardship. However, some degree of hardship is acceptable. Undue hardship is assessed in terms of overall cost, outside sources of funding (if any) and health and safety factors. Evidence must be objective, real, direct and in the case of cost, quantifiable and so substantial it would alter the essential nature of the enterprise.

4.0 RESPONSIBILITY

The Director of Education holds primary responsibility for this Policy.

Within the Director's Office, the executive oversight and responsibility for the implementation, coordination and day-to-day management of the Policy is assigned to the Associate Director, School Operations and Service Excellence.

5.0 APPLICATION AND SCOPE

This Policy applies to all students, employees and Trustees of the Board.

The Policy also covers, parents/guardians, school council members, visitors, third party service providers, volunteers, permit holders, customers of the Board and other members of organizations while partaking in any activities that occur in Board premises or while engaging in Board related functions.

Schools and school-related activities, such as extra-curricular activities and excursions comprise the learning and working environment, fall within the scope of this Policy, as do Board offices and facilities (including eating, lounge/changing areas and vehicles used for work purposes or on work property). Conferences, workshops, training sessions and staff functions (e.g., staff parties, retirement celebrations) also fall within the scope of this Policy.

6.0 POLICY

- 6.1 The Board prohibits all persons from being in the possession of, or under the influence of alcohol or drugs (including cannabis) while on Board premises or while engaging in Board related functions. Exceptions include the *Human Rights Code* duty to accommodate a person's disability-related needs arising from medical use or addiction, the use of tobacco in connection with culturally significant celebrations formally conducted by Indigenous persons or the Indigenous community or by special approval of the Director or designate. (Source: PPM 128)
- 6.2 In accordance with its duty under the *Human Rights Code*, the Board will accommodate persons who require use of cannabis for medical reasons or have an alcohol, drug (including cannabis) or tobacco addiction short of undue hardship based on significant health and safety risks. The person seeking the accommodation may need to provide medical or other information to support a disability-related need, subject to protection of privacy requirements.
- 6.3 Alcohol may be served on Board premises by permit holders for school-sponsored events only, subject to the approval of the Director of Education or designate. (Source: Community Use of Board Facilities (Permits) Policy - P011)
- 6.4 The Board prohibits the promotion of alcohol, drug (including cannabis), and tobacco on Board premises at all times. This does not include the appropriate discussion of the use of drugs or other substances for educational purposes.
- 6.5 In accordance with the *Smoke-Free Ontario Act* and Ontario's *Cannabis Act*, the smoking, growing, consumption, vaping (including electronic cigarette devices), holding or heating of tobacco or cannabis (except for medical cannabis) and their related products is prohibited:
- a) at school, on school grounds, and all public areas within 20m of these grounds;
 - b) on children's playgrounds and public areas within 20m of playgrounds;
 - c) in child care centres, or where an early years program is provided;
 - d) in places where home childcare is provided – even if children aren't present; or
 - e) within 20m of Board property, including TDSB vehicles or in personal vehicles parked on Board property.
- 6.6 TDSB employees, service providers, contract employees, and co-op students have a duty to report any hazards to their supervisor under the

Occupational Health and Safety Act. This includes notifying the employer of other employees who are possibly impaired in the workplace. Impairment at work (or being under the influence) which compromises safety and ability to perform duties is unacceptable.

- 6.7 The Board prohibits all persons to sell or provide others (including minors) with alcohol, controlled drugs (including cannabis), tobacco and their related products on Board premises or while engaging in Board related functions. (Source: PPM 128)
- 6.8 Board funds will not be used to purchase alcohol, drug (including cannabis), tobacco and its related products.
- 6.9 Paraphernalia for the consumption of cannabis (e.g., pipes, rolling paper, e-cigarettes, vapes, etc.) must be out of sight and inaccessible at all times while on Board premises.
- 6.10 The Board prohibits use of any drugs to enhance athletic performance related to curricular or extra-curricular activities, events, programs or organized competitions.
- 6.11 The Board prohibits the illegal use of prescription medication or misuse/abuse of solvents, gasoline, cleaning fluids or other inhalants.
- 6.12 The Board will routinely inform employees who work in safety sensitive positions about the need to disclose if they are using any substances for medical purposes or as a result of addiction that could lead to on-the-job impairment and encourage employees to ask for disability-related accommodation for any related instances before harmful incidents occur.
- 6.13 The use of any substance for medical purposes, including but not limited to cannabis, must adhere to applicable legislation, the Student Health Support Policy (P092), as well as other related Board policies and procedures.
- 6.14 In accordance with the *Smoke Free Ontario Act*, exceptions are to be made for the traditional use of tobacco related products that form part of Indigenous culture and spirituality. A person may give tobacco to an Indigenous person who is or appears to be less than 19 years of age only if the gift is made for traditional Indigenous cultural or spiritual purposes. An Indigenous person/non-Indigenous person may smoke tobacco or hold lighted tobacco if the activity is carried out with an Indigenous person for traditional Indigenous cultural or spiritual purposes.
- 6.15 All persons within TDSB vehicles are prohibited from having any presence of alcohol or controlled drugs (including cannabis and its related products) in their body system while driving TDSB vehicles. In addition, TDSB

employees who are impaired by any substance including prescription drugs or over-the-counter medications are prohibited from driving TDSB vehicles.

6.16 Permit holders will not be allowed to be in possession of or consume, distribute, sell, encourage, tolerate the use of controlled drugs (including cannabis related products) or make it available to anyone at events and activities taking place on Board premises.

6.17 The Board will not fund or support any event, activity, advertising campaign, or sponsorship that relates to the consumption or sale of alcohol, drugs (including cannabis), or tobacco.

6.18 The Board will ensure that all TDSB students and employees understand that violation of this Policy and related legislation and Board policies could result in disciplinary action(s), up to suspension, expulsion, or termination, as appropriate.

6.19 The Board will continue to support programs of prevention and intervention which educate persons on the harmful effects of drugs, alcohol and substances, including tobacco, cannabis, and its related products to prevent students and staff from starting to use and abuse such products.

6.20 The Board will provide leadership for the effective implementation of this Policy and related procedures by ensuring that all persons who visit, use, work or learn on Board premises are made aware of and are in compliance with appropriate legislation, policies, and procedures.

7.0 EVALUATION

This Policy will be reviewed as required, but at a minimum every four (4) years after the effective date.

8.0 APPENDICES

Not applicable

9.0 SPECIFIC DIRECTIVES

The Director of Education has authority to issue operational procedures to implement this Policy.

10.0 REFERENCE DOCUMENTS

Policies:

- Community Use of Board Facilities (Permits) Policy (P011)
- Student Health Support Policy (P092)

Procedures

- Not Applicable

Legislative Acts and Regulations:

- *Cannabis Act (Federal and Provincial)*
- *Controlled Drugs and Substances Act*
- *Criminal Code of Canada*
- *Education Act*
- *Liquor License Act*
- *Occupational Health and Safety Act (OHSA)*
- *Ontario Human Rights Code (OHRC)*
- *Smoke-Free Ontario Act (SFOA)*

Other Documents:

- Ministry of Education Memorandum: Legalization of Cannabis – Supports for Schools
- Ontario Human Rights Commission Policy statement on cannabis and the Human Rights Code
- Ontario Human Rights Commission: Policy on drug and alcohol testing
- Ontario Human Rights Commission: Policy on preventing discrimination based on mental health disabilities and addictions
- PPM 128: The Provincial Code of Conduct and School Board Codes of Conduct
- PPM 144: Bullying Prevention and Intervention
- PPM 145: Progressive Discipline and Promoting Positive Student Behaviour