



BASKETBALL NEW BRUNSWICK

CANNABIS POLICY (Adapted from Canada Basketball)

INTENT

BNB (the “Employer”) is committed to safeguarding the health and safety of its employees and the public by providing a safe and healthy work environment.

In light of cannabis legalization across Canada effective October 17, 2018, BNB wishes to communicate clear guidelines and rules on recreational cannabis use, misuse, and abuse in relation to the workplace.

It is also recognized that the use of certain prescription medications, including medical cannabis, can impair a person’s ability to safely and effectively perform their job.

Accordingly, the purpose of this Policy is to set out the Employer’s expectations with respect to fitness for work, as well as its obligations and expectations with respect to providing appropriate accommodations to employees who are dealing with substance abuse or dependence problems, or who are medically required and legally authorized to use medical cannabis.

DEFINITIONS

“**cannabis**” means all forms of cannabis, including but not limited to cannabis flowers, leaves, oils and edibles.

“**employees**” means anyone in an employment relationship with BNB, any dependent or independent contractors, and anyone attending the Employer’s work site for work-related purposes.

“**fit(ness) for duty**” means the individual is fit to perform assigned tasks competently, safely, and in a manner that does not compromise or threaten the safety or health of that person or others, the environment, or property.

“**impairment**” means a state of being under the influence of drugs, whether legal or illegal. Signs of impairment may include glassy or red eyes, unsteady gait, slurring and poor coordination.

“**medical cannabis**” means cannabis that has been medically and legally authorized by a qualified health care practitioner as defined by the *Access to Cannabis for Medical Purposes Regulations*, as amended from time to time, or any applicable successor legislation.

“**safety-sensitive duties**” are those that could have a direct and substantial impact on the health and safety of the employee, other workers, customers, visitors, the public, property or the environment.

APPLICATION

This Policy applies to all employees as follows:

- During work hours, including work breaks;

- During non-work hours where there is a potential impact on the Employer's reputation or interests;
- While conducting business or otherwise performing duties for the Employer, including travelling for work purposes;
- While on Employer property;
- While operating a company vehicle; and
- Whenever an employee is representing the Employer.

GUIDELINES

Subject to limited exceptions for medical cannabis, New Brunswick's *Cannabis Control Act* (Bill 16) prohibits the consumption of cannabis in the workplace. Employees must abide by this and all other applicable statutory requirements, including those that pertain to the possession and use of cannabis.

Employees are expected to use medical cannabis and other prescription and over-the-counter medications safely and responsibly.

All workplace parties will adhere to applicable statutory requirements, as amended from time to time, including under the:

- *Occupational Health and Safety Act*
- *New Brunswick Smoke Free Places Act* or similar legislation in other jurisdictions
- *Human Rights Code*
- *New Brunswick's Cannabis Control Act (Bill 16)* or similar legislation in other jurisdictions
- *Access to Cannabis for Medical Purposes Regulations*

This Policy will be interpreted so as to be in compliance with all applicable laws, including the above-noted acts.

Any questions related to the content of this Policy or its interpretation should be directed to the Director, Finance.

Roles and Responsibilities

All workplace parties have a role to play in the implementation of this Policy.

DUTIES OF EMPLOYER

The Employer is required by law to provide a safe workplace. Part of that duty includes taking reasonable precautions to ensure that all employees are fit for duty.

The Employer also has a duty to provide individualized accommodation up to the point of undue hardship in accordance with the requirements of the *Human Rights Code*, *New Brunswick*, or similar legislation in other jurisdictions.

The Employer will ensure that this Policy is communicated to all employees, including managers and supervisors.

DUTIES OF MANAGEMENT

Managers must:

- Enforce and abide by this Policy.
- Where appropriate and practical, assess the fitness for duty of employees under their control at the start of and throughout the work period.
- Pay attention for signs of impairment and take prompt and appropriate action whenever there are reasonable grounds to believe that an employee is impaired or not capable of working in a safe and effective manner. Such actions may include:
 - Further assessing the individual for impairment using observational and interview techniques;
 - Sending the employee home with transportation (with or without pay, as applicable);
 - Temporarily assigning the employee to less safety-critical work;
 - Requiring a fitness for work assessment;
 - Placing the employee on a leave of absence (with or without pay depending on the circumstances) pending further investigation.
- Work with employees who request and/or require accommodation for medical cannabis use or substance abuse/dependency as they would for any other employee requiring accommodation for a legitimate disability. This will normally include assessing the employee's fitness for work, with input from a qualified medical practitioner.
- Handle all employee information related to this Policy in a confidential manner, and not make any disclosure of such information unless the disclosure is necessary for protecting workers, investigating a complaint or incident, taking corrective action, assessing and developing an accommodation plan, or otherwise required by law.

DUTIES OF EMPLOYEES

Supervisory employees must:

- Abide by this Policy and lead by example.
- Assist management to implement and enforce this Policy, as directed.
- Serve as a liaison between management and other employees.
- Pay attention for signs of impairment and take prompt and appropriate action whenever there are reasonable grounds to believe that an employee is impaired or not capable of working in a safe and effective manner.
- Document and advise management of any incidence of suspected impairment.
- Treat employee information in a confidential manner, to the extent possible in the circumstances.

All employees (including supervisors and managers) must:

- Abide by this Policy and encourage their peers to do the same.
- Notify management/Human Resources and/or a Health and Safety Representative, as appropriate, of any safety issues, breaches or suspected breaches of the Policy.
- Cooperate with respect to any investigations into potential breaches of this Policy.
- Take responsibility to ensure their own safety and the safety of others.
- Comply with workplace standards and perform their work-related activities in a safe and effective manner.
- Ensure that they are fit for duty/not impaired when attending at and/or reporting to work.

- Remain fit for duty/not impaired for the duration of their shift and/or while on call.
- Never participate in activities which could cause a safety risk, such as driving or carrying out safety-sensitive duties while impaired.
- Not consume, possess, sell or distribute cannabis, other drugs, alcohol or related paraphernalia during work hours (including during paid and unpaid breaks), while on work premises, when representing the Employer and/or when there could be a potential impact on the Employer's reputation or interests. This is subject to an exception for use and/or possession of a legal and prescribed drug in accordance with a pre-authorized accommodation plan.
- If on medically-approved medication, promptly disclose to the Employer any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment. Without limiting the generality of the foregoing, employees must disclose medical cannabis use to the Employer prior to any drug-related incident or accident, and engage in and cooperate with the Employer's accommodation process, including by:
 - providing proof that medical cannabis use is medically and legally authorized;
 - providing proof of fitness for work, satisfactory to the Employer;
 - providing medical information with respect to the employee's restrictions, limitations and accommodation needs; and
 - maintaining ongoing communication with management regarding the effects of medical cannabis on their ability to perform their job duties.
- Use medications (including medical cannabis) only as prescribed and directed, and in accordance with any agreed-upon work modifications or accommodations.
- Communicate dependency or emerging dependency to the Employer, before job performance is affected or a drug-related incident or accident occurs and engage in and cooperate with the Employer's accommodation process, where applicable.
- Never use someone else's or share their own medication (including medical cannabis) with another employee, even those who may have a similar prescription.
- If an employee being accommodated must ingest medical cannabis by smoking, they will not be permitted to do so in the presence of other employees. The employee must also abide by all provincial smoking regulations. The Employer will work with the employee to determine an appropriate smoking area or other reasonable and safe solution, up to the point of undue hardship.

DISCIPLINARY ACTION

Employees found in violation of this Policy may be subject to disciplinary action up to and including termination of employment. Where applicable, BNB may also take legal action in accordance with the law. Please note that use of drugs as part of a prescribed and approved medical treatment program/accommodation plan or the reporting of a drug and/or alcohol related disability is not grounds for disciplinary action; however, failure to disclose the need for accommodation in advance of a drug-related incident or accident may be grounds for discipline up to and including termination of employment.

REVIEW

This Policy was last reviewed and approved by the Board of Directors on June 4th, 2020.

ACKNOWLEDGEMENT AND AGREEMENT

I, _____, acknowledge that I have read and understand the Cannabis Policy of BNB, and I agree to adhere to this Policy in its entirety and will ensure that employees working under my direction adhere to this Policy. I understand that if I violate the rules set forth in this Policy, I may face disciplinary action up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

Witness: _____