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PREPARING FOR THE LEGALIZATION OF MARIJUANA

By Tamina Mawji

As the legalization of recreational marijuana in Canada moves closer, anticipated to be finalized this summer, it remains a hazy area for most employers. Marijuana presents its own unique challenge because, at this time, there is no consensus on safe limits for consuming marijuana and no standards in place to measure impairment. This leaves employers in a puzzle when it comes to balancing these legal changes with the imperative to provide a safe workplace. There are concerns among employers that legalization of marijuana may bring about safety issues, impairment at work, decreased productivity and greater levels of absenteeism.

Robust policies are one way to address some of these thorny issues. Policies not only help your organization comply with its legal obligations, they are a proactive and preventive tool. Policies generally have four goals: reduce safety risks, improve productivity, reduce employer liability and improve employee health.

Although each workplace is different, most drug and alcohol policies place a strong emphasis on deterring use by outlining expectations regarding use and resulting impairment at work, establishing and clearly describing consequences of non-compliance and defining roles and responsibilities that make everyone accountable. Your organization's policies may already address marijuana in the workplace. However, this is a good time to review and fine tune policies and associated procedures.

While most employers opt for a zero tolerance or other very strict policy to restrict drugs and alcohol in the workplace, there are different policy approaches when dealing with drugs and alcohol:

1) Zero tolerance policies prohibit any amount of drug and alcohol but provide exceptions under the duty to accommodate;

2) Per se law policies define the upper limit of acceptable drug and alcohol levels and essentially eliminate the requirement to prove the individual's ability was impaired. In theory, it is only necessary to prove the employee had a drug or alcohol concentration in excess of the limit; it is anticipated that the federal government will identify a per se THC limit but how and to what extent that per se limit can be applied to the workplace remains to be seen; and

(3) Two-tier policies that are used when there are safety sensitive and non-safety sensitive jobs in the workplace. Those employees in safety sensitive positions are held to a higher standard and are subject to more serious consequences because of the direct impact these positions have on safety.

Your organization must decide what will work best in your environment; there is no 'one size fits all' policy. The following are key policy considerations when reviewing, updating and examining



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STAY IN TOUCH

We welcome all suggestions and comments. Feel free to send your feedback to Doris Sun, Director of Communications, at: dsun@cssea.bc.ca.

your current workplace drug and alcohol policies:

- **Definitions:** It is important to define key terms in the policy such as ‘alcohol,’ ‘drug,’ ‘employee,’ ‘impairment’ or ‘under the influence,’ ‘fit for duty,’ ‘workplace,’ ‘safety sensitive positions.’
- **Reference to Illicit or Illegal drugs:** Examine whether current prohibitions on the use of drugs/alcohol in the workplace are sufficient to cover recreational marijuana when it becomes legal and whether existing fit for work requirements are sufficient.
- **Safety Imperative:** Consider including content emphasizing the employer’s commitment to health and safety of its employees, the public, individuals served etc. and that this responsibility extends also to its employees and the union to maintain a safe workplace free from the negative effects of alcohol and other drugs.
- **Accommodation:** Ensure that the policy has adequate accommodation provisions and processes to assist employees with marijuana addiction issues or disability-related medical marijuana use.
- **Scope of Policy:** Consider whether the policy covers employees on call and unexpected circumstances that can arise when an unscheduled employee (not on call) is requested to perform unscheduled services; consider whether the workplace will have exceptions to recreational marijuana use during breaks, lunch, company functions etc. Determine what the employee’s obligations are for each situation and the consequences for non compliance.
- **Employee and Family Assistance Plan (EFAP):** Consider whether the policy encourages employees to contact EFAP but also clarifies that using EFAP does not eliminate the requirements and responsibilities under the associated policies.
- **Drug and Alcohol Testing:** As several recent Canadian decisions indicate, drug and alcohol testing remains a contemporary and controversial issue. If your agency’s policy includes drug and alcohol testing, ensure that it is consistent with current case law. At this time, an employer’s ability to meet the threshold to unilaterally implement random drug and alcohol testing is very difficult even in safety sensitive workplaces. Non-random testing in certain circumstances, such as where there is reasonable cause to believe the employee is under the influence while on duty or the employee was involved in a workplace accident or incident, may be less contentious.
- **Outlining Responsibilities:** Consider defining roles and responsibilities of all parties.
 - Example employee responsibilities:** reporting and remaining fit for duty; reading and understanding the policy and their responsibilities; disclosing an addiction or the use of medical marijuana; disclosing an impaired driving charge/conviction if a valid driver’s licence is required in the performance of duties; advising the employer of a need for an accommodation and cooperating in the process of accommodation by providing medical information.
 - Example supervisor/management responsibilities:** monitoring employees’ performance; staying alert to and documenting performance problems; enforcing the policy.

To support the policy implementation process, updated policies and expectations surrounding legal changes towards marijuana should be communicated to employees. The open dialogue with employees is a critical piece to ensuring that employees understand what the policy is and what it means. Part of the process should include training for employees, supervisors and managers on the updated policies, the expectations surrounding recreational and medical marijuana in the workplace and the duty to accommodate. Similarly, clear guidelines should be prepared for managers, employees and human resources to help everyone implement the policies. Special attention should be given to management and supervisory staff on the application of all policies relating to medical and non-medical use of marijuana in the workplace. Finally, there should be consistent follow-through to enforce the policies.

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THE SECTOR SPOTLIGHT

Stories of impact and innovation in the social services sector

EDITOR'S NOTE: We are excited to introduce a new regular column that aims to shine a spotlight on members and associates who are conducting operations in innovative ways. It is hoped that these shared ideas will allow community social services agencies to function at their best. If you have a story to submit about a program or practice that has improved the workings of your agency, email Doris Sun at dsun@cssea.bc.ca for a chance to be featured.

Role of a Lifetime

By Doris Sun

A group of individuals gather around for a brainstorming session. Imaginations run free and ideas flow without inhibition. This is the scene at one of Stage Door Theatre Troupe's planning sessions. The theatre group, comprised of three staff production assistants, one production coordinator and 19 actors supported by posAbilities, conceives and executes a yearly live show that is written, produced and designed entirely from the ground up. All members of the group have an opportunity to contribute to the production and such was the case when planning for their 2017 show, 'The 4th Element.' The play was set in a post-apocalyptic universe and followed a group's eventful search for the fourth element that could save humanity.

The production is a true labour of love that takes nearly half a year to prepare. Actors go through an audition process, with anyone wanting to play a role having the opportunity to do so. "Shy people can still be involved", said Caroline Dagg, Team Manager. "Staff build the play according to the needs of individuals served so for a shy person, this may mean taking on a role with fewer speaking lines." With staff having worked closely with the actors for long days, many have gotten to know their needs extremely well and are able to build characters that allow each actor to shine. That may mean, for instance, writing in specific prompts for an actor who experiences difficulty remembering lines or allowing some to play a role by appearing on stage but not speaking if they don't wish to do so.



"Individuals are referred from CLBC and have identified an interest in acting," said Caroline. "Some may have done a little bit of acting before coming to Stage Door, and when they come through the program and become part of a group, many gain a sense of immense accomplishment."

When the Troupe is ready to go live and deliver six live performances over two weeks, it often has a diverse audience, including school children who attend to watch dress rehearsals. "Some kids ask for autographs and that really makes our actors feel proud," said Caroline. Pride also shines through the actors' family members who are able to witness their loved ones thrive on the big stage.

"To see their sons and daughters speaking in front of a crowd, modulating their voices, playing a different character, going along and trying things out — it's really incredible for family members to witness," said Caroline. "Families are some of our greatest supporters. Some come every single night for two weeks straight!"

Preparation for the show not only involves scripting and casting, but also the construction of very elaborate costumes. In

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the case of 'The 4th Element,' this also meant building a full set from scratch, using metal props, yogurt containers, paint, takeout boxes, and more, to construct a postmodern scene. When the production ended, the set was deconstructed and parts of it were sold as art at posAbilities' annual art show.

This year's production is currently being conceptualized and will involve pirates and a romantic storyline. One of the goals of this and future shows, is to grow the Troupe's audience and community presence by performing in front of more diverse groups.

Spring 2018 performances will take place in April and May at the Troupe's theatre located on the lower level of Heritage Hall in Vancouver. To be added to the invitation list, for advance group sales or for more information, please contact Don House, Studio Coordinator at 604.872.1252 or visit www.posAbilities.ca



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MY EXPERIENCE AS AN AWARDS OF EXCELLENCE RECIPIENT

By Damian Brennan

In the spring of 2017, I was pleasantly surprised to learn that I had been nominated for the fourth annual BC Community Social Services Awards of Excellence as a Rising Star. Fast forward to July 2017, and I was even more surprised to receive a phone call informing me that I had actually been selected as the recipient of the award!



I was completely shocked, humbled yet delighted to be recognized for such a prestigious award. I thought of all my peers and wondered, "Why me? Everybody around me deserves an award as well!"

Following the initial (pleasant) shock, I got to take part in some of the fun associated with being an award recipient. I was introduced to Doris Sun at CSSEA, who guided me through the entire process so I could enjoy the experience at the different stages without too much nervousness. Part of the process of being an award recipient involved a video interview with myself, a few colleagues and some of the individuals served. It was certainly an unfamiliar experience to arrive at work to be greeted by a camera crew setting up lights, framing shots and asking me questions about my job. It was a great experience having the crew visit the service (called Oasis) that I work directly with at the Chilliwack Society for Community Living (CSCL). I was grateful to have the opportunity to share some insights about my professional responsibilities and my day-to-day life as a Community Support Worker. My thoughts were well captured in the final video that was shown at the awards ceremony.

The biggest surprise for me was just how big of a deal it was to be an awards recipient. I honestly had no idea



what to expect until I arrived at the Delta Grand Okanagan Resort in Kelowna. Both my wife and I were treated like royalty and were put up in one of the most comfortable rooms I've ever stayed in. The pre-awards reception with sponsors, CSSEA staff, other award winners and the Shortlisting Committee was a great way to start off the big day, as we were given the chance to mingle in a relaxed environment. At this point I felt a great sense of pride in what we do and got to hear some of the other experiences and stories within the sector. Another thing that helped with the nerves was that a few members of CSCL's Leadership Team was able to attend the awards ceremony as well and offer their support.



Overall, the whole experience was definitely one I will always remember with pride and a sense of humility, plus a newly formed drive to do better and excel to the best of my abilities. My coworkers and managers at CSCL have played an important part in getting me to this point by providing excellent training and support. I received numerous messages from staff, some of whom I hadn't even met yet, congratulating me; at meetings, I have been further recognized and applauded. Still to this day, it is a pleasant surprise when, during meetings or in the community, a peer will bring up the awards. The support I received has helped me realize my career is on a good path. I would now love to help others reach such milestones in their careers in the form of mentorship and setting the example for all of us.

I am not only highly impressed by CSSEA organizers, but I'm also extremely thankful to be awarded and recognized for simply doing my job.