

ALCOHOL AND DRUGS POLICY AND GUIDANCE

**POLICY AND GUIDANCE ON
ALCOHOL AND OTHER DRUGS OF DEPENDENCY**

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Adur District and Worthing Borough Council

POLICY ON ALCOHOL AND DRUG MISUSE

Purpose of the policy – is to establish the way in which the Council manages the issue of alcohol and drug misuse and use in the workplace.

Definition:

“Drug misuse” refers to the use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs and substances such as solvents.

“Alcohol misuse” refers to drinking at levels that lead to significant harm to physical and mental health and at levels that may be causing substantial harm to others.

Distribution of the policy – part of the general health and safety policy documentation held by all line managers, also available online through the intranet to all staff.

Use of the policy – the policy is to be used to establish standards and a commitment to safety in this important area and therefore should be used to brief staff, including on recruitment into the organisation, as a reference document and the guideline to judge all relevant activity. From time to time the policy will be reviewed to ensure that it remains valid and useful.

- a) The Council is committed to providing a safe and comfortable working environment and this requires a clear statement of corporate policy on alcohol and drug misuse.
- b) Every line manager is responsible for ensuring that this policy is implemented.
- c) The consumption of alcohol on Council premises is **ONLY** permitted:-
 - i) at festive and special occasions, such as Christmas and staff leaving parties
 - ii) outside an employee’s working hours.
- d) Alcohol consumption must be managed by all staff such that no member of staff presents for work under the influence of alcohol.

Alcohol consumption in breach of the above restrictions is strictly prohibited, risks the safety and comfort of other staff and visitors, and will be regarded as a disciplinary matter.

- e) Drug misuse by staff is strictly prohibited such that:-
 - (i) no member of staff may present for work under the influence of misused drugs, nor may any member of staff misuse drugs during the working day (on the premises or off-site);
 - (ii) drug misuse in breach of the above restrictions is strictly prohibited, risks the safety and comfort of other staff and visitors, and will be regarded as a disciplinary matter.

- f) All staff are required to bring this policy to the attention of visitors and contractors as appropriate, and to report to their line manager if they see anyone consuming alcohol or misusing drugs, or who appears to be under the influence of either.
- g) To supplement the restrictions of this policy, the Council offers assistance to members of staff who may have developed a problem with either drugs or alcohol. To facilitate this, information on organisations available to assist shall be periodically circulated, posted to notice boards, etc.
- h) In addition, although the Council may not tolerate criminal behaviour, it is possible for additional assistance to be offered to anyone identified as having an alcohol problem. For anyone so identified, from sickness absence records, self-reporting and other means, the following shall apply:-
 - (i) the work undertaken by the person shall be reviewed, seeking to identify causes of stress which may be reduced;
 - (ii) the Council may make available confidential counselling or other support to assist the person concerned to recover his/her control.
- i) It should be noted that if drug misuse and/or alcohol consumption reduces performance to unacceptable levels – in terms of safety, sickness absence or other factors – this may prove to be grounds for dismissal if counselling or other treatments are unsuccessful.
- j) The Council recognises that the use of prescribed medicine, as opposed to illegal drugs can have an impact on an employee's performance at work. It is not expected that this would be grounds for disciplinary action; however, employees are advised to follow any medical advice given to them regarding taking prescribed medicines.

DRUGS AND ALCOHOL GUIDANCE

INTRODUCTION

This guidance addresses the issues of legal drugs, alcohol, and illegal drugs such as cannabis and heroin. Although the legal position creates different contexts, and there are some additional risks to employers in connection with (illegal) drug misuse, the health and safety position for each is remarkably similar and the strategies for management have a great deal in common.

1. Introduction

1.1 Hazards to staff and to all persons including visitors

Drug misuse and alcohol consumption by staff members can render them incapable of safe working. The affected workers can fail to make correct judgements when using machinery, in an exactly equivalent way to the arguments applying to vehicle control when 'under the influence'. Some illegal drugs and alcohol are capable of altering perceptions so that reaction time is slowed and altering personality so that risks are taken more readily – a very dangerous combination. This may make affected workers' behaviour dangerous to themselves, to colleagues and to others.

1.2 Adur District & Worthing Borough Councils

The Council could be regarded as breaking the law if they knowingly allow drug-related activities to take place in their workplaces. Drug misuse and under-age alcohol consumption may result in breaches of criminal law, and alcohol consumption in any event may lead to claims of negligence.

2. Legal Considerations

There are several legal requirements that are potentially applicable to drugs and alcohol in the workplace, but the most significant are:

- *The Health and Safety at Work etc. Act 1974* requires all employers to provide safe places and systems of work, and this may be regarded as extended to cover the management of staff such that they are not incapacitated by drug or alcohol consumption to carry out their work without risk to others.
- *The Transport and Works Act 1992* makes it a criminal offence for certain workers to be unfit through drugs and/or drink while working on specified tasks (railways, tramways, etc.)
- *The Road Traffic Act 1988* renders it a criminal offence for a driver to be unfit through drink or drugs.
- *The Misuse of Drugs Act 1971* creates the criminal law category of drug misuse, applicable for the production, supply and possession of specified controlled drugs except in specified circumstances such as when they have been prescribed by a doctor.

3. Risk Assessments

3.1 General

This guidance represents checks managers need to make to perform an adequate risk assessment on the management of alcohol consumption and drug misuse both in the workplace and immediately prior to work periods. If there is anything unusual about the work, such as the regular use of transport by appointed drivers, additional arrangements may be required.

3.2 Managing the risks

3.2.1 Risk assessment programme

The following should be documented as the method to be employed effectively to carry out an enhanced risk assessment and control programme to minimise the risks arising from alcohol consumption or drug misuse.

3.2.2 Checklist for drug and alcohol risk assessment

The following items are to be checked routinely by all managers.

Staff

- a) Recruitment and induction ensures that all staff are aware of the drug and alcohol policy.
- b) Machinery usage and other risk assessments take into account alcohol consumption, if consumption is not generally prohibited during breaks in the working day.
- c) Information is made available to all staff on alcohol and drug misuse counselling services.

Visitors

- d) Arrangements to ensure that the drug and alcohol policy is brought to their attention as necessary.

Contractors

- e) Arrangements to ensure that their instructions/contractual obligations include the alcohol consumption rules for working on the premises.
- f) The Supervising Officer of any contract is actively checking compliance with contractor obligations including compliance with the drug and alcohol policy.

3.2.3 Council Assistance:

It is important that a caring service such as that provided by the Council should recognise those people at risk and be willing and able to offer appropriate assistance. Alcohol related problems are frequently recognised at an early stage in the workplace. The costs in accidents, illnesses, poor quality work and loss of productivity are considerable.

- 3.2.4** The Council recognises its role both as an employer of many staff and as an example to other employers in providing a well thought out policy for preventing alcohol related problems in the workplace and for handling those problems constructively and sympathetically.

3.2.5 Training

The illegal use of drugs and substances in the workplace including the consumption of alcohol by employees exposes them to an increase in the risk of accidents and injury. This obviously has a direct impact on the operation of The Council (investigations, resourcing, enforcement and further loss) and could therefore affect its continued viability. It requires particular and sensitive skills to prevent or mitigate this use and the training requirements focus on these areas.

Training managers for recognition of substance abuse in the workplace.

The National statistics regarding the involvement of drugs and alcohol in incidents and accidents continue to show an alarming increase. To avoid where possible this type of accident or incident in the work environment managers require an understanding of:-

1. The need to ensure an effective policy on the use of alcohol and drugs in the workplace and its enforcement.
2. How to recognise the use of substances by employees and their effect on safe operations.
3. Identification of factors in the work environment that may create an individual's dependency on illegal substances and reduction where possible of such exposure or opportunity of abuse.
4. The implementation of help and welfare programmes that will assist in mitigating the risk of abuse and improving awareness amongst line supervisors, managers and the workforce.
5. The requirement for a regular review of policy and its documentation.
6. The possible need to implement for certain processes and work contracts regular 'tests' on employees and the possible implication in the individual's contract of employment. The introduction of such testing would need to be justified, approved by Councils Leadership Team and consulted on with UNISON.
7. How to implement active monitoring programmes to ensure conformity to agreed standards and policy and the maintenance of information relevant to the Council's operation.

4.0 RESPONSIBILITY OF THE EMPLOYEE

4.1 Each employee is the main person responsible for her/his own health.

4.2 Any employee can see the Occupational Health Nurse for advice about his/her own drinking or related problems, and anyone can encourage a colleague to seek advice from the Human Resources Section – confident that an approach will be treated sympathetically and in complete confidence. The Employee Assistance Programme is available to all staff and their family household members, 24 hours a day, 7 days a week, and offers expert advice, invaluable information, specialist

counselling and support services confidentially. Contact details are available from Human Resources or on the Intranet.

- 4.3 Nationwide research indicated that not infrequently colleagues cover for some of the effects of problem drinking. Late return to duty is ignored and inefficient work practices tolerated. As there is usually little chance that the individual will correct his or her own behaviour, such collusion is, whilst maybe well intentioned, counter productive, and a disservice to the member of staff having difficulties with alcohol, drugs or solvents.
- 4.4 The employee may accept the manager's request to seek medical help but may prefer to receive diagnosis, care and/or treatment from his/her own doctor. All matters relating to the continued care of such an employee at work and any changes in employment arrangements will be considered by the appropriate Head of Service with the advice of the Head of HR and the Director for Digital & Resources in conjunction, where appropriate, with the Occupational Health Specialist.
- 4.5 It is the responsibility of the employee to decide whether or not to receive specialised counselling and treatment. No employee will be required to comply unwillingly with a treatment programme.
- 4.6 The Head of HR and the Director for Digital & Resources and/or the manager involved will, however, need to be advised of the general progress of the individual. The employee will therefore be expected to share relevant information about his/her progress with the Head of HR and the Director for Digital & Resources in order that appropriate support can be given in the workplace and work performance assessed in context.
- 4.7 Employees are encouraged at any and every stage to be accompanied / represented by their union or work colleague.

5.0 RESPONSIBILITY OF THE MANAGER

- 5.1 Each manager must recognise that the health and safety of our staff/customers/clients is of first importance.
- 5.2 The Council is committed to a policy of early positive intervention by managers when staff with alcohol or drug related problems become known to them.
- 5.3 The manager will actively encourage an employee to recognise the problem and to seek more specialised help and/or treatment via the Human Resources Section. Work performance will also be carefully monitored.
- 5.4 The manager will encourage an employee who acknowledges that there is a problem to respond to offers of specialised help. This help will be made available on the basis that the employee will be granted sick leave to undergo treatment in the same way as any other illness is regarded under the terms of the Council's sick pay scheme.

- 5.5 When an alcohol, drug or solvent related problem is or may be the cause of inefficiency, unpunctuality or unacceptable behaviour the manager should:-
- a) monitor performance or conduct, e.g. timekeeping, keeping careful records over a reasonable period of time;
 - b) arrange a meeting with the employee to discuss the problem(s) relating to work and to explore possible reasons as sensitively as possible.

In some cases there may be good reason to feel that there is an underlying alcohol, drug or solvent related problem because of information from others. With other cases, this may only be a strong suspicion. The subject of dependency will have to be raised by the manager if the employee makes no reference to it.

- 5.6 If the manager feels embarrassed or unhappy in this type of situation, especially if the member of staff reacts unfavourably or is upset, no matter how sensitively the matter is being handled, then the manager should seek the help and advice of the Human Resources Section and, where appropriate, through them, Occupational Health Specialist.
- 5.7 Every effort will be made to ensure that the employee retains his/her present job with no detriment to promotion opportunities or other benefits so long as work performance returns to an acceptable level and there is no hazard whatsoever to colleagues and clients.
- 5.8 Where the employee is incapable of retaining his/her present job or where doing so might undermine recovery, the Council where appropriate, will make every effort to find suitable alternative employment.
- 5.9 In the event of a relapse after treatment, a further opportunity for help and treatment will be offered in those cases where the individual circumstances indicate that this would help the employee.
- 5.10 The manager has the right to be kept informed by an employee of the general progress of the individual and the likely date of return to work. The manager has no right to knowledge of the actual treatment record.
- 5.11 The manager will encourage the employee to be accompanied by his/her trade union/staff representative or work colleague at any stage if wished.
- 5.12 A copy of the Policy shall be available for staff to read and retain if required and may be obtained from Supervisors/Managers or the Human Resources Section.
- 5.13 When offers of help and support have been rejected and where the manager considers that the employee, colleagues or clients are at risk, then disciplinary action may have to be taken on the basis of actual conduct or performance.
- 5.14 Excessive alcohol consumption, solvent or drug abuse on isolated or random occasions leading to behaviour contrary to appropriate standards of safety and conduct will be dealt with under the Council's Disciplinary Procedure, with due consideration of all relevant factors, including any underlying known problems.
- 5.15 The following would also be dealt with under the Council's Disciplinary Procedure:

- where offers of help and support have been rejected, and/or
- where there is continued unacceptable behaviour and/or standards of work performance, and/or
- where the manager considers that the individual may be putting himself / herself or others at risk.

6.0 RESPONSIBILITY OF THE HUMAN RESOURCES SECTION

- 6.1 The Human Resources Section with the assistance of the Occupational Health Specialist will assess employees referred to them under the Policy in strict confidence. Human Resources will also offer advice and help, and will liaise with senior managers on the same basis as all other health problems which affect work standards or behaviour.
- 6.2 The Human Resources Section will accept self-referral from employees who are worried about their own drinking or other dependency and such cases may not require the involvement of management at all. Contact should be made directly with the Human Resources Section or Occupational Health Specialist.
- 6.3 The actual treatment record of the employee will remain strictly confidential to the Occupational Health Specialist with no access to its contents by management.
- 6.4 The Occupational Health Specialist staff are qualified to provide a counselling service, to assess employees referred to them (or who refer themselves) and/or to refer staff on to agencies or groups specialising in this type of problem.
- 6.5 In order to monitor the effectiveness of the policy in promoting the health and well-being of employees, the Occupational Health Specialist will maintain statistical records of employees with alcohol, drug or solvent related problems. Such statistics will not identify individual employees.

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Version Number	Date	Alteration	Reviewer
Version 1.1	May 2007		JR
Version 1.1	March 2009		
Version 1.2	March 2011	Joint policy sent via the HR Working Group	LD
Version 1.3	June 2014	Review – change of management structure (CLT), roles and responsibilities.	LD