

POLICY ON WORKPLACE ALCOHOL, DRUGS AND SUBSTANCE MISUSE

(Covering all employees)

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1. POLICY STATEMENT

- 1.1 The Council is committed to improving the health, safety and wellbeing of its employees by introducing and promoting policies which encourage healthier lifestyles. The Council recognises that alcohol and drug misuse are primarily matters of health and social concern. However, when problems relating to these issues arise in the workplace the Council, as a responsible employer, must have appropriate strategies and arrangements in place which offer help and support to employees.

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2. INTRODUCTION

- 2.1 The Health and Safety at Work etc Act 1974 and Misuse of Drugs Act 1971 place a duty of care on the Council to ensure the health, safety and welfare of all employees. The Health and Safety at Work Act also places a duty of care on employees to consider their own health and safety and that of their colleagues. This duty includes the need to address issues of alcohol and drug misuse in order to protect employees, their colleagues, and members of the public.
- 2.2 The aim of this policy is to provide a positive and constructive approach to dealing with the misuse of alcohol and drugs and their effects in the workplace, by encouraging identification of alcohol and drug related problems and offering support to employees through a range of options, whilst ensuring appropriate standards of attendance, conduct and performance are maintained.

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3. SCOPE AND DEFINITION

- 3.1 For the purposes of this policy, substance misuse is defined as any alcohol or drug use (including legal highs), either intermittent or continual, which adversely affects an employee's health and welfare, social interaction at work, conduct or work performance.
- 3.2 Within this Policy, the term 'drugs' will include:
- Any illegal drugs (Class A, B, and C);
 - Any prescription drugs (whether prescribed for self or others) which have been knowingly misused;
 - Any over-the counter remedy or prescription drug taken in excess of the stated dose;
 - Legal Highs - plants, chemicals or other substances that have **not** been defined as illegal, and which are used for the purpose of seeking intoxication.
 - Any volatile substances or solvents, including lighter gas refills, aerosols, glues, paint thinners, and correcting fluids, with the exception of usage by employees in the normal work context and for their intended purpose.

- 3.3 The policy will apply equally to all employees, including senior managers, directors, temporary employees and casual workers. Agency staff working in the Council and other Contractors will be required to comply with the principles outlined in this policy for the duration of their service provision, however their own Organisation's policies will apply to issues of concern.

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4. IDENTIFYING AN ALCOHOL OR DRUGS PROBLEM

- 4.1 An alcohol or drugs problem may be identified by employees themselves, by a line manager or other manager, or as a result of a formal conduct and behaviour, performance management or sickness absence processes. Once a problem has been identified, subsequent action will be taken based on an examination of all the circumstances of the case. In all cases, staff with an alcohol or drug problem will be referred to Occupational Health, and where a dependency problem is identified, the support mechanisms outlined in section 5 will normally be put in place.
- 4.2 If an employee attributes misconduct or performance problems to alcohol or drug dependency during a Disciplinary, Performance Management or Absence Management Meeting/Hearing, any formal action will normally be held in abeyance, pending referral for assessment and/or a programme of treatment.
- 4.3 Disciplinary/ Managing Work Performance/ Absence Management/ Procedures and any professional support (i.e. referral to a counselling agency) may run concurrently where warranted by the circumstances of the case e.g. related misconduct.
- 4.4 In situations where gross misconduct is alleged and established, admission of an alcohol or drug dependency during the Disciplinary process will not result in formal action being held in abeyance.

5. WHERE AN ALCOHOL OR DRUG RELATED PROBLEM IS IDENTIFIED

- 5.1 Employees who volunteer information themselves, or whose manager has identified an issue, or have had problems related to alcohol or drugs confirmed will be treated sensitively and as confidentially as possible. It may be necessary to involve other line managers or OD as appropriate. The employee will be encouraged to seek help support and assistance which is available from their GP, the Occupational Health Service or other appropriate agencies.
- 5.2 Employees may attend these agencies either through self-referral or through an Occupational Health or GP Referral. Where the employee is referred by Occupational Health, the manager will be kept informed of progress by further Occupational Health reports. Further information on the Occupational Health Service referral process is available on the Council's Intranet or from askHR.
- 5.3 Referral for counselling or treatment will not normally affect the employee's current job role unless they are unfit to fulfil their contractual duties, there is

an issue relating to safety, or if their duties conflict with the long-term resolution of the drug or alcohol problem.

- 5.4 When an employee attends a recommended programme requiring short absences from work, the manager's co-operation is essential to assist the employee's recovery. Managers should therefore make every effort to permit reasonable time off with pay during the working day to attend counselling and/or treatment.
- 5.5 Where an employee acknowledges he/she has an alcohol or drug-related problem, the offer to refer for help and treatment is made on the understanding that:
- If the treatment necessitates long-term absence from work, employees will be considered to be absent due to illness and will produce medical certificates 'FIT notes' to cover the period(s) of absence.
 - If the employee is absent from work to undergo treatment or has been removed from certain duties for the duration of the treatment, on successful completion of treatment, he/she will return to their substantive post/ full contractual duties.
- 5.6 Where a treatment programme has been completed but has not been successful the employee's manager will carry out a risk assessment to determine whether it is safe for the employee to return to their substantive post. Any duties identified as being unable to be carried out may be considered an inability to fulfil the full contractual duties of the post.
- 5.7 If, following return to employment during or after treatment, work performance, absence levels or conduct is again affected as a result of alcohol or drug-related problems, each case will be considered on its own merits. In exceptional circumstances, a further opportunity for assistance and treatment may be offered. In this respect, advice will be sought from the Occupational Health Service.
- 5.8 A programme of support/treatment does not, however, remove the requirement for employees to be able to competently undertake the contractual duties of their post free from the adverse effects of alcohol or drugs.
- 5.9 If, subsequent to completion of their programme of treatment, the employee's standard of work performance, attendance or conduct remains unsatisfactory, or if it is satisfactory throughout the period of treatment only to lapse very soon thereafter, the employee will normally be subject to the Council's Disciplinary/ Managing Work Performance / Absence Management Procedures.
- 5.10 All employees should not be under the influence of alcohol or drugs at work and should not consume alcohol or drugs at work (as stated in paragraph 7.1 below).

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6. WHERE SUPPORT IS REFUSED

- 6.1 Where a dependency issue has been identified, any employee:
- who denies that alcohol or drug misuse is the cause of their problems;
 - who declines to accept the offer of referral for assessment and/or a programme of treatment;
 - who discontinues a programme of treatment before its satisfactory completion or;
 - whose level of work performance continues to be unsatisfactory after undergoing treatment,

will normally be subject to the Council's Disciplinary or the Managing Work Performance Work Performance Procedure as appropriate.

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7. NO ALCOHOL OR DRUG DEPENDENCY

- 7.1 An employee who is not considered to have an alcohol or drug-related problem, but who is found to be, or becomes unfit to undertake the contractual duties of their post due to the consumption of alcohol or drugs at any time during the working day, will be sent home for the remainder of that working day. If necessary, he / she may be accompanied. The matter will be dealt with in accordance with the Council's Disciplinary Procedure for when the employee is fit to return to work.
- 7.2 Where no dependency issue is confirmed by Occupational Health and where the employee denies there is a dependency issue then the Council's Disciplinary Procedure will normally be applied.
- 7.3 The above circumstances could result in disciplinary action being taken up to and including dismissal.

8. ALCOHOL AND DRUGS IN THE WORKPLACE

- 8.1 Many over the counter medical remedies and prescription drugs can have side effects which can impair an individual's performance and ability to carry out their work in a safe manner. Employees have a responsibility to check with their GP or pharmacist whether any prescription or over the counter medication they are taking has the potential to cause any such impairments and should inform their manager accordingly.
- 8.2 Consumption of alcohol or drugs in the workplace is not normally permitted at any time during normal working hours. Exceptionally, alcohol consumption may be permitted as part of an approved workplace event. Such events (e.g. retirements) should be held outwith normal working hours and require the prior authorisation of the Chief Executive or appropriate Chief Officer.

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9. SUPPORT FOR MANAGERS

- 9.1 Line managers are responsible for enforcing this policy and support and advice is available from OD.
- 9.2 Training is available to assist managers in how to recognise alcohol and drug problems and address these in a consistent manner. Details are available from the Council's Learning and Development Team.
- 9.3 Further information on any part of this policy and its implementation is available from askHR. Referral should be made to askHR in the first instance.

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10. INFORMATION AND EDUCATION FOR EMPLOYEES

- 10.1 Senior management will ensure that all managers bring this policy to the attention of existing employees. The information will be given to new employees as part of their general induction programme.
- 10.2 In addition the Council will provide employees with information on the adverse health effects of alcohol and drugs and information on sensible drinking as part of ongoing health and wellbeing activities.

11. REVIEW

- 11.1 The policy will be subject to review by the Head of Human Resources.

12. LOCAL COLLECTIVE AGREEMENT

- 12.1 This document is a local collective agreement between the Council and the recognised trade unions and replaces all pre-existing arrangements. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of a failure to reach agreement both parties reserve the right to terminate this local agreement by giving four months notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.

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