

DRAFT

Alcohol, Drugs and other Substances Misuse at Work – Policy

INTRODUCTION

Watford Borough Council recognises its obligation to maintain and promote the physical and mental health of its employees.

The misuse of alcohol, drugs and other substances, such as solvents, is not uncommon in the community and the Council recognises that there may be employees who will experience such problems. For the purpose of this policy all such materials, both legal and illegal, shall be referred to as “substances”.

This policy should be read in conjunction with the other council policies on Smoking, Whistle Blowing, Health and Safety etc.

DEFINITION

Watford Borough Council defines substance misuse as:

‘The use of self-administered substances, including alcohol, in an improper way which may interfere with a person’s health and social functioning, work capacity, or conduct’.

AIM

The inappropriate use of substances including illicit drugs and alcohol, which may interfere with an individuals health, social functioning, work capacity and conduct, or through their actions, other people and the environment.

This policy and procedure is intended to promote the general well being of all employees and to avoid unnecessary illness, absences and accidents caused by substance misuse. It is also intended to improve work performance and to provide a working environment that ensures as far as possible, the health and safety of all employees, public and visitors.

This policy applies to all Council employees.

POLICY STATEMENT

It is the policy of the Council that:

- Individual employees are personally responsible for their own actions and behaviours. As such, individuals are required to proactively assess, minimise or if possible eliminate the risks associated with their actions. “Risk” in this context is taken to mean “The possibility of loss, injury, disadvantage or destruction or bad publicity for the Council”.

- All employees should be made aware of the risks of substance misuse. The Council is committed to educating its employees, and departmental managers, to make them aware of this policy, its implications, and the benefits of early identification of a problem. It therefore undertakes to provide relevant health promotion information to staff.
- No member of staff should use, possess, deal, produce or store illegal substances on Council premises, or allow others to do so. "Premises" in this context is taken to mean buildings, land, motor vehicles, or equipment, which the Council owns or is responsible for on either a permanent or temporary basis.
- No member of staff must be under the influence of any substance while at work if they are required to drive, operate equipment or machinery, conduct potentially hazardous procedures, or interact with members of the public. The only exception will be where an appropriately qualified person certifies such use as safe, and where the employee's manager has been made aware of such certification in advance.
- The use of substances, including alcohol and prescribed medication, in circumstances other than those outlined above, must be restricted by the individual to an appropriate level. In determining this level, the individual should consider all relevant factors such as the effect of the substance on work performance, and the impression given to colleagues and members of the public while under its influence. People occupying certain posts are specifically excluded from consuming alcohol immediately before or while on duty. These are:
 - Working at height
 - Driving while on company business
 - On-site vehicle operators
 - Machinery operators
 - On-call/standby duties.
 - Electricians
 - Those with direct contact with members of the public
- All employees should be assured that advice, assistance and encouragement will be offered to anyone identified as possibly having a substance misuse problem that may adversely affect their work.
- Assistance and referral for treatment will not automatically be offered where, for example, treatment has not been successful on a previous occasion or when consequences of the misuse have been too serious.
- The safety of staff and of all those who may be affected by our operations is paramount and to those ends the council retain the right to, if justified, to introduce random drug/alcohol testing.
- Nothing in this policy and procedure, or its application, shall be construed so as to prevent or inhibit the full operation of the law. Where offences or suspected offences have or may have been committed, such as drink driving, the relevant authorities shall be informed in order to facilitate appropriate investigation and action. The Council will co-operate fully with such investigations.

PRESCRIBED SUBSTANCES

Employees will be expected to take advice from the prescribing doctor as to the effects that prescribed substances may have on their work performance and advise managers of all potential problems.

Where prescribed substances may adversely affect their performance at work, managers should allocate different duties wherever possible. Where this is not possible employees should take sick leave.

Where employees are taking medication whilst on duty it will be their responsibility to ensure that any such substances are secure and will not become available to other employees or members of the public. All such substances must be kept with the original packaging and label in tack and must not be given to other people to keep or look after.

LEGAL POSITION

The Council have a general duty under the **Health and Safety at Work etc Act 1974 (HSW Act)** to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees. The council also has a duty under the **Management of Health and Safety at work Regulations 1999** to assess the risks to the health and safety of their employees. If the council knowingly allows an employee under the influence of alcohol, drugs or other substances to continue working and their behaviour places themselves or others at risk, they could be prosecuted. All employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.

Certain types of drugs are controlled in respect of their supply, possession and use under the **Misuse of Drugs Act 1971**. Nearly all drugs with misuse and/or dependence liability are covered by it. The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example, when a doctor has prescribed them). If the council knowingly permit the production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on their premises they could be committing an offence.

Therefore, the Council will take appropriate action against any employee who commits a criminal offence under this Act. This action, including any disciplinary process and subsequent outcome, will be completely independent of any police investigation or subsequent criminal proceedings.

Any employee charged with an offence under the Misuse of Drugs Act 1971 must inform their HR Officer upon receipt of a court summons. Any employee convicted of an offence under the Act must inform their manager in writing immediately upon conviction.

While it is expressly provided that dependency on alcohol or any other substance does not, of itself, amount to a disability for the purposes of the **Disability Discrimination Act 1995**, a condition caused by such addiction or dependency may be such a disability.

The **Road Traffic Act 1988** states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place is unfit to drive through drink or drugs shall be guilty of an offence. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.

MISCONDUCT

The assistance provided under this policy will not apply to anyone who, because of substance misuse, behaves in a manner contrary to the standards of conduct required by the Council. Such behaviour will be dealt with in accordance with normal disciplinary procedures, although any mitigating factors will be taken into account in determining the outcome of any disciplinary action.

Examples of what may constitute misconduct or Gross misconduct in relation to this policy

- Possession of illegal drugs whilst at work
- Supplying / offering to supply illegal drugs whilst at work
- Consuming alcohol whilst at work, unless specifically authorised
- Being under the influence of intoxicating liquor whilst at work

CONFIDENTIALITY

All persons involved with the details of any member of staff who has a substance misuse problem have a duty to keep all information relating to the case strictly confidential. However, where an employee's behaviour or action may represent a serious risk to the safety or well being of others, information may have to be disclosed without consent.

SCOPE

This policy and procedure applies to all employees of the Council.

Although this policy and procedure does not apply directly to external contractors, whilst on Council premises, they will be expected to abide by the Council's policy on substance misuse. Any external contractor suspected to be under the influence of a substance may be reported to their employer and, where appropriate, be removed from the premises.

ROLES AND RESPONSIBILITIES

Management responsibilities

- To be familiar with the policy and procedure on alcohol, drugs and substance misuse
- To be aware of and be able to recognise the effects of alcohol, drugs and/or substance misuse and be alert to any potential problems
- To approach the issue sensitively and not make personal judgements
- To be clear with their members of staff about what is acceptable and not acceptable practice

Employee responsibilities

- To be aware of the policy and procedure on alcohol, drugs and substance misuse
- To note the information provided, its potential effect on work performance and act accordingly

- To seek or accept help if they or a colleague may have a problem
- To be responsible for their behaviour and not to attend for work whilst under the influence of alcohol or drug misuse

HR responsibilities

- To ensure that management and employees are fully conversant with the policy
- To provide training and support through the Health and Safety Group
- To liaise with Occupational Health and/or other agencies as appropriate
- To advise managers or employees on the approach to a specific problem
- To monitor and review the effectiveness of this policy.

Occupational Health responsibilities

- To receive and respond to all referrals from employees or line managers providing appropriate assistance and guidance
- To assist in education and health promotion activities with the HR team
- To link with external agencies to provide specialist guidance and support
- To provide a confidential and independent counselling service to all staff
- To provide random drug/alcohol testing as required

Role of Trade Unions

- To actively contribute to the development and implementation of this policy
- To advise and represent members if requested in the resolution of any problems within a supportive framework

IDENTIFYING THE PROBLEM

Alcohol, drugs or substance misuse can result in problematic behaviour, which affects work performance including the ability to work safely. The list below is given to illustrate the possible symptoms that may lead to the suspicion that drug/alcohol misuse may be a factor in poor work performance:

Reduced Work Performance: Difficulty in concentrating, impaired memory, missed deadlines and appointments, increased mistakes

Absenteeism and Timekeeping: Arriving late/leaving early, unexplained disappearances, long coffee/lunch breaks, excessive levels of sickness absences

Personality changes: Irritability, friction with colleagues, depression, and mood swings

Physical signs: Smelling of alcohol, lack of hygiene, unkempt or other changes in physical appearance

It is important to remember that these are only a few of the signs and there are many others. Similarly these problems may be symptoms of other issues such as stress or be unconnected with alcohol or substance misuse.

Seek advice from your Human Resources Adviser or from Occupational Health as necessary.

PROCEDURE

The Council recognises drug, alcohol and/or substance abuse as an illness and encourages employees who believe that they have a dependency to seek medical or Occupational Health advice at the earliest opportunity.

It is not the function of line managers or supervisors to diagnose drug addiction, alcoholism or substance abuse, as this is purely a medical function.

Managers, especially first line supervisors, are best placed for identifying employees who may be in need of help because of problems related to drugs, alcohol and / or substance abuse. The manager while concentrating on the work situation will inform the employee of the help available under the drug, alcohol and substance abuse policy.

The procedure established by this policy for assisting an employee with a drug, alcohol and/or substance abuse related problem is separate from the disciplinary procedure.

Where an employee with an identified drug, alcohol and/or substance abuse problem which affects conduct at work or which prevents the achievement of a satisfactory level of work performance refuses the opportunity to receive help, the matter may be referred to the disciplinary procedure or capability procedure as appropriate.

An employee in a similar situation, who accepts the opportunity to receive help, but whose conduct or work performance afterwards reverts to the problem level, will have the new situation considered on its merits. If the Occupational Health Nurse Adviser, after taking advice from the appropriate manager, considers it justified, a further opportunity to accept help and treatment will be offered. If this course of action is not thought justified, the matter may be referred to the disciplinary or capability procedure as appropriate.

Initial Discussion

Any manager who suspects or becomes aware, in whatever way, of an employee's drug, alcohol and or substance abuse problem should immediately inform their Head of Service, their Human Resources Adviser and Occupational Health.

The Head of Service should arrange for a confidential discussion with the employee as soon as possible. A friend, colleague or a trade union representative may accompany the employee.

After the initial discussion with the Head of Service, and if considered appropriate, the employee will be offered the opportunity to seek an outside assessment of the problem by the Occupational Health Service and, if necessary,

The employee should be assured during this stage that every assistance will be given to them if they are willing to try to overcome the problem. They should also be assured that their condition will be regarded as a medical condition.

Summary of Manager's Role

- OBSERVE
- DOCUMENT
- INTERVENE
- REFER
- MONITOR

Contractual Rights

When discussing these problems with employees, the desire of the Council to assist the employee will, at all times, be uppermost in the mind of the Manager. The Manager will make it clear to the employee that during any period of treatment, all benefits and rights laid down in their contract will be safeguarded unless they are abused.

Relapse after Treatment

Sympathetic consideration will also be given to the granting of further sick leave in the case of a relapse after a course of treatment. It must, however, be recognised that this facility cannot be granted indefinitely and dismissal for medical reasons may have to be considered where there are persistent relapses after treatment.

Education and Training

On commencing employment with the Council every new employee will be given information about alcohol, drugs and substance and a copy of the agreed policy. Induction training will include an explanation of the policy and an opportunity to discuss it. More specific training will be given to staff with special responsibility for implementing the policy.

For the purposes of this policy it shall be the responsibility of Watford Borough Council to:

- Plan and provide training to equip managers and designated others with the necessary knowledge and understanding of alcohol, drugs and/or substance abuse along with, where appropriate, basic counselling and interviewing skills.
- Increase understanding among employees about alcohol, drugs and substances and the concept of safe behaviour.
- Inform employees of the existence and operation of this policy.
- Maintain the level of internal awareness via refresher and induction packages.

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Sources of Information and Advice

Review

The Council's HR Management Team and Health & Safety Advisor will review this policy every two years.