

Draft - Alcohol and Substance Misuse at Work Policy

1.0 POLICY STATEMENT

- 1.1 This Policy is about the misuse of alcohol and other substances including illegal drugs, prescribed and non-prescribed medication, solvents and any other substance which affects mental and bodily function.
- 1.2 Alcohol and substance misuse is bad for the safety and wellbeing of staff, customers and the wider public as well as reducing work performance. It can also damage the reputation of the Council. Prolonged misuse causes serious long term health problems and early death.
- 1.3 The policy covers three areas:-
- Setting sensible rules about alcohol and substance misuse and making sure people are aware of them
 - Providing help to those who have a problem of misuse
 - Dealing with people who report to work unfit through misuse
- 1.4 Managers have the main responsibility for making the Policy work in all three areas with the support of the trade unions.
- 1.5 However, all staff must make sure they bring misuse problems to the attention of their manager and cooperate with action taken under the Policy.
- 1.6 The HR Team will provide advice to managers and staff on all aspects of the policy, particularly referrals to the Council's Occupational Health Adviser and the instigation of disciplinary and capability procedures when needed.
- 1.7 Information on this policy will be provided in briefings, in induction material and on ELSIE (and will be reinforced as part of the council Health and Wellbeing campaigns. For staff who do not have access to the intranet (ELSIE), hard copies will be made available.

2.0 RULES

- ***Fitness for work*** – The overriding rule is that staff must never report for work while unfit due to the influence of alcohol or any other substance including prescription drugs. If they do so, this is likely to be treated as gross misconduct leading to dismissal.

(Detecting misuse, testing and dealing with staff in this situation is covered in section 4.0 below)

- ***Drinking alcohol during working hours*** - This will be very exceptional, i.e. only on festive occasions, leaver parties etc which have been approved and organised by the Council.
- ***Drinking alcohol during lunch-times*** – This is discouraged because, even in small quantities, alcohol affects reflexes, response times and judgement which may impact on performance and/or safety. Staff should not in any case drink alcohol at a lunch-time when they are to attend a meeting in the afternoon.
- ***Special situations*** – There are certain groups of staff who are not allowed to drink at all during the working day (including breaks and lunch-times).
 - Staff who drive most days as part of their duties whether in a Council or a private vehicle, e.g. Drivers, Building Inspectors, Housing Officer etc.
 - Staff who work with or around machinery, chemicals, or on or near the highway, e.g. Waste Operatives, Electricians, Plumbers etc.
 - Staff who have a direct responsibility for safety of the public, e.g. Lifeguards, Duty Managers, etc.

- Staff who have regular face-to-face contact with the public, e.g. VIC Staff, Customer Service Staff, Enforcement Officers etc.

Staff who temporarily take on any such duties should also observe this rule – if in any doubt, ask your manager.

- ***Drinking alcohol outside the working day*** - All staff should be aware of the time it takes for alcohol to get out of the system and be sure that when they report for work they are not under the influence of alcohol. They should also ensure that when drinking in public places, they are not identified with the Council by wearing of uniforms, ID badges etc.

(Help with problems of excessive drinking is dealt with in section 3 below)

- ***Taking illegal drugs/solvent etc misuse during the working day*** – The Council has a zero-tolerance approach to use of illegal drugs because it is a criminal offence and generally affects the user's ability to function safely. If an employee uses, buys, sells or is in possession of illegal drugs during the working day it will be considered as gross misconduct. Similarly, solvent or other substance misuse or the buying, selling or possession of such substances for these purposes during the working day will be considered as gross misconduct.
- ***Taking illegal drugs/substance misuse outside the working day*** – This cannot be condoned and the aim will be to help people to overcome the problem as quickly as possible. If the Employee refuses help or for some reason continues to use illegal drugs outside work, then this could be considered as gross misconduct. At all times, staff should ensure that when they report for work they are not under the influence of drugs or other substances. (Help with problems of drug/substance misuse is dealt with in section 3 below)
- ***Use of prescription and over-the-counter medications*** – Staff taking prescription or over-the-counter medications which are likely to affect their performance or safety at work (e.g. medication labelled “May cause drowsiness – if affected do not drive or operate machinery” to which they are susceptible) must bring this to the attention of their manager immediately and before starting work. Where there is any potential hazard, they should be transferred to alternative work until advice has been sought in consultation with HR.

3.0 HELP WITH PROBLEMS OF MISUSE

3.1 Disclosure of a misuse problem

- 3.1.1 Staff with alcohol or substance misuse problems are strongly encouraged to seek specialist help and advice which is available from GPs or local agencies, some of which are listed at the end of this Policy. Information can also be found on ELSIE.
- 3.1.2 They should also contact their manager/HR so that support can be given in the workplace and, in appropriate cases, a referral may be made to see the Council's Occupational Health Adviser.
- 3.1.3 Any such disclosure will be treated in strict confidence and colleagues will only be informed if it is sensible to do so and the member of staff agrees.

3.2 Discovery of a misuse problem

- 3.2.1 People on the way to a dependency frequently hide the evidence and refuse to admit to themselves or to others what is happening to them. Staff who suspect or know that a colleague has a problem should encourage them to seek help and, if appropriate, tell their manager.
- 3.2.2 A manager who has reasonable evidence of a misuse problem which is affecting work performance or attendance should arrange to discuss this with the Employee concerned. If, during the course of the meeting, an alcohol or substance misuse problem is admitted, advice should be sought from HR about workplace support, referral etc.

3.2.3 If it becomes clear that alcohol or substance misuse is not the causal factor, or if the Employee does not admit such a problem, the matter should be dealt with under the disciplinary, capability or attendance management procedures as appropriate.

3.3 Help with alcohol or substance misuse

3.3.1 Each case will be different, but HR, in conjunction with the manager, will arrange help in a number of the following ways:-

- Initial discussion with a trained member of the HR Team about the problem
- Referral to Occupational Health for an assessment and guidance
- Access to one or more of the local agencies listed at the end
- Confidential counselling by an in-house counsellor or by referral
- Help with job and workplace issues
- Short or longer term redeployment (is this is an option)

3.3.2 Ideally, the Employee will be able to continue in work, but if they do have to go off sick, normal absence management procedures will apply and they should be made fully aware that the rule about reporting for work unfit still applies.

3.3.3 Whether at work or off sick, regular (at least monthly) reviews should be held to monitor progress and agree further action. This must continue until both parties agree that it is no longer needed.

3.3.4 If during the course of the process, help is refused or the Employee fails to follow the programme agreed and the performance problem continues, then action may have to be taken under the capability or absence management procedures. These could ultimately lead to capability dismissal or ill-health retirement. If the problem relates to use of illegal drugs, then refusal or failure to follow the programme agreed may result in action under the disciplinary procedure.

3.3.5 If as a result of the referral programme, the employee is able to sustain a return to working at an acceptable level of performance/attendance, then any warnings under the Council's disciplinary, capability or managing attendance procedures will cease to be active after the appropriate periods.

3.4 Relapses

3.4.1 If the programme has been successful but, after a period of time, the Employee relapses into the problem behaviour, further help will normally be offered. However, each case will be considered on its merits and there will be a point at which it is reasonable to decide that no further help should be offered and the issue will be dealt with under other Council procedures.

4.0 DEALING WITH STAFF UNFIT FOR WORK

4.1 Concern as to whether someone is unfit for work due to the influence of alcohol or other substance misuse may arise following an accident or incident; from discovery of alcohol or other substances at work; from direct observation or from a report by a colleague or member of the public.

4.2 Whatever the source, a manager must act promptly to deal with the situation.

4.3 Assessing the situation

4.3.1 The manager must speak to the Employee to make them aware of the concern and to form an opinion as to whether they are actually under the influence of alcohol or other substance.

4.3.2 Evidence may include - Smelling of alcohol (or other intoxicant), facial flushing, bloodshot eyes, difficulty focusing, lack of concentration, slurred speech, hand tremors, appearing unsteady, erratic, aggressive or moody behaviour.

- 4.3.3 The discussion with the employee should take place away from colleagues and the public unless there is danger requiring immediate action. Wherever possible, the manager should seek a second opinion, preferably from another manager/supervisor.
- 4.3.4 The manager should obviously consider other causes for the symptoms observed such as the effects of chronic illnesses, recent shock or stress, etc.
- 4.3.5 When considering fitness for work, the manager must think about safety issues but also other service delivery issues and the Council's reputation. For example, is there contact directly with clients or the public or is concentration/accuracy required?

4.4 Testing

4.4.1 The key principle is that testing will be carried out on a 'with-cause' basis. This means that it will only occur if, having assessed the situation, the manager has a genuine belief that the Employee is unfit to work because of alcohol or substance misuse. It will be carried out using properly calibrated equipment by staff trained in testing procedures.

- The Employee who is thought to be unfit will first be asked by the manager to complete and sign a test form stating if any prescribed/over-the-counter medication or other substance has been taken in the last 48 hours and consenting to the test. They will be offered the opportunity to have a witness present while the test is carried out. This could be a trade union representative, a colleague or other appropriate person.
- The test will be carried out:-
 - **Alcohol** – Normally a breath test*. The action level for alcohol will be the legal drink-drive limit, i.e. currently:-
 - 35 microgrammes per 100 millilitres of breath
 - 107 milligrammes per 100 millilitres of urine
 - 80 milligrammes per 100 millilitres of blood

A second test should be taken a minimum of twenty minutes later to confirm (or otherwise) the result

➤ **Substances** – Normally a saliva test* which will test for various drugs. There is no acceptable volume level for each type of drug. A second test should be taken at least one hour later to confirm (or otherwise) the result.

**If the Employee is subject to a Police test (e.g. random testing or following an accident) then these results can also be taken into account in any disciplinary process.*

- Two copies of the actual test results will be printed, one for the Employee tested, one for the Council. The Employee tested should sign both copies.
- The Employee tested and any witnesses present will sign the test form to confirm the results produced.

4.4.2 If the Employee has refused to take part in testing, then it may be inferred from their refusal that they believe the result would be positive. The manager should proceed on the basis of the genuine belief that the Employee is unfit through alcohol or substance misuse, (see below).

4.5 Action following the test

4.5.1 If the Employee tested is found not to be under the influence of alcohol or substance misuse, then the manager should reassure the Employee tested and arrange for them to return to work, providing that the symptoms observed do not suggest otherwise.

4.5.2 If the test results are positive, or if the Employee has refused to take part in testing, then they may be suspended on full pay in accordance with the Council's disciplinary procedure relating to potential gross misconduct. Wherever possible, the manager should inform HR and the relevant Assistant Director of the action being taken.

4.5.3 If the Employee is considered capable of understanding the decision to suspend, it may be done in the normal way, i.e. a verbal explanation followed by written confirmation to the home address. If not, then the Employee should be instructed to cease work immediately and to report to the manager the following day, at which time a verbal explanation and written confirmation of the suspension should be given.

4.5.4 In either case, certain sensible precautions should be taken:-

- The manager should ensure that the unfit Employee can get home safely. This may include arranging for a supervisor or colleague to take them home or asking their emergency contact to pick them up.
- If the Employee refuses help or tries to drive or cycle home, the manager must take reasonable steps to prevent this including calling the Police if necessary.
- If the Employee reacts aggressively or refuses to leave, then again it may be necessary to call the Police.

4.6 Recording the incident

4.6.1 A detailed record of the incident should be taken to ensure that any formal disciplinary action will have the full facts of the case.

4.6.2 The record should include:-

- Date and time of the incident
- When concerns were first raised, by whom and what were they
- When the employee was approached and what was the response
- The date, time(s) that alcohol tests were carried out or samples for substance analysis were taken and the results of the tests.
- Where a test is refused, this must also be recorded.
- Statements from the person(s) who first raised concern, the person(s) asked to provide a second opinion, any other person who witnessed the events
- Any other information that was relevant to the decision to suspend.

5.0 REVIEW

5.1 This Policy covers a number of very sensitive areas and involves a number of areas of law which may change over time. It may need to be reviewed in the light of experience of its application but it should also be subject to a regular review every twelve months.

Support Services Available

<p>Renaissance and Drugline Lancashire 2 Union Court Union Street Preston PR1 2HD Tel 01772 253840 E-mail enquiries@druglinelancs.co.uk</p>	<p>Comprehensive drug service for drug users, their families, friends and workers.</p>
<p>Alcohol and Drugs Service 8-9 Fox Street Preston PR1 2AB Tel 01772 561300</p>	<p>Counselling, information and advice for young people worried about their own alcohol use. Drug day-care support for abstinent clients and those not using illicit substances.</p>
<p>Alcoholics Anonymous (Great Britain) National helpline 0800 9177 650 E-mail help@alcoholics-anonymous.org.uk Website www.alcoholics-anonymous.org.uk</p>	<p>Self help groups for people who recognise they need to address their alcohol use. Various meetings in Lancaster, Morecambe and across Lancashire.</p>
<p>Narcotics Anonymous UK National Helpline 0300 9991212 Website www.ukna.org</p>	<p>Self help groups for people who recognise the need to address their use of narcotics. Various meetings in Lancaster and across Lancashire.</p>
<p>Inspire Lancaster North Lancashire Integrated Recovery Service 24 Great John Street Lancaster North Lancashire LA1 1NG United Kingdom 01524 388 493</p> <p>And</p> <p>Belfield House 173 Euston Road Morecambe LA4 5LQ United Kingdom 01524 834210 Website: www.cri.org.uk</p>	<p>Advice on Drugs and Alcohol to help minimise drug and alcohol misuse where possible</p>
<p>Drinkline Helpline 0800 9178282 Website www.drinkaware.co.uk</p>	<p>Advice to alcohol drinkers or anyone concerned about the drinker. Website includes database of local services.</p>
<p>Talk To Frank Tel 0800 776600 Website www.talktofrank.com</p>	<p>Advice to drug users or anyone concerned about the drug user. Focus is on young people and concerned parents but help is available to adult drug users.</p>
<p>Cocaine Anonymous Helpline 0800 6120225 Website www.cauk.org.uk</p>	<p>Self help group specifically for cocaine users.</p>
<p>Adfam National Helpline 020 75537640 Website www.adfam.org.uk</p>	<p>Works with and on behalf of families affected by drug and alcohol problems.</p>
<p>General Practitioners, may also provide support or refer people to appropriate support services.</p>	

Draft Alcohol and Drugs Policy 'With Cause' Testing and Consent Form

Section 1- To be Completed by Donor Prior to Testing					
Donor's Name		Job Title			
Donor's Statement:					
I confirm that in the last 48 hours I have taken the following prescribed/over-the-counter medications or other substances. If None, please write none.					
I do*/ do not* consent to provide breath samples for the detection of alcohol I do*/ do not* consent to providing a saliva samples for the detection of drugs. I am fully aware of the Council's Policy and understand that the results will be passed to my manager.					
Signed		Date			
Section 2- Alcohol Testing					
Test 1 Date/ Time		Result		Tester	
Test 2 Date/ Time**		Result		Tester	
Witnesses Name		Signature			<i>If in attendance</i>
Testing Device Used:					
Declaration: I confirm that the results of the breath tests were as shown above.					
Don or		Tester		Witness	
Section 3- Drug Testing					
Test 1 Date/ Time		Result		Tester	
Test 2 Date/ Time**		Result		Tester	
Witnesses Name		Signature			<i>If in attendance</i>
Testing Device Used:					
Declaration: I confirm that the results of the drug test(s) are as shown above					
Donor		Tester		Witness	

* Delete as Appropriate **Must be at least **20 minutes** later than Test 1. *** Must be at least **one hour** after Test 1