

**Section 4 – Drugs and Alcohol**

**1 Policy Statement**

- 1.1 Alcohol misuse is an addictive illness and the Council recognises that “problem drinking”, alcoholism and other drug dependencies and disorders of health and behaviour can interfere with safe and responsible work performance, but may be amenable to treatment.
- 1.2 The Council also recognises that many of these disorders are preventable, and will make use of current professional guidance on these topics to offer help to employees and management.
- 1.3 Where an employee’s unsatisfactory or deteriorating work performance could be associated with the effects of drinking or the use of drugs, the Council will consider giving the individual the opportunity of referral to an appropriate agency for treatment.
- 1.4 The Council’s main concern with the use of alcohol or drugs by any of its employees will be when this has a detrimental effect on work performance.

Or is, or may be, prejudicial to the safety of the individual, other employees, or members of the public while the employee is conducting Council business, particularly where this affects a **safety critical role**. This can be defined as:

A position which requires the post-holder to perform duties which are directly related to:

- the safe operation or security of premises, a piece of equipment or a vehicle;
- handling of chemicals;
- supervision of children;
- work on the highway, at height or in confined spaces;
- management of cash
- dealing face to face with members of public / partner agencies

If any of the above are not performed properly, it may result in a serious safety risk or environmental hazard to employees, premises or the general public.

The above definition includes any employee who drives or may be expected to drive a Council vehicle or their own vehicle, while undertaking their Council duties (including those employed as or instructed to act as a Council vehicle driver or those classed as a Casual user).

- 1.5 An employee who is responsible for supervising employees, who perform such duties, shall also be considered as occupying a safety critical position. All customer facing posts will be deemed to be safety critical due to the responsibility an employee has for a customer when on or off Council premises

Employees with drinking and drug problems are encouraged on their own initiative, to seek help voluntarily before their job performance is affected.

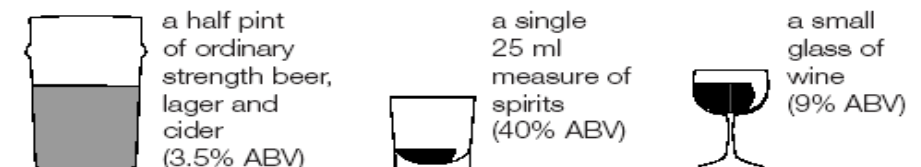
- 1.6 Confidentiality will be maintained at all times, subject to the requirements of the procedures and within the framework of current legislation.
- 1.7 The Policy will be subject to review and amendment to meet changing circumstances.

## 2 Introduction

- 2.1 The Head of Transformation is responsible for the overall administration and implementation of this Policy.
- 2.2 Many people drink alcohol on occasions and enjoy doing so. However, alcohol, if misused can also inflict a great deal of damage and it is its association at the workplace together with the misuse of drugs and solvent abuse that this Policy addresses.
- 2.3 Inappropriate drinking and or drug misuse can have an effect on the following at the workplace:-
- the performance and quality of work
  - human and industrial relations
  - safety at the workplace
  - absenteeism
  - related sickness absence
  - bad behaviour and poor discipline
  - adverse effect in Council image and customer relations
  - decision making
- 2.4 Drug and alcohol misuse at work is a legitimate and serious issue and requires a positive management approach, if it is identified within the workplace.
- 2.5 This policy should assist employees and encourage good management practice

### *Box 1 What happens when you drink alcohol*

- Alcohol is absorbed into your bloodstream within a few minutes of being drunk and carried to all parts of your body including the brain.
- The concentration of alcohol in the body, known as the 'blood alcohol concentration', depends on many factors, but principally, how much you have drunk, how long you have been drinking, whether you have eaten, and your size and weight. It is difficult to know exactly how much alcohol is in your bloodstream or what effect it may have.
- It takes a healthy liver about 1 hour to break down and remove 1 unit of alcohol. A unit is equivalent to 8 gm or 10 ml (1 cl) of pure alcohol. The following all contain one unit of alcohol:



- If someone drinks 2 pints of ordinary strength beer at lunchtime or half a bottle of wine (ie 4 units), they will still have alcohol in their bloodstream 3 hours later. Similarly, if someone drinks heavily in the evening they may still be over the legal drink drive limit the following morning.
- Black coffee, cold showers and fresh air won't sober someone up. Only time can remove alcohol from the bloodstream.

### *Box 2 Daily benchmarks*

The following benchmarks are a guide to how much adult men and women can drink in a day without putting their health at risk. They apply whether you drink every day, once or twice a week, or occasionally. The benchmarks are not targets to drink up to. There are times and circumstances when it makes sense not to drink at all.

#### *Men*

- If you drink between 3 and 4 units a day or less, there are no significant risks to your health BUT...
- If you consistently drink 4 or more units a day, there is an increasing risk to your health.

#### *Women*

- If you drink between 2 and 3 units a day or less, there are no significant risks to your health BUT...
- If you consistently drink 3 or more units a day, there is an increasing risk to your health.

*Note:* the benchmarks don't apply to young people who have not reached physical maturity.

## **3 Role of Management**

- 3.1 For the purposes of this Policy, management is defined as Directors, Heads of Service and Line Managers.
- 3.2 It is the responsibility of all managers to implement the Drugs and Alcohol Policy and to ensure that all employees for whom they are responsible have knowledge and understanding of the Policy.
- 3.3 Managers should not wait until complaints, job performance or unsafe working practices are brought to their attention if they are aware of an employee's behaviour, which is, or may be, related to the misuse of drugs or alcohol.
- 3.4 The signs of alcohol and drugs misuse may include:-
  - Sudden mood changes;
  - Unusual irritability or aggression;
  - A tendency to become confused;
  - Abnormal fluctuations in concentration and energy;
  - Impaired job performance;
  - Poor time-keeping;
  - Increased short-term sickness absence;
  - A deterioration in relationships with colleagues, customers or management;
  - Dishonesty and theft (arising from the need to maintain an expensive habit);
  - Poor concentration.

- 3.5 These signs may be caused by other factors, such as stress and should be regarded only as indications that an employee may be showing signs of alcohol dependency or drug misuse.

#### **4 Role of Employees**

- 4.1 Employees have a role to play in helping to create a climate at work, which is conducive to good working practice.
- 4.2 By virtue of the Health and Safety at Work etc Act 1974, the Management of Health and Safety at Work Regulations, and in accordance with the Council's Safety Policy, employees have a statutory duty to report to their employer any work situation which is reasonably considered to represent serious and imminent danger to Health and Safety.
- 4.3 Employees who have reasonable cause to suspect that a colleague is under the influence of alcohol or drugs (whether or not there is a perceived risk to their own health and safety and that of others exposed to their activities), must report this to their line manager as quickly as possible.
- 4.4 The Council will ensure that anyone who acts in good faith to disclose a concern or wrongdoing will be protected under the terms of the Whistle Blowing Policy.

#### **5 General Procedures**

- 5.1 Where an employee is found to be displaying the signs of drug or alcohol misuse (see section 3.4 above), the subject should be broached with the employee by their line manager. The employee should initially be treated sympathetically.
- 5.2 There will, however, be occasions when the use of the Council's Disciplinary Procedure is appropriate regardless of the fact that an employee is following a recovery programme – for example, if he/she endangers the health and safety of others or is verbally abusive to others, while under the influence of alcohol or drugs.
- 5.3 Any employee who has a dependency problem which is having an adverse effect on work performance, attendance or working relationships with other employees will not normally be dismissed for work performance or attendance issues providing that he/she commits to following an agreed recovery programme. This will be in conjunction with the Council's Occupational Health Adviser and the employee's own General Practitioner. However, if an employee is unwilling or unable to adhere to the programme, attend work regularly and/or produce work and attendance levels of an acceptable standard, then either the Council's policy on Sickness Absence or Disciplinary Procedure will come into play.
- 5.4 In order to assist an employee with a dependency problem, they will be expected to co-operate by agreeing to permit the Council's Occupational Health Adviser to have access to their GP, and appropriate medical records.
- 5.5 In all cases where a person shows signs of drug and alcohol misuse and this is having an adverse effect on attendance or performance, and especially where this has safety implications, the Council reserves the right to redeploy the employee to alternative duties until it considers that such a problem no longer has an adverse effect. This applies irrespective of whether the employee is subject to the Disciplinary or Sickness Absence processes, or is subject to an agreed recovery programme.

- 5.6 Where an employee is taking prescribed drugs which may have an impact on their ability to undertake their regular duties safely, they should ask their General Practitioner or Pharmacist if the medication may affect them at work. If member of staff is concerned then further advice can be sought from the councils Occupational Health Advisor.

## 6 Testing During Employment

- 6.1 Any employee can be asked to undertake a drug and alcohol test in circumstances which are set out below. The circumstances in which CDC will request an employee to agree to testing falls into three separate areas:

**a) Reasonable Cause of Suspicion:** In cases where there is reasonable cause of suspicion of alcohol/drug misuse, CDC reserves the right to ask and obtain the consent of an employee to arrange for testing. In these circumstances, any judgment must be based on evidence such as, but not limited to:

- Abnormal speech.
- Smell of alcohol on the breath
- Behaviour that may be due to the effects of alcohol/drugs.
- Allegation made by another person which there is no cause to disbelieve.
- Reasonable grounds to suspect that the employee's act or omissions contributed to any accident or incident whilst at work. This requirement can take place either prior to commencing or during work.

**Accident / Incident:** Following an accident or incident, testing may be carried out if there is evidence to suggest those involved might have consumed/abused/used alcohol and/or drugs in contravention of this procedure. "Involved" in an accident or incident may require testing not only those who are injured, but also any employees who potentially contributed to the accident or incident event in any way.

**Rehabilitation:** As part of the rehabilitation and aftercare process with Human Resources employees may be required to undergo periodic screening/testing.

## 7 Refusal to take a Test

- 7.1 If an employee refuses to take a test without good reason, then management will have no alternative but to consider this to be an indication of guilt and therefore gross misconduct with the possibility that this could lead to dismissal.
- 7.2 An alcohol / drugs test will only be carried out where management has **reasonable suspicion** (for definition see 6.1 above) that an employee, who is employed in a **safety critical role** (for definition see section 1.4), is or may be under the influence of alcohol or drugs.
- 7.3 The drug and alcohol testing procedure is detailed in Appendix A.
- 7.4 If an employee passes the drug and/or alcohol tests undertaken then further investigation and discussion will be required with the individual to determine the cause for their impaired performance. They will not be allowed to undertake a safety critical role until it has been determined that they will be able to undertake the duties safely. Further advice may be required from Human Resources, the Council's Health and Safety Adviser, the Council's Occupational Health Adviser and the employees GP.

7.5 Should an employee fail a drug and/or alcohol test then they must not be allowed to undertake a safety critical role and action should be taken according to section 5.0 above.

## **8 External Contractors and Agency Workers**

8.1 Whilst undertaking any work for the Council all contractors and agencies will ensure that their workers are fit to perform the task to which have been assigned, and that they are not under the influence of drugs or alcohol.

8.2 If any such contractor / agency worker is considered by Council management to be under such an influence and behaving in a way that puts the health and safety of themselves or others at risk, they will be removed from the site and the contractor / agency informed of the situation.

8.3 All Contract Monitoring Officers will be responsible for providing a copy of this corporate arrangement document to all external contractors prior to work commencing.

## **9 Counselling**

9.1 The Head of Transformation will, where possible, make available an independent counselling service for all employees on a confidential basis (Section 3 refers).

9.2 Following an initial assessment, should there be a need for specialist referral to an appropriate agency, this will be arranged through Human Resources (Section 1 refers).

## **10 Instruction – Training – Information**

10.1 The Council believes that it is important that all of its employees are fully aware of the Policy and specifically the availability of assistance where appropriate.

10.2 Provision must be made within Departments to ensure that managers receive appropriate training. This training must effectively communicate the Council's procedure for dealing with drugs and alcohol abuse at the workplace.

10.3 The Council will publicise and make the Policy available to its staff.

10.4 Further advice and help can be obtained through the HR Manager

## **Appendix A: Drugs and Alcohol testing procedure**

### **Introduction**

This procedure applies to testing of breath and /or bodily fluids for the purposes of determining whether an employee has alcohol and/or drugs in their body whilst at work, to a level likely to cause impairment.

This procedure is intended to ensure the safety of the individual employee, their work colleagues and members of the public.

Testing will only be carried out where a manager / supervisor has *reasonable suspicion* that an employee, who is employed in a *safety critical role*, is or may be under the influence of alcohol or drugs;

### **Procedure**

Subject to meeting the above conditions the member of staff should immediately be withdrawn from work and a breath or urine test requested to determine specific levels. This will be carried out by a UK accredited collection agency and laboratory. The employee will be stood down during this period on full pay, until the result of the test has been confirmed.

During testing procedures, an employee may wish to consult with a trade union representative or have a work colleague present, however consideration must be given to the practicalities and timing if required. Due to the sensitive nature of the testing process, CDC will endeavour to ensure that strict confidentiality is observed by all involved in this process.