



# **Code of Practice on the Misuse of Alcohol and Drugs**

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## 1. Aims

This Code sets out the Authority's position with regard to the use and misuse of alcohol and drugs within the workplace and the approach it will take when it affects staff performance, wellbeing and/or behaviour at work. It covers the courses of action which could be taken in one-off situations of staff being under the influence of alcohol or drugs whilst at work, as well as the action to be taken when a member of staff has an underlying alcohol or drug related problem.

The aims are:

- to provide a healthy and safe working environment for all employees, contractors and visitors;
- to help those with an alcohol or drug problem to be restored to health quickly to the benefit of themselves, their colleagues and the Authority, and to return to an acceptable pattern of working; and
- to provide a consistent method of managing staff in line with the disciplinary and absence management procedures as appropriate.

## 2. Scope

This Code applies to all employees of the Authority. The procedures set out in this code apply only to direct employees of the Authority. The Authority may decide on alternative procedures to deal with alcohol and drug misuse where other appointed officers of the Authority are involved, in line with lead borough arrangements, where appropriate. The same disciplinary standards apply to all employees and appointed officers.

## 3. Confidentiality

Any individual involved with this Code is expected to maintain confidentiality at all stages, except as required or permitted by the Code.

Any individual who knowingly breaches the standards of confidentiality expected by the Authority may be subject to disciplinary action.

## 4. Definitions

### Substance Misuse

Drinking alcohol, taking drugs or a controlled substance, either intermittently or continuously which interferes with an individual's health, work capabilities or

conduct, which could have a detrimental effect on their work performance and/or safety of themselves and others.

### Drug

Includes any substance (other than alcohol) that produces physical, mental, emotional or behavioural change in the user, the sale, possession or consumption of which is illegal. This term includes prescription drugs where such prescription drugs have not been prescribed for the person possessing or using such drugs and/or such prescription drugs that are not taken in accordance with a physician's direction.

### Controlled Substance

Includes all chemical substances or drugs listed in any controlled substances acts or regulations applicable under UK law.

### Prescribed Medication

Medication that is available only to the person with written instructions from a doctor or dentist to a pharmacist.

### Over the Counter Medication

Medication that may be purchased directly from a pharmacist without a doctor's prescription.

## **5. Principles**

- 5.1.** The Authority recognises that addiction to alcohol or drugs may in some cases be considered a medical condition and should be treated as such. Staff who may have a problem will be encouraged to seek help and treatment voluntarily and at an early stage.
- 5.2.** Medical advice, treatment and monitoring will be offered by the Occupational Health Service in the strictest confidence and with the informed consent of the employee. Details of a confidential nature will only be discussed with the employee's own doctor, other medical specialist, or manager with the prior agreement of the individual.
- 5.3** The employee will also be reminded that they have access to a free, confidential, advice and support service that is independent from WRWA.

The service can be accessed at any time (24 hours a day, 7 days a week) by contacting:

**FREephone: 0800 243 458**

**E-MAIL: [assistance@workplaceoptions.com](mailto:assistance@workplaceoptions.com)**

**WEBSITE: [www.workplaceoptions.com](http://www.workplaceoptions.com)**

- 5.3.** Whilst alcohol or drug abuse does not excuse poor work performance or misconduct it may be treated as a mitigating factor, and disciplinary procedures may be suspended whilst the opportunity is taken to identify potential alcohol or drug-related problems and, if necessary, to seek treatment.
- 5.4.** Employees must be free from the effects of alcohol, drugs or any other substances. Employees are responsible for ensuring that they never report for work with a blood alcohol level exceeding the current UK limit for safe driving.

## **6. Roles and Responsibilities**

### **6.1 Employees are responsible for:**

- Taking reasonable care of themselves and colleagues.
- Being fit for work when conducting duties on behalf of the Authority and notifying management immediately if use of any substance may cause any impairment of work performance.
- Not bringing to or using alcohol or drugs on Authority premises for personal use on the premises.
- Seeking professional help if they have an alcohol or drug misuse problem.
- Undertaking and completing a substance abuse rehabilitation programme as recommended by a medical professional.
- Reporting to management if they suspect that another employee in the workplace is under the influence of alcohol or drugs.
- Notifying their management if they are taking medication that could affect their ability to work safely.

### **6.2 Managers are responsible for ensuring that:**

- The Alcohol and Drugs Code is available to all employees.

- Risk assessments are carried out for work under their control.
- Discussions are held with employees as soon as possible if behaviour, performance or absence indicates a problem with alcohol or drugs misuse.
- Referrals are made to Occupational Health Service of any employees who declare, or who they suspect, may have an alcohol or drug abuse problem.
- Employees are referred to Occupational Health Service for advice on health and safety at work if they are taking medication that could affect their ability to work safely.
- Details about the Employee Assistance Programme are available to all employees.
- Support is provided, including unpaid time off work, for employees who undertake a treatment programme.
- Any employees who they suspect are under the influence of any alcohol or drugs are removed from the workplace and initially placed on unpaid leave until an appropriate course of action is ascertained.
- Absence related to alcohol or drug abuse is recorded in accordance with the Absence Management or Disciplinary Code whichever is appropriate.

### **6.3 Occupational Health Service has a responsibility to:**

- Provide education to employees on the harmful effects associated with alcohol/substance abuse and their effects on health and safety.
- Provide managers with advice on the early detection, recognition and management of employees with substance addiction.
- Provide confidential health advice and facilitate referral for treatment.
- Monitor progress and provide support to employees.
- Advise managers on an employee's ability to perform their duties.

## **7. Conduct when alcohol is available at Authority related events**

It is recognised that alcohol may be available at some Authority related events (whether held on the premises or not), such as receptions and functions. However, employees should always show restraint when consuming alcohol and must be fit for work when undertaking their duties as they are always expected to maintain and be responsible for their own standards of behaviour, with the emphasis on avoiding any actions that could lead to a complaint of misconduct or

harm the reputation of the Authority. Should such complaints arise they will be fully investigated and may lead to disciplinary action being taken. Non-alcoholic drink should be available as an alternative to alcoholic ones. Employees are expected to present themselves as fit to work and comply with the Authority's Employee Code of Conduct.

#### **8. Dealing with an employee who appears to be under the influence of alcohol or drugs**

The Health and Safety Executive guidance states that if you knowingly allow an employee under the influence of excess alcohol to continue working and this places the employee or others at risk, you could be prosecuted. Therefore, where suspected consumption of drugs or alcohol is judged to affect work performance or conduct, management will need to take immediate action such as sending the member of staff home. Consideration should be given to their ability to return home safely. The matter should be investigated as soon as possible and the member of staff should initially be placed on unpaid leave until an appropriate course of action is ascertained. In some circumstances following investigation it may be appropriate to take disciplinary action.

#### **9. Dealing with an employee who appears to have an alcohol or drug related problem**

Employees who are identified as possibly experiencing alcohol/drug related problems, whether by observation, poor performance or conduct or by their own admission will be given the following assistance:

- Initial discussion to examine the possible causes of deterioration in work performance or conduct. This will normally be carried out by the Line Manager, who may be accompanied by a member of Human Resources (LB) and the member of staff may be accompanied by a workplace colleague or Trade Union representative if they so wish.
- The offer of help, advice and referral for treatment/support/monitoring through the Occupational Health Service, on the clear understanding that the employee wishes to receive such assistance and gives their informed consent. Confidentiality will be ensured at all times.
- Any necessary time off will be granted for treatment/support in accordance with the Absence Management Code.

- Staff will return, as far as possible, to their normal duties during and after treatment, depending on their ability to perform those duties or on the consequent risk of relapse after a return to those duties. Careful consideration will be given to safety critical jobs. If a return to normal duties is not considered to be appropriate, every effort will be made to redeploy the member of staff and, where this is not practicable, staff may be dismissed from the Authority's employment. Each case will be treated on its merits and decisions will be made only after the fullest advice is sought.

## **10. Dealing with disciplinary situations**

If a possible alcohol/drug related problem comes to light through behaviour which could result in disciplinary action, the above procedures will still apply.

- **If the employee refuses help**

If the employee refuses the offer of help, such a refusal will not, in itself, be a matter for disciplinary action. However, staff refusing to undertake treatment, when appropriate, will be advised that unacceptable performance or behaviour will be dealt with in accordance with normal disciplinary procedures.

- **If the employee accepts help**

If a problem comes to light through performance/behaviour which is subject to disciplinary action and the employee chooses to accept referral for assessment and possible treatment, the Authority may suspend disciplinary action for the time being dependent on the employee:

- i) complying with the referral and attending the Occupational Health Service for assessment of the problem;
- ii) co-operating with any programme of support/treatment which will help the employee to overcome the problem;
- iii) agreeing to the treatment agency and liaising with the Occupational Health Service with regard to the level of attendance for and co-operation with treatment;
- iv) improving work performance/behaviour to an acceptable level within a time scale agreed to by the employee and management.

- **Recommencing of Disciplinary Action**

The suspension of disciplinary action will be kept under review and, should it be appropriate to recommence such actions, the manager should do so. It would be more appropriate to do this if the offence is alleged gross misconduct.

- Where an employee, who agrees to accept treatment, subsequently fails to achieve a satisfactory level of performance/behaviour or relapses, the suspension of action may be revoked and he/she may be subject to disciplinary action in the usual way. Exceptionally, it may be considered appropriate to offer further medical help.
- Where a member of staff referred for assessment, is subsequently shown not to have an alcohol/drug related problem, or does not comply with the above conditions, the suspension of action will be revoked and the disciplinary procedure will be followed in the usual way.
- Each case will be fully reviewed and a suitable course of action followed which may include management action or seeking advice from Occupational Health in relation to assessment for retirement on grounds of ill-health. Alcohol or drug dependency is not in itself grounds for ill health retirement, the assessment is based on the circumstances of the individual case.

All agreements entered into under this Code and its procedures will be confirmed in writing as soon as is practicable and reasonable. Members of staff have the right to be accompanied by a workplace colleague or Trade Union representative at all management meetings and will be reminded of that right at each stage.

## **11. Legal Requirements**

Under the Health and Safety at Work etc. Act 1974, employers have a duty to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees. This would include taking appropriate provisions to ensure that persons who are known to be misusing substances do not affect the safety of themselves and others whilst at work.

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

It is an offence under the Misuse of Drugs Act 1971 for any person knowingly to permit the production, supply or use of controlled substances on their premises except in specified circumstances (e.g. when they have been prescribed by a doctor).

## **12. Other Requirements**

This Code should be read in conjunction with the Authority Health & Safety Policy.

This Code must be read and implemented in compliance with the Disciplinary and Absence Management Codes of Practice and the Authority's Employee Code of Conduct.

## **13. Compliance**

Contravention of this Code may result in disciplinary action.