

Version	3
Last Revision Date	March 2010



Alcohol and Substance Misuse Policy



DOCUMENT CONTROL	
POLICY NAME	Alcohol and Substance Misuse Policy
Department	Human Resources
Telephone Number	01443 425536
Initial Policy Launch Date	
Reviewing Officer	Mike Murphy
Review Date	February 2010
Date of Equality Impact Assessment	2008 and May 2010
REVISION HISTORY	
Date	Revised By
February 2010	Mike Murphy
DOCUMENT APPROVAL	
This document has received approval from:	Date of Approval
HR Senior Management Team	
Corporate Management Team	
Cabinet	

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1. INTRODUCTION

- 1.1 Rhondda Cynon Taf Council (the Council) is committed to providing a safe, healthy and productive working environment for all its employees, contractors, customers and visitors involved in its operation. This Policy sets out the Council's aims in reducing and managing alcohol and illegal substances problems in the workplace. It will also endeavour to ensure that employees use of either alcohol or illegal or other substances does not impair the safe and efficient running of the Council, or the health of its employees.
- 1.2 Employees taking illegal or other substances and/or drinking alcohol to excess or at inappropriate times in relation to their employment become a liability to the Council when:
 - It interferes with an employee's attendance or performance at work.
 - It affects the safety of themselves or other people.
 - Its symptoms offend other people.
- 1.3 Therefore employees should not drink alcohol or use illegal or misuse other substances during contractual hours, immediately before work, during lunch breaks, whilst on call or on standby.
- 1.4 The Council recognises that employees dealing with a dependency will need support and assistance. This policy aims to ensure that those who are dependent on alcohol or illegal or other substances and those with alcohol and substance misuse related problems will be treated sympathetically, fairly and consistently, and will be encouraged to seek help and assistance.
- 1.5 All opportunities for increasing an understanding of alcohol and illegal substances related problems and informing employees of the existence of the Policy and its procedures will be used. Managers will be offered training to assist them in implementing this policy effectively, enabling them to offer support to employees where appropriate.
- 1.6 Incidents resulting in irresponsible behaviour or conduct will be treated as gross misconduct under the Council's Disciplinary Rules and Procedures. This includes the use of Council owned vehicles or operating other machinery whilst under the influence of alcohol or illegal or other substances, or driving privately owned vehicles whilst on Council business.
- 1.7 The possession, use and/or supply of illegal substances is strictly forbidden. Illegal activities will not be tolerated by the Council, and will be reported to the Police and a full investigation will be conducted and dealt with under the Council's Disciplinary Rules and Procedures. Such offences will be regarded as gross misconduct, which could lead to dismissal.

- 1.8 No employee of the Council shall be treated less favourably on the grounds of sex, race, ethnic or national origin, religion or belief, disability, sexual orientation, marital status, age or language. Neither will they be discriminated against, harassed or victimised because of their application of this Policy.
- 1.9 For the purpose of this policy, the word "drugs" is hereafter used to refer to illegal substances or the misuse of other substances. It does not refer to drugs that are taken as prescribed by a GP for medicinal purposes.
- 1.10 The word 'other substances' in the policy refers to any substances that can be bought over the counter at a pharmacy or other place, 'and that are misused' e.g. codeine, which can cause drowsiness. This does not mean that these 'other substances' cannot be brought into and used in the workplace by employees, but if they are, they must be taken in accordance with the GP's or pharmaceutical company's instructions.

KEY ISSUES ARISING OUT OF THE POLICY

- **Employees are not permitted to drink alcohol during contracted working hours, during breaks, including lunch breaks, immediately before work, when on call / standby, and formal social events representing council.**
- **Employees who are suspected of being under the influence of alcohol or drugs will not be permitted to remain in work. Arrangements will be made for he/she to return home, but will not be allowed to drive a vehicle if they have one.**
- **Employees found using illegal drugs will be reported to the appropriate authorities.**
- **Employees who are identified as having a problem of alcohol or substance misuse will be treated sympathetically and provided with confidential assistance and support.**
- **Where an employee has to drive as part of his/her job and loses their licence through drink driving the employee may be dismissed, although the possibility of alternative work will first be considered.**
- **The council will provide an in house, impartial and confidential counselling service.**
- **Any employee affected by this policy will be treated sympathetically and with respect at all times.**
- **Managers will be offered training to recognise issues relating to alcohol and substance misuse.**
- **The employee will be given 'two chances' through the circle of support, but will be subject to the council's disciplinary rules and procedures if they relapse.**

2. SCOPE OF THE POLICY

- 2.1 This Policy will apply to all employees of the Council on duty at any time, and all others who are affected by the Council's undertaking, including, contractors, agency workers, members of the public, visitors, and elected Members.

3. THE LEGAL POSITION

- 3.1 Under Section 2 of The Health and Safety at Work etc. Act 1974 the Council has a duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees. Under Section 7 of the Act, employees are also required to take reasonable care of themselves and others who could be affected by what they do. Consequently, an employee may be subject to criminal prosecution if their drug or alcohol abuse results in an increased risk.
- 3.2 The Transport and Works Act 1992 makes it a criminal offence for certain workers to be unfit through drink or drugs while working on railways, tramways and other guided systems.
- 3.3 The Misuse of Drugs Act 1971 makes it an offence for a person knowingly to allow drugs to be used, kept or supplied on his/her premises. It is also illegal to ignore such occurrences. Please refer to Appendix 1 outlining the three categories of drugs.
- 3.4 Some secondary illnesses arising from the misuse of alcohol or drugs may fall within the definition of 'disability' in accordance with the Disability Discrimination Act 2005, and such cases will be treated in accordance with the Act.
- 3.5 The Management of Health and Safety at Work Regulations 1999 requires employers to carry out a risk assessment to identify hazards in the workplace and put measures in place to minimise these risks.
- 3.6 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.

4. POLICY STATEMENT

- 4.1 Employees (and others affected by the Council's undertaking) must not consume or be under the influence of alcohol or illegal drugs or other substances during working hours, including lunch breaks, when on call or standby.
- 4.2 As it is difficult to predict the time it takes for an individual to eliminate alcohol and or illegal substances from the body, the effects may still be apparent some time afterwards and impair the person's ability to carry out their work safely or effectively. It is therefore not acceptable for individuals to report for work suffering from the after effects of consuming alcohol or illegal substances.
- 4.3 Employees must be made aware that to use, possess, consume, store or sell drugs on any Council premises, will be considered as gross misconduct. The Council's Disciplinary Rules and Procedures will be invoked leading to disciplinary action being taken, which may result in dismissal.

- 4.4 The consumption of alcohol when entertaining customers or clients during normal working hours (including lunch times) is forbidden.
- 4.5 Where social events are attended at lunchtimes, employees must not consume alcohol if they are planning to return to work, in accordance with the rules of this Policy. It is assumed that employees attending social events where alcohol will be consumed will not be returning to work that day. The flexible working policy may be utilised for this purpose.
- 4.6 Where elected Members hold civic ceremonies and alcohol is consumed then it is assumed that Members will not be returning to their normal duties during that day.
- 4.7 It is acknowledged that some prescription medications may impair a person's ability to perform certain tasks / work duties safely. Individuals should seek advice from their GP or the Council's Occupational Health and Wellbeing Unit when starting this type of medication.

5. POLICY OBJECTIVES

- 5.1 Set out below are the objectives the Council wishes to gain from this Policy:
- To ensure the Council complies with the appropriate legislation.
 - Reassure employees that matters relating to alcohol and substance misuse will, as far as possible, be dealt with sympathetically and in confidence.
 - To minimise the risks associated with alcohol and drugs in the workplace.
 - To have clear rules regarding alcohol and drugs in the workplace.
 - To promote the health and well being of employees by raising the awareness of the hazardous effects of alcohol and drug abuse.
 - To encourage the early identification of employees who may be experiencing alcohol or drug problems.
 - To encourage and assist employees who suspect or know they have a problem with alcohol or drugs to seek help, in confidence, at an early stage.
 - To provide training and support to line managers to ensure they are equipped to support employees experiencing problems.

6. ROLES AND RESPONSIBILITIES

6.1 Employees have the following responsibilities:

- Must not drink alcohol or use drugs during contracted working hours.
- Must not drink alcohol or use drugs during breaks, including lunch breaks, or immediately before work.
- Must not drink immediately prior to work, or when 'on call / standby'.
- Must not operate machinery or drive a vehicle (whether Council owned or private when on Council business) whilst under the influence of alcohol or drugs.
- To consider the adverse impression caused by the smell of alcohol on their breath.
- Be familiar with this Policy.
- Be aware of alcohol and drugs issues and act accordingly.
- Seek help if worried about their own drinking/drug habits.
- Avoid covering up or colluding with colleagues.
- Encourage colleagues to seek help if they have any worries about substance usage.

6.2 Managers have the following responsibilities to:

- Set a good example and be familiar with this Policy.
- Ensure that employees are familiar with this Policy and understand their role within it.
- Be aware of the effects/signs of alcohol and drug misuse and monitor changes in performance, attendance etc.
- Intervene early when there are signs of problems and agree a support programme for the employee in conjunction with the Occupational Health and Wellbeing Unit.
- Develop sensitive interviewing skills and be able to adopt a non-judgmental approach.
- Accept that employees with a problem will not always be ready, or willing to disclose the problem.
- Set a good example through responsible use of alcohol.

- Ensure employees are aware of the adverse impression caused by the smell of alcohol on the breath of an employee on colleagues and particularly where their job involves direct dealings with the public.
- Refer employees for assistance as appropriate to the Occupational Health and Wellbeing Unit.
- Be aware of aspects of the work situation that may contribute to future problems e.g. stressful shift patterns.

6.3. The Occupational Health and Wellbeing Unit have a responsibility to:

- Provide information about alcohol and drugs.
- Respond to referrals and provide an assessment service.
- Determine continued fitness for work.
- Provide an impartial and confidential counselling service for employees (which may involve referral to another specialist agency).
- Advise managers on how to manage the situation in the workplace.

6.4. Human Resources have a responsibility to:

- Refer employees for further help or assistance to the Occupational Health and Wellbeing Unit.
- Provide relevant training for implementation of the Policy.
- Advise and work with managers in implementing the Policy.

7. CAPABILITIES AND CONDUCT

Capability:

- 7.1 The Council recognises that there are two types of misuse, those associated with dependent alcohol or substance misuse, and those with non-dependent alcohol or substance misuse.
- 7.2 Every effort will be made to deal with the situation sympathetically and in confidence. If substance or alcohol misuse is suspected, or if the employee has confided that they have an alcohol or drug addiction, then the employee should be advised to seek immediate advice and guidance from the Council's Occupational Health and Wellbeing Unit.
- 7.3 If a manager identifies capability related issues concerning absenteeism, accident levels, work performance or behaviour, or any other observations, and alcohol or substance misuse is suspected, then they will meet with the employee to discuss the reasons for their concerns, and advise the Occupational Health and Wellbeing Unit accordingly.

- 7.4 Employees whose over indulgence in alcohol or substance results in an isolated incident of rowdy, reckless, dangerous or inappropriate behaviour in the workplace may be regarded as non-dependent users and their behaviour will be dealt with as misconduct through the Council's Disciplinary Rules and Procedures.
- 7.5 Dependant alcohol or substance users are usually regarded as having an ill-health problem and should be dealt with like any other illness affecting their work, performance or attendance, normally dealt with under the Council's Sickness Absence Policy.
- 7.6 Following referral to the Council's Occupational Health and Wellbeing Unit a programme of support will be agreed with the employee, which will include recommendations from the Occupational Health and Well Being Manager, where appropriate. This support may include the following:
- A period of sickness absence in order to initiate treatment / counselling.
 - Arranging either in house counselling through the Council's Occupational Health and Wellbeing Unit or the employee may wish to arrange external counselling.
 - Reallocating certain aspects of work, with the input of the manager either for a specified period or permanently. This will be done in accordance with the Council's Sickness Absence Policy.
 - Additional training or retraining.
 - Review of workload, with the manager.
 - Risk assessment of the Post to ensure all Health and Safety implications have been addressed.
 - Agreement to review progress on a regular basis.
 - An employee will be given 'two chances' under the circle of support, but if he or she still relapses, will then be subject to the Council's Disciplinary Rules and Procedures.
- 7.7 The Council will grant time off for professional counselling sessions and employees are entitled to receive the normal benefits under the Council's sick pay provisions. Employees will be asked to provide evidence of attendance.
- 7.8 The employee will be expected to actively participate in any support programme discussed. If they fail to do so, or the advice and/or support programme are rejected or ignored, the matter will be pursued through the Council's Disciplinary Rules and Procedures.
- 7.9 If medical grounds for incapacity are established, there may be a case for termination of employment on grounds of ill health. In that case reference should be made to the Council's Sickness Absence Policy, and advice on the procedure is available from the employee's manager, or Human Resources.

Conduct:

- 7.10 One-off cases where the rules of this policy are breached, such as someone reporting for work clearly under the influence of alcohol or drugs or suffering from the effects of alcohol or drugs will be classed as a conduct issue, and will be dealt with under the normal disciplinary procedures.
- 7.11 As the Council does not test for drugs or alcohol, a manager may draw the conclusion that someone is under the influence of alcohol or drugs, merely based on the fact that they can smell alcohol on an employee's breath, affecting work, health and safety issues, or because of erratic or irrational behaviour. Before coming to a decision it is important managers refer to Appendix 2 of the Policy.
- 7.12 If an employee arrives for work and is suspected of being under the influence of alcohol or drugs, then he/she will be advised that there is reason to believe this and will not be permitted to remain in work due to Health and Safety risks. Arrangements will be made for he/she to go home, but not be allowed to drive a vehicle if they have one. The employee should be asked to come in to work the next day, or as soon as fit to do so, and will be interviewed to discuss their conduct (Trade Union representative or a work colleague can be present). The manager will then decide on the appropriate action in consultation with Human Resources.
- 7.13 The Council may be held vicariously liable where an employee drives a Council vehicle and is found to be under the influence of alcohol (or drugs) in the event of an accident. Therefore it is the responsibility of the Supervisor or Manager to ensure that they are satisfied that all employees required to drive Council vehicles (or their own vehicles whilst on Council business) within their department are not suspected of being under the influence of alcohol or drugs. To knowingly do so will be regarded as a failure to perform their duty to an acceptable standard and/or negligence.
- 7.14 Where an employee has to drive as part of his/her job and loses their licence due to drink driving, and neither the Council nor the employee is able to provide suitable alternative transport arrangements, the employee may be dismissed, though the possibility of alternative work will first be considered.

8. POSSESSING/SUPPLYING/OFFERING TO SUPPLY CONTROLLED DRUGS

- 8.1 If an employee is suspected of possessing or supplying or offering to supply controlled drugs they will be suspended on full pay pending an investigation. If the allegations are substantiated through a disciplinary hearing and regarded as gross misconduct, this will warrant summary dismissal.
- 8.2 The Council will be under a legal obligation to inform the Police, who may pursue criminal proceedings.

9. SUPPORT AND TRAINING

- 9.1 Any employee seeking support regarding their alcohol or drug problem will be guaranteed strict confidentiality and treated sympathetically.
- 9.2 In house counselling support is available to all employees.
- 9.3 Employees will be granted time off if necessary, to attend medical appointments, receive treatment and participate in a recovery programme.
- 9.4 Training will be offered to managers to recognise issues relating to alcohol and substance misuse.

10. USEFUL CONTACTS

- 10.1 Detailed below is information on useful contacts and agencies that provide a particular service for those who have a drug and alcohol problem. They are not meant to be an exhaustive list, and employees may wish to contact other specialist agencies should they so wish:
 - In house Occupational Health and Wellbeing Unit. Provides an impartial and confidential advisory and counselling service – 01443 494003
 - Alcoholics Anonymous (AA) – 0845 7697555.
 - Samaritans – 02920 344022.
 - Treatment and Education Drug Services (T.E.D.S.). Providing a service across RCT – 01685 880090.
 - Rhondda Integrated Substance Misuse Service (R.I.S.M.S.) – 01443 440440 ex. 5757.

11. REVIEW OF THE POLICY

- 11.1 The Director of Human Resources will be responsible for reviewing the Policy on an annual basis, or sooner if circumstances warrant such action.

CLASSIFICATION OF DRUGS

The Misuse of Drugs Act 1971 list the drugs that are subject to control and classifies them in three categories according to their relative harmfulness when misused:

CLASS A

Includes ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of Class B drugs.

CLASS B

Includes oral preparations of amphetamines, barbiturates, codeine, cannabis and methaqualone (Mandrax).

CLASS C

Includes most benzodiazepines, (e.g. Temazapan, Valium), other less harmful drugs of the amphetamine group, anabolic steroids.

The penalties for offences involving controlled drugs depend on the classification of the drug. Penalties for misuse of Class A drugs are more severe than those for Class B drugs, which in turn are more severe than the penalties for Class C drugs. The 71 Act also distinguishes in terms of the penalties that may be imposed between the offence of possession and drug trafficking or supplying, with the latter attracting higher penalties.

It is possible in certain circumstances for charges to be brought against the employer or an employee either under the 71 Act or, the Health and Safety at Work etc. Act 1974. It would be up to the courts to decide on the circumstances of each case.

HOW TO RECOGNISE A PROBLEM

In most cases it is the behaviour associated with drug, alcohol and substance misuse managers and other colleagues will notice. Listed below are some indicators to consider.

- Patterns of depression or fatigue (often after a weekend)
- Absenteeism – short term/infrequent patterns.
- Poor timekeeping.
- Erratic performance.
- Lack of discipline.
- Unusual irritability/aggression potentially culminating in harassment.
- Over confidence.
- Sudden mood swings.
- Inappropriate behaviour.
- Reduced response times.
- Becoming easily confused.
- Reduced productivity.
- Deterioration in relationships with colleagues, customers or management.
- Financial irregularities.
- Dishonesty and theft.
- Stale alcohol smell, dishevelled appearance and personal hygiene.

It is important that the manager appreciates that these are only signs, and some may be caused by other medical or psychological factors, for example, diabetes, epilepsy and stress. It is therefore vital that managers thoroughly examine each situation before acting.

MANAGERS CHECKLIST

	✓ As Appropriate		
	N/A	Yes	No
• Have you made yourself familiar with your responsibilities under the Policy?			
• Are employees made aware of their responsibilities under the Policy?			
• Do you know the procedures to follow in the event of an employee who has a capability problem, which you suspect is due to drink or substance misuse?			
• Do you know the procedures to follow when you suspect the conduct of an employee is due to drink or substance misuse?			
• Are you and employees aware of the support that is available should you have a drink or drug problem?			
• Have you been offered training to recognise issues relating to drug and alcohol abuse?			
• Have you familiarised yourself with the key issues arising out of the policy?			
• Are monitoring procedures in place to ensure, as appropriate, the requirements of the Policy are being met?			
• Are employees made aware of the 'two chances' that are available under the circle of support, and the consequences if they relapse?			

Please Note: The word 'employee' in this respect means any person under the manager's control.