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Alcohol and Substance Policy

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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 undertaking. 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 or others affected by its undertaking.
- 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 Employees must not be displaying symptoms or the effects of alcohol or drugs while in work, regardless of when the alcohol or drugs have been consumed.
- 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, drugs or other substances and those employees with alcohol and substance 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 drugs, other substances related problems and informing employees of the existence of the policy and its procedures will be used.
- 1.6 Incidents resulting in irresponsible behaviour or conduct may be treated as gross misconduct under the Council's Disciplinary Rules and Procedures. This includes the use of Council owned vehicles/driving privately owned vehicles whilst on Council business or operating machinery, whilst under the influence of drugs, alcohol or other substances.
- 1.7 Non alcoholic beers, wines and spirits (zero percent products) are not permitted when consumed in the workplace or when on duty, as these products may project a negative corporate image. The presence of zero percent products may also act as a trigger for those employees who have experienced alcohol dependency.

- 1.8 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.
- 1.9 The term 'other substances' used 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 a GP's or pharmaceutical company's instructions.

2. THE LEGAL POSITION

- 2.1 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.
- 2.2 **The Management of Health and Safety at Work Regulations 1999** Places a duty on an employer to assess the risks to the health and safety of employees and others affected by the organisation. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or drugs and their behaviour places the employee themselves or others at risk.
- 2.3 **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.
- 2.4 **The Misuse of Drugs Act 1971** makes it an offence for a person knowingly to allow drugs to be used, kept or supplied on their premises. It is also illegal to ignore such occurrences. Please refer to Appendix A outlining the three categories of drugs.
- 2.5 Some secondary illnesses arising from the misuse of alcohol or drugs may fall within the definition of 'disability' in accordance with **The Equality Act 2010**, and such cases will be treated in accordance with the Act.
- 2.6 **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.

3. POLICY GUIDANCE

- 3.1 Employees must not report for work under the influence of alcohol or drugs. As it is difficult to predict the time it takes for an individual to eliminate alcohol and/or drugs/other 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. Employees (and others involved in the Council's undertaking) are not permitted to drink alcohol during contracted working hours, during breaks, including lunch breaks, immediately before work, when on call/standby, and during formal social events when representing the Council.
- 3.2 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 them to return home, but they will not be allowed to drive a vehicle if they have one.
- 3.3 If employees report for work, or they are suspected of being under the influence of alcohol or drugs when at work, then they may be subject to the Council's Disciplinary Rules and Procedures.
- 3.4 Employees found using illegal drugs will be reported to the appropriate authorities.
- 3.5 Where an employee has to drive as part of their job and loses their licence through drink/drug driving, the employee may be dismissed, although the possibility of alternative work may first be considered, depending on the circumstances.
- 3.6 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 applied which may lead to disciplinary action being taken and could result in dismissal.
- 3.7 The consumption of alcohol when dealing with customers or clients during normal working hours (including lunch times) is forbidden.
- 3.8 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, or the relevant leave arrangements will apply.
- 3.9 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.

3.10 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.

4. ROLES AND RESPONSIBILITIES

4.1 Employees have the following responsibilities:

- must not report for work under the influence of alcohol or drugs.
- must not drink alcohol or use drugs during contracted working hours; or drugs during breaks (including lunch breaks).
- must not drink or use drugs 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 around them;
- to fully comply with the requirements of this policy.
- to be aware of alcohol and drugs issues and act accordingly;
- to seek help if worried about their own drinking/drug habits;
- to avoid covering up or colluding with colleagues;
- to encourage colleagues to seek help if they have any worries about alcohol and/or substance use.

4.2 Managers have the following responsibilities:

- to set a good example and be familiar with this policy;
- to ensure that employees are familiar with this policy and understand their role within it;
- to be aware of the effects/signs of alcohol and drug use and monitor changes in performance, attendance, etc.;
- to 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;
- to develop sensitive interviewing skills and be able to adopt a non-

judgmental approach;

- to accept that employees with a problem will not always be ready or willing to disclose the problem;
- to set a good example through responsible use of alcohol and non-use of illegal drugs;
- to ensure employees are aware of the adverse impression caused by the smell of alcohol around them.
- to refer employees for assistance as appropriate to the Occupational Health and Wellbeing Unit;
- to be aware of aspects of the work situation that may contribute to future problems e.g. stressful shift patterns.
- take appropriate action if an employee identifies themselves as having an alcohol or drug/substance related problem.

4.3 The Occupational Health and Wellbeing Unit has a responsibility:

- To undertake an occupational health assessment in response to a referral;
- to provide a fitness for work opinion;
- to offer an impartial and confidential counselling service for employees (which may involve referral to another specialist agency);
- to provide advisory recommendations in response to the management referral.

4.4 Human Resources have a responsibility:

- to support managers when referring employees for further help or assistance to the Occupational Health and Wellbeing Unit;
- to provide relevant training for implementation of the policy;
- to advise and work with managers in implementing the policy.
- Advising managers on the approach to specific issues and on the use of the Disciplinary Rules and Procedures where necessary.

5. CAPABILITY AND CONDUCT

Capability

- 5.1 If a manager identifies capability related issues concerning attendance, incident/accident levels, work performance or behaviour, or any other issues, and alcohol or the use of drugs 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. Issues relating to employee absence, can be dealt with through the Councils Absence Management Policy.
- 5.2 Employees whose overindulgence in alcohol or drugs 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 through the Council's Disciplinary Rules and Procedures.
- 5.3 Those individuals who are dependant alcohol or drugs 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 under the Council's Absence Management Policy. However, this will depend on the severity and impact of any incident in work. Where appropriate, the employee will be dealt with through the Council's Disciplinary Rules and Procedures.
- 5.4 A programme of support will be agreed with the employee, which will include recommendations from the Occupational Health and Wellbeing Professional where appropriate; employees can also complete a self-referral to Occupational Health.

Support may include the following:

- a period of sickness absence in order to initiate treatment/ counselling;
- arranging in-house counselling through the Council's Occupational Health and Wellbeing Unit, unless the employee wishes to arrange external counselling;
- reallocating certain aspects of work with the input of the manager, as an adjustment.
- 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;

- 5.5 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.
- 5.6 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 is rejected or ignored, the matter may be pursued through the Council's Disciplinary Rules and Procedures.

Conduct

- 5.7 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 Council's Disciplinary Rules and Procedures. Managers will need to undertake an initial fact finding exercise prior to the decision being made by the relevant Chief Officer.
- 5.8 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 based on the fact that they can smell alcohol on the employee, or their behaviour affects work, there are health and safety issues, or because of erratic or irrational behaviour. Before coming to a decision, it is important managers refer to Appendix B of the policy.
- 5.9 If an employee arrives for work and is suspected of being under the influence of alcohol or drugs, then they 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 them to go home, but they will 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 (a Trade Union representative or a work colleague can be present). The manager will then decide on the appropriate action in consultation with Human Resources.
- 5.10 The possession, use and/or supply of illegal drugs is strictly forbidden. Illegal activities will not be tolerated by the Council and will be reported to the police, and a full investigation may 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.

The Council will be under a legal obligation to inform the police, who may pursue criminal proceedings. If an employee is suspected of possessing or supplying or offering to supply controlled drugs, the Council's Disciplinary Rules and Procedures will apply.

- 5.11 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. Managers should refer to the relevant 'Driving at Work Policy' and 'Driving on Council Business guidance document – vehicles that are not Council Owned/Leased' – available on the Source.
- 5.12 Where an employee has to drive as part of their job and loses their licence due to drink/drug driving, the employee may be dismissed, though the possibility of suitable alternative employment may first be considered wherever possible and depending on the circumstances.
- 5.13 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, visitors, and elected Members.
- 5.14 The principles of this policy will also apply to contractors and agency workers employed on behalf of the Council. In these instances, individuals will be referred to their employer who will then consider any actions.

6. SUPPORT/ADVICE & USEFUL CONTACTS

- 6.1 Employees who disclose that they have a problem with alcohol or drugs, will be treated sympathetically and provided with confidential assistance and support.
- 6.2 The council will provide an in-house, impartial and confidential counselling service.
- 6.3 If the use of alcohol or drugs is suspected, or if the employee has confided that they have an alcohol or drug dependency, then the employee should be advised to seek immediate advice and guidance from the Council's Occupational Health and Wellbeing Unit.
- 6.4 Detailed below is information on useful contacts and agencies that provide a particular service for those who have a drug and/or alcohol problem. It is not meant to be an exhaustive list, and employees may contact other specialist agencies should they so wish:
 - The Council's Occupational Health and Wellbeing Unit. Provides an impartial and confidential advisory and counselling service (telephone 01443 494003);
 - CTM (DASPA) 0300 3333 0000DASPA website: DASPA - DRUG &

ALCOHOL SINGLE POINT OF ACCESS

- Alcoholics Anonymous (AA) (telephone: 0800 917 7650); - Alcoholics-Anonymous.org.uk
- NHS Wales Drug and Alcohol Service (telephone: 0300 333 0000)– Drug and Alcohol Services - Cwm Taf Morgannwg University Health Board
- Leave The Light On - Barod
- dan247.org.uk

Advice on the implementation of this policy can be obtained from the Health and Safety Team, Human Resources, Ty Elai, Williamstown, CF40 1NY.

Telephone 01443 425531 or email: healthandsafetyteam@rctcbc.gov.uk

Mae croeso i chi gyfathrebu â ni yn y Gymraeg /
You are welcome to communicate with us in Welsh

APPENDIX A

CLASSIFICATION OF DRUGS

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

CLASS A

Includes ecstasy (MDMA), cocaine, crack cocaine, heroin, LSD, methamphetamine, morphine, methadone.

CLASS B

Includes amphetamines, barbiturates, codeine, ketamine, cannabis and synthetic cannabinoids.

CLASS C

Includes most benzodiazepines, (e.g. Temazepam, Valium), other less harmful drugs of the amphetamine group, anabolic steroids, nitrous oxide (laughing gas).

Temporary class drugs

The government can ban new drugs for one year under a 'temporary banning order' while they decide how the drugs should be classified.

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 Misuse of Drugs 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 of an employee either under the Misuse of Drugs 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 use that 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 poor 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 alcohol or drug use?			
• Do you know the procedures to follow when you suspect the conduct of an employee is due to alcohol or drug use?			
• Are employees aware of the relevant 'Driving on Council Business' Policy and 'Driving on Council Business – using vehicles that are not Council owned, leased or hired' guidance document?			
• Are you and employees aware of the support that is available should you or they have an alcohol or drug problem?			
• Have you familiarised yourself with the key issues arising out of the policy?			
• Are there monitoring procedures in place to ensure that the requirements of the policy are being met?			

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

Completed by: _____
(Signature)

Confirmed by: _____
(Signature)

Name: _____
(Print)

Name: _____
(Print)

Designation: _____

Designation: _____

Date: _____

Date: _____