



## DRUG & ALCOHOL POLICY

### WRITTEN BY:

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### INTRODUCTION

1.1 The welfare of its employees is important to Biddulph Town Council. In the first instance, and for as long as this continues to be productive, the Council will respond to alcohol or substance misuse problems as a health issue.

Someone who misuses alcohol or substances can put themselves, their colleagues and service users at risk of harm and it is with these matters that we, as an employer, are concerned.

1.2 The Council recognises that alcohol and substance misuse problems can have a detrimental effect on work performance and behaviour. The Council has a responsibility to its employees to ensure that this risk is minimised.

Accordingly, Biddulph Town Council has two approaches:

1. Providing reasonable assistance to the member of staff with an alcohol or substance misuse problem who is willing to co-operate in treatment for that problem; and
2. Disciplinary rules where use of alcohol or drugs (other than on prescription) affects performance or behaviour at work, and where either (a) an alcohol or drug dependency problem does not exist, or (b) where treatment is not possible or has not succeeded.

1.3 The Council has not the internal resources to provide or arrange treatment or other forms of specialist assistance. Such services are provided by GPs, hospitals and other agencies. Through this policy the Council will seek both to assist a member of staff in obtaining such specialist help, and to protect his/her employment.

## OBJECTIVES OF THE POLICY

2.1 The purpose of this policy is to reduce the detrimental effects that can be caused by alcohol or substance misuse such as accidents, incidents, absenteeism, reduced productivity, legal costs, public and client alienation and business reputation.

## PROVISIONS

### 3.1 Standards of Behaviour

The following statements express how the Town Council expects employees to conduct themselves in order to ensure that alcohol or substance misuse does not have a detrimental effect on their work, irrespective of the nature of that work.

- a) The Council acknowledges that the use of alcohol outside of working hours remains the choice of the individual, although employees are urged to follow health guidelines relating to its use. However, either before or during periods of duty, employees should not consume alcohol or substances that will cause impairment or impact upon their ability to work safely and/or to required standards. Occasionally, Civic functions may involve a 'toast'; advice should be sought from the Chief Officer in relation to the appropriate management of such occasions.
- b) Just as staff should ensure that their conduct and performance in the workplace is not impaired, so staff on Council business away from Council premises must ensure that the use of alcohol does not result in professional misconduct or impairment, and does not compromise either their own safety or the safety of others.
- c) It is not acceptable that staff will use alcohol for personal use during working hours or on business premises.
- d) The possession, use, production or supply (selling or giving) of illegal drugs on site will not be tolerated. Aside from being a serious breach of this policy, justifying disciplinary action, such conduct is also a criminal offence and any instances will be reported to the police in line with our statutory responsibility under the Misuse of Drugs Act 1971. All premises

to display appropriate signage to inform staff and visitors of the council's stance.

- e) It is the responsibility of employees in consultation with their GP or Pharmacist to ensure that prescribed or over the counter medication does not impact upon their conduct or ability to work safely or to required standard during periods of duty. Any employee with concerns in this regard should confer with their manager; the manager will determine whether any further action would be appropriate, such as an adjustment to duties and/or referral to Occupational Health professionals.
- f) Vehicle drivers have responsibilities under the Road Traffic Act 1991 which sets the legal limits for driving and the Road Traffic Act 1988 where a person must not drive, attempt to drive or be in charge of a motor vehicle under the influence of a substance (drugs or alcohol).. Managers who suspect that an employee is in breach of this legislation must take suitable action and where necessary report this to the police for investigation.

### **3.2 Guidelines for Identifying Alcohol and Substance Misuse**

Alcohol and substance misuse is not restricted to any particular section of the community. It is important to remember that those who misuse alcohol and substances may be difficult to identify; those who misuse alcohol and substances don't all fit the stereotypical view.

The earlier an individual's problem can be identified the more likely it is that he or she can be successfully helped to overcome it.

Work related problems often caused by alcohol or drugs may include the following, but other factors could also cause similar behaviour.

This is not an exhaustive list and it should be used sensitively as these can also be indicators of other health/personal problems.

#### **Absenteeism**

- Multiple instances of unauthorised absence
- Excessive sick leave
- Frequent and/or unexplained absences
- Poor timekeeping
- Regularly leaving work early
- Peculiar and increasingly improbable excuses for absence

- Repeated absences from the post, more than the job requires, including frequent trips to the cloakroom etc. and overlong coffee breaks.

### **High Accident Rate**

- Accidents at work
- Accidents off the job e.g. at home or travelling to work.

### **Appearance/Mental State**

- Pallor or flushed face and bleary eyes
- Pinpoint or dilated pupils
- Smell of alcohol
- Excitability/depression
- Hand tremors
- Inappropriate behaviour, swearing, mood swings (which appear out of character)
- Increasingly unkempt appearance, lack of hygiene
- Aggression/fear/guilt.

### **Deteriorating Efficiency**

- Missed deadlines
- Mistakes due to inattention or poor judgement
- Making bad or incorrect decisions
- Complaints from colleagues or members of the public
- Unlikely excuses for poor job performance
- Increasing unreliability and unpredictability and difficulty in recalling instructions.

### **Poor Employee Relations**

- Over reaction to real or imagined criticism
- Irritability
- Complaints from colleagues and co-workers
- Borrowing money from co-workers
- Dishonesty/over-justification.

In some cases an employee with an alcohol or substance misuse problem may come to the attention of the Chief Officer through an incident of poor behaviour at work, with varying degrees of associated misconduct. Each case must be considered individually depending on the person's job, their previous pattern of behaviour and the nature of the incident involved.

### 3.3 Assistance for a member of staff

Where the Chief Officer has reason to believe that an employee may have a drug or alcohol problem, the Council will, where possible, provide the following assistance to a member of staff:

- Helping the member of staff to recognise the nature of the problem, through referral to a qualified diagnostic or counselling service;
- Support during a period of treatment. This may include a period of sick leave or approved other leave, continuation in post or transfer to other work, depending upon what is appropriate in terms of the staff member's condition and needs of the Council;
- The opportunity to remain or return to work following the completion of a course of treatment, as far as is practicable, in either the employee's own post or an alternative post.

The Council's assistance will depend upon the following conditions being met:

- A Council appointed Occupational Health Service provider or Council Approved Doctor diagnoses an alcohol or drug dependency related problem;
- The member of staff recognises that he/she is suffering from an alcohol or substance misuse problem and is prepared to co-operate fully in referral and treatment from appropriate sources.

The Council and its Employees must recognise the following limits to the assistance the Council can provide:

- Where a member of staff fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the **Managing Underperformance and Disciplinary Action Policy**;
- If the process of referral and treatment is completed but is not successful, and failure in work performance or behaviour occurs, these will be dealt with through the **Managing Underperformance and Disciplinary Action Policy**; and
- A member of staff's continuation in his/her post or an alternative post during or after treatment will depend upon the needs of the Council at that time.

### 3.4 Use of External Agencies by the Council

The Council where it deems appropriate may utilise the services of external agencies such as an Occupational Health Service provider or Approved Doctor, to provide the following:

- Advice and support to the Chief Officer and Members:

- On whether an alcohol or drug related problem exists;
  - Progress in treatment; and
  - Re-establishment or continuation at work of a member of staff or other appropriate arrangements.
- Assistance to members of staff with alcohol or substance misuse related problems.

This does not include directly providing treatment or specialist help, which is the responsibility of GPs, hospitals and other agencies working in the field. The Occupational Health Service provider / Council Approved Doctor, in close liaison with these persons and agencies, will assist staff referred in the following ways:

- Through counselling encourage them to come to a better understanding of their problem and the benefits of seeking treatment or help;
- Providing advice and direction regarding obtaining treatment and specialist help; and
- Assisting in continuing at or achieving a return to work.

### **3.5 Disciplinary Action**

In line with the Council's **Managing Underperformance and Disciplinary Action Policy**, the following will be regarded as serious misconduct:

- Attending work and/or carrying out duties under the influence of alcohol or drugs; and
- Consumption of alcohol or drugs whilst on duty (other than where prescribed or approval has been given).

Breach of these rules will normally result in a formal disciplinary investigation into Gross Misconduct, (only in exceptional cases will either notice or the reduced disciplinary action of a final written warning be applied).

Where a breach of these rules occurs, but it is established that an alcohol or substance misuse related problem exists, and the member of staff is willing to co-operate in referral to an appropriate service and subsequent treatment, the Council will suspend application of the Disciplinary Procedure and provide assistance as described above.

Staff who do not comply with the treatment suggested or continue to abuse alcohol or drugs will be subjected to the application of the **Managing Underperformance and Disciplinary Action Policy**.

## RELEVANT LEGISLATION

4.1 **Health and Safety at Work Act 1974 - section 2** - places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees.

4.2 **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. 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.

4.3 **Misuse of Drugs Act 1971** - makes it an offence for someone to knowingly permit the production, supply or use of controlled drugs on their premises except in specified circumstances (for example drugs prescribed by a doctor).

4.4 Although not applicable to all workplaces, these two Acts also put obligations on employers and workers:

- **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.
- **Transport and Works Act 1992** - makes it a criminal offence for certain workers to be unfit through drugs and/or drink while working on railways, tramways and other guided transport systems.