

# Drug and Alcohol Policy

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## Drugs and Alcohol Policy

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## 1.0 Introduction

1.1 The Council aims to promote the health and wellbeing of its employees and to minimise work performance and/or conduct issues at work arising from drug and/or alcohol abuse.

1.2 In the workplace drug and alcohol abuse can take two different forms:

- Occasional inappropriate drug and alcohol abuse.
- Consistent inappropriate drug and alcohol abuse.

1.3 Occasional inappropriate drug and alcohol abuse are more likely to be cases of misconduct whilst consistently inappropriate drug and alcohol abuse will be more likely to involve long term health and performance issues.

1.4 Any reference in this Policy to drugs refers to non-prescribed, controlled drugs or illegal substances and does not refer to medicines, supplements and similar substances that are legally and commercially available in the United Kingdom.

1.5 This policy applies to all employees or other person under the Council's control in connection with any Council related activity.

1.6 The day to day management of this Policy is the responsibility of Line Managers.

## 2.0 Aims of the Policy

2.1 This policy aims to:

- Ensure that the Council complies with its legal obligations imposed by law;
- Provide a safe and healthy working environment for all employees;
- Promote awareness of the dangers and penalties associated with the misuse of drugs and/or alcohol abuse;
- Support Line Managers to identify a drug or alcohol problem or alternatively respond to employee who has asked for help.
- Support employees with a drug and/or alcohol related problem;
- Provide support to employees whose lives are or who have been affected by the misuse of drugs and/or alcohol abuse.

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### 3.0 Principles

3.1 The Council has a zero tolerance approach in relation to drugs and /or alcohol.

3.2 It is prohibited that an employee or other person under the Council's control in connection with any Council related activity, to:

- Report or endeavour to report, for duty having consumed drugs or alcohol likely to render him/her unfit and/or unsafe for work
- Take or be under the influence of drugs while on duty.
- Drink or be under the influence of alcohol while on duty.
- Store drugs and/or alcohol in personal areas such as lockers and desk drawers etc.
- Attempt to sell or give drugs and/or alcohol to any other employee or person on Council premises.

3.2 An employee must inform his/her Line Manager regarding any prescribed medication that may have an effect on his/her ability to carry out his/her work safely, and must follow any instructions subsequently given.

3.3 If an employee feels unable to raise the issue with his/her Line Manager, he/she may discuss the matter with People and Policy. However, the employee needs to be aware that where this may impact on the employee's ability to undertake his/her duties and this may lead to a requirement to inform his/her Line Manager.

3.4 An employee is entitled to be represented at the second drugs and/or alcohol test if the first drugs and/or alcohol test proves positive and at any formal meeting held under this Policy by a Trade Union Representative or work colleague.

### 4.0 Health and Safety

4.1 The Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment, and to ensure the health, safety and welfare at work of their employees as well as any visitors or contractors on the premises.

4.2 Employees should be aware that anyone under the influence of drugs and/or alcohol is a risk to everyone around them and should be alert to possible signs of drugs or alcohol abuse.

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4.3 Symptoms of drugs and /or alcohol abuse may include:

- Unkempt appearance and/or lack of hygiene;
- Fluctuations in mood and energy and/or sudden changes in behaviour;
- Spasmodic work patterns and/or impairment of performance;
- Increase in short term sickness absence and/or high rates of absenteeism;
- Poor or breakdown of relationships with colleagues.

4.4 Employees should report any concerns they may have about a colleague displaying any or all of these symptoms to either their Line Manager, Trade Union representative or People and Policy but should not, under any circumstances, approach the person displaying the symptoms or discuss their concerns with any other colleagues.

4.5 The Council will undertake and regularly review risk assessments to identify and assess the risks associated with drugs and alcohol. The risk assessments will consider the scope of all work activities undertaken by the Council in particular any safety critical operations to determine the appropriate policies and arrangements for managing the risks associated with drugs and/or alcohol by employees and, where relevant, contractors, customers and the public.

4.6 If it is considered that the working environment or culture is the cause or a contributor to a drug and/or alcohol related problem, the Council will take all reasonably practical steps to ensure a reduction of such problems.

4.7 An employee will be held to be contributory negligent in the event whilst on Council business where they cause an accident or damages to anyone or anything.

## 5.0 Drugs and/or alcohol testing

5.1 The Council operates a policy of alcohol and drugs testing as follows:

**With-cause testing for all employees at all levels:** a drugs and/or alcohol test may be carried out where (1) management as grounds to believe or suspect that an employee is or may be under the influence of drugs and/or alcohol, (2) an employee has had any involvement in a workplace accident or in any incident that has caused or could have caused a danger to health and safety.

**Random testing:** Random drugs and/or alcohol testing will be carried out on all employees.

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The Council recognises that gathering such information may fall under the Employment Rights Act 1996, Data Protection Act 1998 and Human Rights Act 1998, and will be treated in accordance with legislative requirements.

5.2 Any drug and/or alcohol testing will be carried out only by trained and competent personnel; who will use accepted and reliable methods and ensure that tests are carried out with least possible intrusion into employee's privacy in accordance with the Council's Drugs and Alcohol Testing Procedure (see appendix 1).

5.4 A register will be maintained by the Council's Health and Safety Consultant detailing the time, date and reason for a drug/alcohol test.

5.5 An employee refusing to undertake the drug and/or alcohol test may be subject to disciplinary action.

## 6.0 Suspension

6.1 If a with-cause or random drug/alcohol test proves positive, the employee will be suspended from duty immediately in accordance with the Disciplinary Procedure (see appendix 2).

## 7.0 Procedure

7.1 Following (a) an employee's suspension, (b) a drug and/or alcohol related incident or (c) a positive drug and/or alcohol test, a meeting should be conducted by the employee's Line Manager (or nominated manager). The purpose of this interview is to ascertain whether there is a drug and/or alcohol dependency problem or a misconduct issue. Subsequently, a misconduct issue would be dealt with in accordance with the Council's Disciplinary Procedure.

7.2 If a drug and/or alcohol dependency is identified, the Council will provide reasonable assistance and manage any absences for treatment and/or rehabilitation as any other sickness absence. This does not, however, excuse the employee from any of the disciplinary matters that may fall within the scope of the Council's Disciplinary Policy. Where an employee agrees to follow a suitable course of action or treatment, any disciplinary action may be suspended.

7.3 A referral to the Council's Occupational Health Service may be considered to obtain a medical diagnosis and advice regarding treatment available. Any time off for treatment must be agreed with the employee's Line Manager in advance.

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- 7.4 Any support for treatment must be on the clear understanding that the employee wishes to receive help and agrees to the Council monitoring attendance and progress of the treatment.
- 7.5 Any employee who fails to accept or continue with agreed drug and/or alcohol treatment will be subject to the Council's Disciplinary Procedure.
- 7.6 The Council reserves the right to give an affected employee alternative duties at the rate of pay for the job, or the employee to take paid leave if it is deemed appropriate for a specified time.
- 7.7 In the event that an employee after completing a course of treatment for a drug and/or alcohol related problem suffers a relapse, the Council is under no obligation to make provision for any further treatment and the employee may face disciplinary action.
- 7.8 Following effective treatment and in the absence of any disciplinary action the Council will endeavour to return an affected employee to the same role previously fulfilled by the employee and where this is not possible consider redeployment to a suitable alternative post. The circumstances of each case will be reviewed fully and a suitable course of action followed.

## **8.0 Confidentiality**

- 8.1 All requests for help will be treated in the strictest confidence and all information gathered as a result will be held in accordance with the Data Protection Act 1998.

## **9.0 Monitoring and review of the Policy**

- 9.1 This Policy will be reviewed every three years by People and Policy or sooner following changes in legislation in consultation with the Trade Union.
- 9.2 People and Policy will monitor the development and dissemination of good practice to ensure that this Policy is achieving the stated objectives.

## **10.0 Legislation relating to this Policy**

- 10.1 The Health and Safety at Work Act 1974  
 Management of Health and Safety at Work Regulations 1999  
 Misuse of Drugs Act 1971  
 The Road Traffic Act 1988  
 Transport and Works Act 1992  
 Psychoactive Substances Act 2016

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## Drug and Alcohol Testing Procedure

### Donor Information Sheet.

#### Introduction

Thank you for attending and we hope to have you through this simple, secure and confidential Drug and Alcohol screening process which normally will be completed in 20 minutes.

#### Education

Drug and Alcohol use does not mix well with the potential dangers of your safety critical workplace. The Council is not trying to control your personal life, however under your Terms of Employment and under Health and Safety legislation, you have a common duty of care to yourself, your fellow workers and to the public. You are expected to understand this and to arrive for work in a fit, proper and non-impaired state.

**The Council has a zero tolerance approach in relation to drugs and /or alcohol.**

#### Process

You will be asked to

- Produce your Council ID Badge
- Read, complete and sign a consent form
- Undertake the relevant test, this will be performed by a competent trained person and witness, you will not be entitled to be represented at the initial test, however if this test indicates a positive result, you will be offered the right of representation of either a Trade Union Representative or work colleague at the second test.
- Following the test(s), you will be requested to provide signed confirmation of the reading on the consent form.

#### **Drug Testing**

A competent drug screening representative will perform a drug screen by taking a saliva wipe followed by a skin wipe. The result will be indicated after ten minutes. A positive result will require you to have a discussion with a People and Policy representative.

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## **Alcohol Testing**

A competent alcohol screening representative will perform an alcohol screen using a Home Office approved police specification breathalyser which will show an immediate result. If this is above the Council policy alcohol threshold of Zero, a confirmation sample will be taken at least twenty minutes later but no more than one hour later. A positive result above the required level will require you to attend a meeting with a People and Policy representative.

The re-calibration of the breathalyser will be undertaken every 6 months in line with the manufacturers guidelines.

Your signature will be required on the consent form acknowledging the results.

A positive drugs and/or alcohol screening result will result in an employee being suspended from work on full pay pending a disciplinary investigation.

### **Opportunity for feedback**

If you think we can improve this screening process for the future, please help us by completing the feedback form and adding any constructive comments.

### **Thank you for participating**

We appreciate your compliance with this process and hope you understand the necessity to screen the innocent majority to find the not so innocent minority. This helps all of us have fewer accidents and have a safe day.

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**Drug & Alcohol Screening Consent Form**

- This is a confidential process
- Please read and sign where asked

I hereby consent to the following screening test(s) and any possible subsequent confirmation test(s) for the detection of alcohol or drugs and/or their metabolites from a sample(s) of breath, sweat, saliva. I am fully aware of company policy should a positive result be detected. I accept the interpretation of my test results will be completed by the Screener and recorded below.

Complete list of medication, Doctor, Chemist or over the counter, in last week:

1 \_\_\_\_\_  
 2 \_\_\_\_\_

Employee name:..... Signature:.....  
 Form of ID:.....  
 Examined by:..... Signature:.....  
 Date: day month year Time: hr : min AM PM

**Drug Screen:**

Screening device: **DrugWipe Dual**

Batch Number: ..... Expiry Date .....

Two Control Lines appear incorrect answers **Yes No** Circle correct answer & cross out the

Any other Result Lines appear: **NONE Ca Co Op Am**

**Alcohol Screen:**

Time: hr : min

Result in numbers: ..... Result in words: .....

**Alcohol Confirmation:**

Time: hr : min **20 minutes or more after initial alcohol screen**

Result in numbers: ..... Result in words: .....

**Signatures to acknowledge the results:**

Employee Signature:.....

Screener Name:..... Signed:.....

Witness Name:..... Signed:.....

Witness Name:..... Signed.....

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**Extract from Disciplinary Procedure**

4.4 Suspension

4.4.1 Where it is believed that the matter to be investigated involves serious misconduct, the employee may be immediately suspended from work on full pay. If serious misconduct is not initially suspected or believed to have occurred, but during the course of an investigation the person conducting it reasonably forms the opinion that a serious breach of discipline may have occurred, the employee who is the subject of the investigation may then be suspended.

4.4.2 Suspension is a neutral act and does not presume guilt on the part of the employee. The reason for suspension may be to prevent any potential for interference with the investigation or witnesses, or as a precaution depending on the nature of the misconduct that has been alleged to have been committed.

4.4.3 Any decision to suspend will be confirmed in writing within five working days and such written confirmation will state that the nature of the suspension is neutral act, not a disciplinary act, pending the outcome of the disciplinary proceedings.

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