

**BABERGH DISTRICT COUNCIL**

**FROM: HR PANEL**

**REPORT NUMBER    **G133****

**TO: STRATEGY COMMITTEE**

**DATE OF MEETING: 15 November 2007**

**ALCOHOL AND DRUGS POLICY**

**1.    PURPOSE OF REPORT**

- 1.1 ACAS recommend that all Organisations have clear rules on the use of alcohol by Employees together with a policy outlining clearly how any alcohol and/or drug related problems would be dealt with. This is supported by UNISON at National level and the HSE.
- 1.2 At present there is no policy covering either at this Council and although the Disciplinary Policy does specifically identify alcohol and drug related misconduct, this is only one of a number of appropriate responses to such related problems.
- 1.3 A proposed policy has been prepared and agreed by HR Panel for recommendation to this Committee.

**2.    RECOMMENDATIONS**

- 2.1 That the Alcohol and Drugs Policy attached as an Appendix to this report be adopted with immediate effect.

The Committee is able to resolve this matter.

**3.    FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications

**4.    RISK MANAGEMENT**

- 4.1 Detailed risks are outlined in the table below:

<b>Risk Description</b>	<b>Likelihood</b>	<b>Seriousness or Impact</b>	<b>Mitigation Measures</b>
A policy is not adopted which leads to uncertainty for staff and additional difficulties when dealing with any drug or alcohol related staffing issues	Low - as the proposed policy complies with good practice	Marginal	Adopting the proposed policy

5. **KEY INFORMATION**

- 5.1 Rules on alcohol vary between organisations from strict no-alcohol rules (commonly in place for reasons of safety i.e. where machinery is operated or drivers employed) to the allowing of some moderate social drinking.
- 5.2 The adoption of a drugs and alcohol policy ensures there are clear and transparent guidelines and rules for all staff and managers which can be followed if a drug or alcohol related staffing incident occurs. The policy also provides support as appropriate when dealing with those with a drug or alcohol addiction problem that follows recommended good practice and recent employment case law.
- 5.3 Before drafting a policy for this Authority, Heads of Service, Management Team Members and the local branch of Unison were consulted with regard to their views on a policy being either strictly no alcohol or not. The overwhelming response, which included the local Unison branch, was to support a policy, which allowed some moderate social drinking within it.

6. **APPENDICES**

- (a) Policy on Alcohol and Drugs

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## **ALCOHOL AND DRUG MISUSE POLICY**

### **1. POLICY STATEMENT**

- 1.1 Babergh District Council aims to help protect its employees from the dangers of drug and alcohol misuse and to motivate staff with drugs/alcohol problems to seek and accept the appropriate counselling or treatment. Any use of either drugs or alcohol by an employee must not impair the efficient running of the Council and the safe environment provided for staff and visitors, or result in risks to the health and safety of themselves, other employees or the general public.

### **2. AIMS OF THE POLICY**

- 2.1 To alert employees to the risks associated with alcohol and drug misuse.
- 2.2 To promote the health, safety and well-being of employees and to minimise the problems at work arising from alcohol and/or substance abuse.
- 2.3 To encourage safe and sensible drinking habits.
- 2.4 To encourage and assist employees who suspect or know that they have an alcohol or substance misuse problem to seek help at an early stage.
- 2.5 To provide a fair and consistent approach to the management of staff with alcohol or drug related problems.
- 2.6 To comply with all relevant legislation.

### **3. SCOPE OF THE POLICY**

- 3.1 The policy applies to employees at all levels, both permanent and temporary.
- 3.2 The policy places some responsibilities on contractors working on behalf of the Council.

### **4. GENERAL PRINCIPLES**

- 4.1 The Council recognises the difference between drug and alcohol dependency and addiction and the occasional misuse of alcohol or drugs. Such addiction is a medical problem requiring special treatment and support and will be dealt with in this way rather than as a disciplinary matter whenever possible and appropriate. It is noted that early identification of an addiction problem is more likely to lead to successful treatment.

4.2 However, staff that do not suffer from drug or alcohol addiction and whose misuse of either affects their work as outlined in this policy will most likely be dealt with in accordance with the Council's Disciplinary policy.

4.2 The strictest confidence will be maintained wherever possible.

4.3 Employees voluntarily seeking help for a drugs or alcohol dependency will be allowed time off for treatment (in accordance with the Council's Flexible Working Scheme) and every reasonable effort will be made to assist them in returning to good health and full efficiency.

## **5. THE RULES**

### **5.1 Alcohol**

5.1.1 For the purpose of this policy, alcohol misuse is defined as:

*'The consumption of alcohol to the extent that it affects an individual's work performance, normal social behaviour at work or the safety of others.'*

5.1.3 No employee shall report for work while under the influence of alcohol.

5.1.4 The Council does not have an absolute ban on alcohol. There is therefore considerable responsibility on employees to behave with discretion and judgement as to what may be reasonable behaviour with regard to alcohol consumption. Employees should bear in mind that drinking even small amounts of alcohol or misusing drugs before, or while carrying out work that is 'safety sensitive' will increase the risk of an accident.

5.1.5 Government guidance on sensible drinking lists the following as examples of specific situations when the best advice is not to drink at all:-

- If you will be driving;
- Before using machinery, electrical equipment or ladders;
- Before working in the workplace when appropriate functioning would be adversely affected by alcohol.

### **5.2 Drugs**

5.2.1 For the purpose of this policy, drug misuse is defined as:

*'the use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs, and substances such as solvents.'*

5.2.2 No employee must possess, consume, sell or give away illegal drugs whilst on duty or on Council premises.

- 5.2.3 Possession/dealing of illegal drugs in a workplace will be reported to the police without exception.
- 5.2.4 No employee shall report for work while under the influence of drugs, unless legal and authorised by their General Practitioner.
- 5.2.5 Employees on prescribed medication, which may affect their ability to perform their duties, must notify their supervisor/line manager before reporting for work. This will be dealt with in strict confidence. Occupational Health may be consulted in these cases.

## **6. OFF-DUTY CONDUCT**

- 6.1 It is recognised that employees' off duty hours are their own concern. However, their conduct at all times must not in any ways bring the Authority into disrepute.
- 6.2 Although an individual may be off duty when taking drugs/alcohol, they must be aware that they may still affect them when they are back at work.
- 6.3 An employee attending a formal work social event may be off duty but in these circumstances, employees must be aware that the event has been organised by the Council, and as such are still representatives of the Council.

## **7. DRIVING BANS**

- 7.1 Employees who are disqualified from driving on Council business as a result of a drink or drugs-related offence will be dealt with in accordance with the Council's disciplinary procedure. Where disqualification occurs as a result of offending while not at work, the Council's disciplinary procedure may also be applied. Further, where appropriate, the Council will consider reasonable alternative arrangements to ensure that the full range of duties can still be performed. Reasonable alternative work will be considered subject to availability. However, in these circumstances, travel to and from work remains the employee's responsibility. Also, if the Council is unable to make alternative employment arrangements, the employee's continuing employment with the Council may be at risk.

## **8. EMPLOYEE ASSISTANCE**

- 8.1 The 'First Assist' Employee Care Scheme is available to all staff and can provide both Counselling and Legal advice. Employees who feel they may have a problem of this nature are advised to use this facility. Details of this free-phone advice line are available on the Intranet.

- 8.2.1 The responsibility of the Line Manager is to identify job performance problems and not to diagnose a misuse problem (see Appendix A for 'Guidance for Managers'). On identification of a work-based problem, the Line Manager and a member of HR will meet with the employee to discuss these issues fully.
- 8.2.2 As a result of this meeting, the standard disciplinary procedure may be invoked, if appropriate.
- 8.2.3 Where an employee has been diagnosed as having a drug or alcohol problem, time-off will be allowed for counselling or other treatment in accordance with the Council's Flexible working hours scheme. During a period of treatment the employee will be referred to the Occupational Health Department, who will keep the HR Representative up to date regarding the employee's progress, the likely 'return to work' date and whether alternative employment needs to be considered. After the return, the HR Team and the Head of Service will jointly review the employee's progress upon advice from the Occupational Health Advisor.

## **9. DISCIPLINARY ACTION**

- 9.1 Although the Council will seek to deal with an Officer who has a drug or alcohol dependency in a supportive way, without recourse to disciplinary action, there may be circumstances where this is not possible or appropriate. If any disciplinary action in relation to this policy is necessary this will be dealt with under the Council's disciplinary procedures relating to capability or conduct.
- 9.2 The following incidents will be regarded as gross misconduct:
- ◆ Possessing, using or selling illegal drugs in the workplace;
  - ◆ Being convicted of any criminal offence connected with drugs, regardless of whether the offence took place inside or outside the workplace;
  - ◆ Reporting for work in an area where safety is critical under the influence of alcohol or drugs
- 9.3 Where an employee admits to a drug or alcohol problem, any associated disciplinary proceedings may be suspended, depending upon the seriousness of the offence and every effort will be made by the Council to assist that employee in a successful rehabilitation. This will, however, depend on the circumstances of the case. Those employees affected by alcohol related problems will be given the same recognition, support and employment rights that would apply to other employees who have problems related to other forms of illness.
- 9.4 Where employees refuse to accept that they have a problem of drug or alcohol dependency or refuse treatment or the treatment fails, there will be no option than to instigate disciplinary action. This may lead to dismissal.

## **10. RESPONSIBILITIES**

- 10.1 All employees are responsible for ensuring adherence to the policy and for reporting breaches of the policy to their supervisor/line manager.
- 10.2 Managers should seek to identify any work-based problems which may/may not be related to drugs and alcohol misuse, and take action as appropriate and in accordance with this Policy.
- 10.3 Managers are responsible for ensuring that contractors are aware of the levels of conduct expected under this policy whilst working on behalf of the Council.

## **1. MONITORING**

- 11.1 Whilst Babergh District Council will not randomly test employees it reserves the right, where there is evidence to suggest alcohol and substance misuse, to require an employee to have a medical examination which may include blood or urine test where the health and safety of the employee, co-workers or the general public is considered at risk.
- 11.2 The Council recognises that this Policy must be carefully monitored to ensure it is being consistently and properly implemented and to measure its impact on the health, safety and welfare of employees. The HR Team is responsible for administering, monitoring and reviewing the operation of the policy.

**Guidance on the Effects of Drinking alcohol**

For many people, most of the time, drinking alcohol in moderation will not cause any problems. But drinking too much or at the wrong time can be harmful. Drinking alcohol at lunchtime before returning to work will most likely affect work performance and the effects of heavy drinking the previous night can last well into the next day.

Alcohol is absorbed into the bloodstream within a few minutes of being drunk and carried to all parts of the body, including the brain.

The concentration of alcohol in the body, known as the 'blood alcohol concentration' depends on many factors, but principally on how much you have drunk, how long you have been drinking, whether you have eaten, and your metabolism, stress levels, size and weight. It is difficult to know exactly how much is in your bloodstream or what effect it may have. Because of this there is no failsafe guide as to how much you can drink and stay under the limit with the only really safe option being not to drink any alcohol if you plan to drive

Even at blood alcohol concentrations lower than the legal drink/drive limit, alcohol reduces physical co-ordination and reaction speeds. It also affects judgement, thinking and mood. Alcohol affects the ability to drive safely as reaction times are impaired and the driver is less able to judge speed and distances

The legal alcohol limit for driving in the UK is 35 micrograms of alcohol per 100 millilitres of breath (or 80 milligrams of alcohol in 100 millilitres of blood). Driving under the influence of drugs - whether prescribed medication or illegal substances - is just as dangerous as driving under the influence of alcohol. It's also against the law.

Drugs can affect your mind and body in a variety of ways that mean you aren't able to drive safely. Not only that, the effects can last for hours or even days.

## **GUIDANCE FOR MANAGERS**

### **Identifying the Problem**

Alcohol/substance misuse can result in problematic behaviour, which affects work performance, including the ability to work safely. Some examples are illustrated below; these can also act as signs or symptoms of a problem:

- Patterns of absence – frequency/timing/“improbable” reasons.
- Poor timekeeping.
- Erratic/unacceptable behaviour.
- Deterioration in work performance.
- Mood swings.
- Unkempt appearance/other changes in physical appearance.
- Accident/injury.
- Deterioration of working relations

This is not an exhaustive list of the signs of a potential problem; cases will vary significantly. Similarly, these and other symptoms may occur but be wholly unconnected with alcohol or substance misuse.

It is a function and role of line management to be alert to possible changes in their employees, in terms of attendance at work; performance; changes in personality and behaviour.

Identifying potential problems ‘earlier’ rather than ‘later’ increases the chances of successfully resolving the matter, with less harm to an employee’s health and career. Wherever possible managers should encourage employees to acknowledge the situation/confide in their manager at the earliest opportunity.

### **Dealing with Alcohol/Substance Misuse**

Advice must be sought from the HR Team RHRat the earliest opportunity.

Each

case will need to be judged on an individual basis, depending on the circumstances, including the balance between discipline and support. Where disciplinary action is appropriate this will be under the Council’s existing procedures for dealing with conduct and capability issues.

As soon as a line manager is of the opinion that an employee is under the influence of alcohol or drugs that might be adversely affecting their performance, or whose behaviour may be the result of their misuse, he/she should carefully monitor the situation and keep, confidential records of work performance, attendance times etc, and all signs and symptoms of misuse. There may be occasions when monitoring over a period of time is not appropriate and more immediate action is necessary, such as not allowing the employee to continue working, in particular, where there is a risk to the

employee, or to other people who might be affected by the actions of that employee.

The incident could be an isolated one, or a pattern/routine which may indicate an addiction.

As early as possible the line manager should discuss the matter with the employee in private, with a member of HR.

If the employee is “under undue influence” of alcohol and/or substance use they should be instructed to leave the workplace until they are in a fit state to properly discuss the situation. Care should be taken to ensure that the individual does not drive and he/she may need to be “escorted” by an appropriate manager.

In some cases it will be necessary to refer the matter to the Occupational Department for advice. If so this should be done as soon as possible. However, viewing the matter as a health problem does not necessarily preclude disciplinary or other managerial action.

Apart from considering the details of the situation, factors that need to be taken into account when considering the above mentioned procedures include:

- whether the employee is in charge of machinery, vehicles etc.
- if the employee has direct contact with members of the public.
- the impact on work performance, colleagues, use of Council resources including computer equipment.
- whether the individual confides to a manager / acknowledges that he/she has a problem and needs help, which the Council would view as positive steps. Seeking help at an early stage may avoid the need for management to take disciplinary or related action.

These are only some examples as a particular situation will have many factors to consider, for further advice, please refer to HR at the earliest opportunity.

The individual may well need support and counselling depending on the circumstances. The Employee Care Scheme is available to all employees and offers an independent confidential support and counselling service.

Absence for treatment/rehabilitation will normally be in accordance with the Council’s Sickness Absence Policy, for further advice, please contact the HR Team.

There may be cases where the employee denies the existence of a problem and/or refuses medical referral. It should be noted that denial is often the norm and persuading the employee to move on from this can be extremely difficult. Sensitive efforts should be made to persuade and counsel the employee that they would seem to have a genuine problem, which unless treated, is likely to get worse.

If the employee still refuses to accept the existence of a problem, this in itself will not lead to disciplinary action, but this may have repercussions regarding how the problem is dealt with in terms of the disciplinary or capability procedures; again an Occupational Health referral should be made. It is a condition of service that an employee shall, if required by the Council at any time, submit to an examination by Occupational Health.

In the event of relapse after treatment, each case will be considered on its merits, taking into account medical or specialist opinion.

Ultimately, on the grounds of misconduct, or if the employee's health is so impaired that he/she is unable to achieve a satisfactory standard of work performance, there may be no alternative to dismissal.