

Corporate Policy and Strategy Committee

10.00am, Tuesday 14 June 2016

Workplace Policy on Alcohol, Drug and Substance Misuse

Item number 7.7
Report number
Executive/routine
Wards

Executive summary

This is an existing Council Policy, which provides a positive and constructive approach to dealing with employees' alcohol and substance misuse problems. It was recently reviewed and approved in December 2015, to ensure that it is still fit for purpose.

At that time, while approving the policy, elected members asked for advice for managers to be produced, outlining the action they can take when dealing with employees who are found under the influence of drugs, alcohol or other substances at the workplace. This is attached at appendix 2.

The Policy offers support to employees who seek help for alcohol or drug-related problems, the consequences for employees who do not seek help or who take drugs and alcohol in the workplace have been highlighted, in line with feedback from HR and Organisational Development colleagues, managers and the trades unions.

Links

Coalition pledges	P27
Council outcomes	CO27
Single Outcome Agreement	SO1

Workplace Policy on Alcohol, Drug and Substance Misuse

Recommendations

- 1.1 The Corporate Policy and Strategy Committee are asked to approve the new guidance for managers and note this report.

Background

- 2.1 The Workplace Policy on Alcohol, Drug and Substance Misuse was approved by the Corporate Policy and Strategy Committee on 1 December 2015. At that time, elected members asked for fuller guidance for managers to be produced, highlighting the action they can take when dealing with employees who are found under the influence of drugs, alcohol or other substances at work.

Main report

- 3.1 The guidance attached in Appendix 2, sets out the actions available to managers to take when they discover employees are under the influence of drugs, alcohol or other substances at work.
- 3.2 The policy itself aims to create a climate that encourages employees who may be misusing drugs or alcohol to come forward and seek help and provides a framework to enable instances of substance misuse by employees to be handled in an appropriate, fair and consistent manner. The guidance sits alongside this and supports managers when they find themselves dealing with incidents involving employees under the influence of drug, alcohol or other substances. A copy of the policy is attached at Appendix 1.

Measures of Success

- 4.1 Fewer instances of misuse of drugs and alcohol in the workplace, due to early management intervention and successful resolution.
- 4.2 Improved employee satisfaction, as drug and alcohol issues are dealt with consistently and fairly across the Council.

Financial impact

5.1 There are no costs associated with this procedure.

Risk, policy, compliance and governance impact

6.1 None.

Equalities impact

7.1 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010.

Sustainability impact

8.1 No impact.

Consultation and engagement

9.1 The additional guidance has been agreed with the Corporate Leadership Team (CLT) and Council Trades Unions. The policy itself is a Local Collective Agreement and has been similarly agreed. The policy and guidance will be placed on the Orb as well as the Council's external website.

Background reading/external references

None.

Hugh Dunn

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Links

Coalition pledges	P27: Seek to work in full partnership with Council staff and their representatives
Council outcomes	CO27: The Council supports, invests in and develops our people.
Single Outcome Agreement	SO1: Edinburgh's economy delivers increased investment, jobs and opportunities for all.
Appendices	Appendix 1 – Workplace Policy on Alcohol, Drug and Substance

Workplace Policy on Alcohol, Drug and Substance Misuse

Implementation date:

Control schedule

Approved by

Approval date

Senior Responsible Officer Katy Miller

Author Stewart Cassie

Scheduled for review Annually following Committee approval

Version control

Version	Date	Author	Comment
0.1	26 May 2016	Stewart Cassie	

Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
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Workplace Policy on Alcohol, Drug and Substance Misuse

Policy statement

- 1.1 The Council recognises that alcohol and drug misuse are primarily matters of health and social concern. As a responsible employer, the Council recognises the importance of having appropriate strategies and arrangements in place to help and support to employees.
- 1.2 The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have far-reaching effects on their personal and working lives. At work, alcohol or drug misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks. These risks concern not only the individual but also work colleagues, members of the public, contractors and service users. Furthermore, the effects of alcohol or drug misuse are likely to be detrimental to the organisation's reputation, image and its ability to deliver high-quality services.
- 1.3 The Council's aim is to provide a positive and constructive approach to dealing with the effects the misuse of alcohol and drugs have on employees and their performance in workplace. The policy encourages employees to take responsibility for their alcohol and drug related problems by offering support to employees through a range of options, whilst ensuring appropriate standards of attendance, conduct and performance are maintained.
- 1.4 The Council will provide support when an employee comes forward and asks for help. However, where an alcohol or drug-related problem has been identified and employees refuse support or fail to conclude the treatment they were given, then managers have the right to take all appropriate action, up to and including dismissal.
- 1.5 Where no alcohol or drug-related problem has been identified or it is found that employees have been taking drugs or alcohol at work or are under the influence of drugs or alcohol while undertaking their duties, again, appropriate action, up to and including dismissal, will be taken, in line with Council policy.
- 1.6 The Council is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. This Policy is designed to ensure that employees are aware the consequences, including the legal consequences, of their actions and of the risks associated with alcohol and drug misuse in the workplace.
- 1.7 The Council wants all managers to be aware that support is available online (see [Section 6](#) and [Section 7](#) below) and from HR to help them support and manage

employees who have declared an addiction and to take appropriate action where alcohol, drugs or other substances issues form part of a disciplinary investigation.

- 1.8 Managers should contact their HR Business Partner team for advice and assistance whenever they have to deal with any issues covered by this policy.
- 1.9 No employees should be under the influence of alcohol or drugs at work.

Scope

- 2.1 The Council defines substance misuse as the continual or intermittent use of alcohol or any drugs (including New Psychoactive Substances (NSPs), which adversely affects an employee's health and welfare, social interaction at work, conduct or work performance.
- 2.2 In this Policy, the term 'drugs' will include:
 - any illegal drugs (Class A, B, and C);
 - any prescription drugs (whether prescribed for self or others) which have been knowingly misused;
 - any over-the counter remedy or prescription drug taken in excess of the stated dose;
 - New Psychoactive Substances (NPS) previously referred to as legal highs, these can any substance which has had or is intended to have a psychoactive effect on the user;
 - any volatile substances or solvents, including lighter gas refills, aerosols, glues, paint thinners, and correcting fluids (other than where employees use these substances for their intended purpose as part of their job).
- 2.3 The policy applies to all employees, including chief officers, teachers, fixed-term employees and casual workers. Agency staff and contractors are also required to comply with this policy with any conduct issues being dealt with under their own organisation's policies, unless their contract specifies otherwise.

Definitions

- 3.1 See Appendix 1 for definitions.

Policy content

Background

- 4.1 The Health and Safety at Work etc Act 1974 and Misuse of Drugs Act 1971 place a duty of care on the Council to ensure the health, safety and welfare of all employees. The Health and Safety at Work Act also places a duty of care on employees to consider their own health and safety and that of their colleagues. This duty includes the need to address issues of alcohol and drug misuse in order to protect employees, their colleagues, and members of the public.

Identifying Alcohol or Drugs Problems

- 4.2 There are many ways in which alcohol or drug problems are discovered, for example:
- employees may tell their manager or a colleague that they have a problem;
 - managers, colleagues, service users or any other person can raise a concern about behaviour in the workplace; and
 - employees making a disclosure during our performance management or sickness absence processes.
- 4.3 Once a problem has been identified, the action taken will depend on the circumstances of the case. However, in all cases, staff with an alcohol or drug problem will be referred to Occupational Health. If Occupational Health finds that the employee has a dependency issue, the support mechanisms noted in Section 6, below, will normally be put in place.
- 4.4 If an employee is going through a disciplinary process, a performance management process or an attendance management process, and says their behaviour was a result of alcohol or drug dependency, the formal process will be put on hold until the employee has been assessed by Occupational Health. If the employee refuses to engage with Occupational Health, then the formal process will continue. If the employee is undergoing treatment or has been recommended for treatment, the process can continue while that is taking place, provided the employee is fit enough to take part in the process.
- 4.5 Employees can be subject to action under more than one procedure at the same time. Disciplinary, Managing Work Performance, Managing Attendance and any professional support (i.e. referral to a counselling agency) can all take place at the same time, if the particular circumstances of the case need that to happen.
- 4.6 If gross misconduct is alleged and established and the employee admits to alcohol or drug dependency, that will be taken into consideration as part of the disciplinary process and may require further medical advice being sought.

Where an Alcohol or Drug related problem is identified

- 4.7 Employees who:
- admit that they have an alcohol or drug problem; or
 - whose manager has identified that they have an issue; or
 - have had alcohol or drugs problems confirmed

will be treated as sensitively and as confidentially as possible. However, employees must be aware that it may be necessary to involve other line managers or Human Resources. Employees are encouraged to seek help from their GP, Occupational Health or other appropriate agencies.

- 4.8 Employees may attend agencies either by referring themselves or by being referred by Occupational Health or their GP. If employees are referred to agencies by Occupational Health, their managers will receive updates on their progress through the Occupational Health reports. Further information on the Occupational Health Service referral process is [available on the Council's Intranet](#).

- 4.9 If an employee is referred for counselling or treatment, this will not normally affect their ability to do their job unless:
- they are unfit to fulfil their job;
 - their being at work would be a health and safety risk;
 - there is a conflict between their job and the long-term resolution of a drug or alcohol problem.
- 4.10 If an employee needs a reasonable amount of time off work to attend a programme to help with their drug or alcohol problem, managers should make every effort to accommodate their request, in order to give the employee the support this Policy aims to provide, as detailed below.
- 4.11 If an employee has acknowledged that they have a drug or alcohol problem, the Council's offer to refer for help and treatment is made on the following basis:
- short-term absences can be covered by flexi-time; annual leave; temporarily changing shift patterns or working hours; use of TOIL; or unpaid leave;
 - if the treatment results in the employee being off work long-term, this will be considered to be sickness absence. The employee must cover the absence with medical certificates;
 - if the employee is absent from work while undergoing treatment or has had to stop doing certain duties while being treated, they will return to their substantive post and their full duties when the treatment is finished.
- 4.12 If the treatment has finished and has not been successful, the employee's manager will carry out a risk assessment to see whether the employee can return to their normal duties safely. If the employee is not able to do some of their normal duties, this will be considered as them being unable to fulfil their full contractual duties.
- 4.13 If employees' standard of work performance, attendance or conduct remains unsatisfactory after the treatment has finished, the employee will normally be subject to the Council's Managing Work Performance, Managing Attendance or Disciplinary procedures. This is also the case if similar issues occur once the treatment finishes.
- 4.14 If, following return to employment during or after treatment, work performance, absence levels or conduct is again affected as a result of alcohol or drug-related problems, each case will be considered on its own merits. In exceptional circumstances, a further opportunity for assistance and treatment may be offered. In this respect, advice will be sought from the Occupational Health Service.
- 4.15 A programme of support/treatment does not, however, remove the requirement for employees to be able to competently undertake the contractual duties of their post free from the adverse effects of alcohol or drugs.
- 4.16 No employees should be under the influence of alcohol or drugs at work and should not consume alcohol or drugs at work. See Section 4.21 and 4.22 below.

Where support is refused

- 4.17 If an employee has a dependency issue but refuses help, they will normally be subject to the Council's Disciplinary or the Managing Work Performance Procedures as appropriate.
- 4.18 This applies in situations where the employee:

- denies that alcohol or drug misuse is the cause of their problems;
- does not accept the offer of referral for assessment or a programme of treatment;
- stops a programme of treatment before it has ended satisfactorily; or
- continues to underperform once the treatment has finished.

No Alcohol or Drug problem

- 4.19 If an employee who does not have an alcohol or drug-related problem is found to be unfit to do their job due to consumption of drugs or alcohol, they will be sent home for the rest of that working day. This also applies to employees who become unfit while at work, having initially appeared fit for work. If necessary, they may be accompanied if it is judged that they are not capable of making their way home on their own. The matter will be dealt with in accordance with the Council's Disciplinary Procedure when the employee is fit to return to work. The employee will be paid for the remainder of the day.
- 4.20 If Occupational Health indicate there is not a dependency issue and the employee confirms there is not a dependency issue, then the situation will be managed under the Council's Disciplinary Procedure.

Alcohol and Drugs in the Workplace

- 4.21 Employees are not allowed to consume alcohol or drugs in the workplace during normal working hours. Exceptionally, alcohol may be permitted as part of an approved workplace event, such as retirements or other notable events. These events should be held outwith normal working hours and must be approved by the Chief Executive or an appropriate service area Director.
- 4.22 Employees need to be aware that if they have consumed alcohol in their own time, then they may be unfit for work and may be asked to go home. Managers will take appropriate action once the employee returns to work.
- 4.23 Many over-the-counter medical remedies and prescription drugs can have side effects which can impair an individual's performance and ability to carry out their work in a safe manner. Employees are responsible for checking with their GP or pharmacist whether the medication they are taking has the potential to cause any such impairment and to inform their manager accordingly.

Implementation

- 5.1 Senior management are responsible for cascading this information to their management teams and ensuring that it is brought to the attention of all employees in their service area. This policy forms part of the induction programme for all new employees.
- 5.2 In addition, the Council will provide employees with information on the adverse health effects of alcohol and drugs and information on sensible drinking as part

of ongoing health and wellbeing activities.

Roles and responsibilities

- 6.1 Line managers are responsible for enforcing this policy. Support and advice is available from Human Resources. [There is information on the Orb](#) for managers on how to initiate potentially difficult conversations. There is also an e-learning module on CECiL called Advanced Communication which gives advice on skills and techniques to help with assertive conversations.
- 6.2 Training is available to assist managers in how to recognise alcohol and drug problems, so that these can be addressed in a consistent manner across the Council. Details are available from the Council's Learning and Development Team. There is also an information sheet for managers, advising on help and support available.

Related documents

- 7.1 [Workplace Policy on Alcohol, Drug and Substance Misuse Toolkit](#)
- 7.2 [Information Sheet on Alcohol Abuse](#)
- 7.3 [Information Sheet on Drug Abuse](#)

Equalities impact

- 8.1 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010.

Sustainability impact

- 9.1 No impact.

Risk assessment

- 10.1 There is no risk associated with this policy.

Review

- 11.1 This policy will be reviewed annually.

Workplace Policy on Alcohol, Drug and Substance Misuse

Definitions

Intoxicating substance	A substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquillisers, anti-depressants, over-the-counter medicines), solvents, glue, lighter fuel.
Controlled drugs	Drugs covered by the Misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.
Substance misuse	Use of an intoxicating substance or some other substances that harms health, physical, psychological, social or work performance but without dependency being present
Dependency	A compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).
Addiction	A state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.

WORKPLACE POLICY ON ALCOHOL, DRUGS AND SUBSTANCE MISUSE – SUPPLEMENTARY GUIDANCE

1. The purpose of this document is to provide guidance to managers on how to deal with employees where the manager suspects they may be under the influence of drugs, alcohol or other substances in the workplace.
2. In any case involving alcohol, drugs or substance misuse in the workplace, managers should contact either the HR & Payroll Service Centre or their HR Business Partner team for advice and guidance in the first instance. HR should also be contacted for advice on whether any other authority should be alerted to the situation, including the Police.
3. If a manager feels that an employee is under the influence of alcohol, drugs or other substances in the workplace and unfit to do their job, then the employee should be sent home. If the employee is unable to make their own way home, they should be accompanied home or an emergency contact called to pick them up. When the employee returns to work, the matter should be investigated as a disciplinary matter.
4. It is appreciated that it may be difficult for managers to deal with cases involving alcohol, drugs or other substances. There is help for managers on how to initiate potentially difficult conversations on the Orb (see links below). There is also an e-learning module on CECiL called Advanced Communication which gives advice on skills and techniques to help with assertive conversations.
5. Training is available to assist managers in how to recognise alcohol and drug problems, so that these can be addressed in a consistent manner across the Council. Details are available from the Council's Learning and Development Team.
6. As well as the information in this document, managers should also look at the following documents for further advice and information:
 - [Workplace Policy on Alcohol, Drug and Substance Misuse Toolkit](#)
 - [Information Sheet on Alcohol Abuse](#)
 - [Information Sheet on Drug Abuse](#)
 - [How to manage difficult conversations](#)