

Drugs and Alcohol Policy

**EAST AYRSHIRE LEISURE**

**DRUGS & ALCOHOL POLICY**

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**SECTION 1**  **INTRODUCTION**

**1. INTRODUCTION**

**1.1** This policy is designed to encourage and promote the health, safety and welfare of all employees and complements the East Ayrshire Leisure’s Health and Safety Policy. East Ayrshire Leisure acknowledges its duty of care to employees under the Health and Safety at Work etc. Act 1974 and The Misuse of Drugs Act 1971.

**1.2** East Ayrshire Leisure is committed to its responsibilities as a good employer for ensuring, so far as is reasonably practicable, the health, safety and welfare of its employees at work; and any other person whether employed or otherwise, along with the community at large who may be affected by the activities, operations or statutory undertakings of East Ayrshire Leisure.

**1.3** This policy provides a framework for dealing in an appropriate and supportive manner with employees whose use of alcohol or drugs has a detrimental effect on their health, work performance, conduct, attendance and health and safety at work.

**1.4** This policy also links to our commitment to the Healthy Working Lives programme which provides a positive framework for supporting and promoting employees’ health and wellbeing.

**2. GENERAL PRINCIPLES**

**2.1** The Policy aims to:

* raise awareness amongst employees of the dangers of alcohol/drug/substance abuse
* encourage employees who are experiencing alcohol and drug related problems to seek help at the earliest opportunity
* inform employees of the facilities and agencies that are available for them to access if they have an addiction related problem
* enable East Ayrshire Leisure to identify, help and rehabilitate employees who have work problems related to alcohol and drugs
* reduce the incidence of alcohol/drug/substance abuse related impairment amongst East Ayrshire Leisure employees

**2.2** The Policy applies to all employees of East Ayrshire Leisure.

**2.3** The policy does not remove any provisions afforded to employees under their contracts of employment or under existing legislation.

**2.4** Professional help will be made available to employees who are identified as having an addiction related problem. Employees are encouraged to seek help and undergo any recommended recovery treatment programme.

**2.5** The Policy provides an opportunity for employees to receive appropriate assistance, advice or treatment to enable them to address their addiction related problems which affect their physical, social, psychological and general wellbeing whilst remaining in East Ayrshire Leisure’s employment.

**2.6** The Policy will apply to employees who have an addiction related problem i.e. a problem which is the consequence of the continuous or intermittent use of alcohol/drugs or some other substance which has led to dependence and/or harm and which is adversely affecting that employee’s work performance and/or conduct.

**2.7** Where employees report to work or are found to be under the influence of alcohol or drugs during the course of their duties these matters will be dealt with under East Ayrshire Leisure’s Disciplinary Policy & Procedures.

**3. RESPONSIBILITIES**

**3.1** In order to ensure fair and consistent application of the Policy, all parties have responsibilities as follows:-

**East Ayrshire Leisure**

* Is responsible for the health, safety and welfare of its employees.
* Is committed to the identification, assessment and management of work related health risks.
* Will promote health initiatives through the Healthy Working Lives Programme, assisted by the Occupational Health Service, which is aimed at providing employees with support in maintaining good health.

**Managers**

* Should implement and communicate the Policy to employees.
* Should offer encouragement and assistance to employees who they suspect or know that they have an addiction related problem to seek help voluntarily at an early stage.
* Should be responsible for employee’s welfare and support employees who are undergoing a recovery treatment programme.

**Employees**

* Should familiarise themselves with the contents of the Policy.
* Should report for duty and remain throughout the working day in a fit and safe condition to undertake their duties.
* Should encourage fellow employees who they suspect or know have an addiction related problem to seek help.
* Have a responsibility for their own health and safety and that of others at work and therefore if another employee’s actions or behaviour compromises this because of the influence of alcohol/drugs/other substances, it should be brought to the attention of their Line Manager/Human Resources.

**East Ayrshire Council, Human Resources**

* Will provide advice and guidance on welfare issues.
* Will provide support and information to managers and employees as necessary.
* Will maintain, review and update the Policy in line with the Policy review schedule.

**External Referral Agencies**

* Will support employees by investigating the nature of the problem and where appropriate will arrange a recovery treatment programme suited to the needs of the individual.
* Will assist, as appropriate, in any training and information initiatives determined by East Ayrshire Leisure.
* Will keep East Ayrshire Leisure up to date with relevant best practice relating to addiction issues.

**4. DEFINITIONS**

**4.1** The terms stated below will have the following definitions in the context of this Policy and its application:

* Manager is any employee who has managerial and supervisory responsibilities for employees.
* An alcohol related problem is any consumption of alcohol which interferes, either intermittently or continuously, with an employee’s health, safety, welfare and performance in any aspect of their employment or personal life.
* A drug related problem is defined as any use of drugs which interferes either intermittently or continuously, with an employee’s health, safety, welfare and performance in any aspect of their employment or personal life.

* A drug is a substance which alters the way in which the body or mind works. The term drug applies to drugs controlled under the Misuse of Drugs Act 1971 and the Psychoactive Substances Act 2016, prescribed drugs, over-the-counter medication and solvents.

* Drug misuse is the use of illegal drugs and the misuse, whether deliberate or unintentional of prescribed drugs, over-the-counter medication, solvents and psychoactive substances.
* Substance abuse is the use of solvents, either intermittently or continuously, in an excessive, habitual or harmful way.

**SECTION 2**  **KEY ISSUES**

**5. PROBLEMS OF ADDICTION**

**5.1** Within society, increasing numbers of people find themselves in difficulty by developing an addiction or dependence problem which results in increased levels of absence from work; reduced efficiency at work and breakdowns in working and personal relationships.

**5.2** The strain of managing an addiction can seriously damage a person’s work and relationships. In the case of substance abuse (for example drugs), an addiction can have serious psychological and physical effects.

**5.3** Being addicted to something means that not having it causes withdrawal symptoms or a ‘come down’ and as this can be unpleasant, it's easier to carry on having or doing what the individual craves, and so the cycle continues. Often, an addiction gets out of control because an individual needs more and more to satisfy a craving and achieve the ‘high’.

**6. ACTION BY COLLEAGUES**

**6.1** It is likely that an employee with an alcohol or substances problem will come to colleagues’ notice through observing changed behaviour or through inadequate or deteriorating work performance. We all have a responsibility to offer help and support as soon as possible, as prompt action carries the best chance for treatment to be effective.

**6.2** The first approach should normally be for colleagues to encourage the employee to recognise their problem and to seek assistance, either through their GP or through the Occupational Health Service. If this fails, colleagues are encouraged to advise management, Human Resources or their Trade Union Representative who will observe confidence in dealing with the information provided. If this is done timeously, it is far more likely that the treatment will be effective.

**7. ALCOHOL AND MISUSE OF DRUGS**

**7.1** Employees must not consume alcohol during their working hours including paid or unpaid breaks.

**7.2** Employees must not take illegal drugs or misuse prescription or non-prescription drugs during their working hours including paid or unpaid breaks.

**7.3** The consumption of alcohol and misuse of drugs and the dependency that these can create can adversely affect an employee’s health and their work performance in terms of safety, efficiency, productivity and attendance. In addition, it can have a detrimental effect on the employee’s relationships with their work colleagues, family and friends.

**7.4** The effects of alcohol and/or misuse of drugs should be eliminated from the workplace given the very significant implications they have in relation to increased health and safety risks. The consumption of alcohol and/or misuse of drugs, even in small quantities, can seriously impair an employee’s coordination, vision, reaction times and vigilance. This can have serious adverse effects on an employee’s ability to safeguard their own safety, the safety of other employees, clients of East Ayrshire Leisure and the general public.

**7.5** Every employee has a personal responsibility to ensure that their ability to undertake their duties in a safe and satisfactory manner is not impeded by alcohol consumption or drug use.

**7.6** Employees who are experiencing problems with alcohol or drugs will be encouraged to come forward to their Manager, Human Resources or Trade Union Representative. They will have the opportunity of self-referral to Occupational Health, Counselling Service and/or the appropriate agency where they will receive the relevant support and assistance, as necessary, to overcome their problems.

**7.7** Employees can be accompanied by their Trade Union Representative or work colleague as appropriate during any discussions with their Manager relating to the support and assistance being offered by East Ayrshire Leisure to the employee concerned.

**7.8** East Ayrshire Leisure reserves the right to report to the Police all incidents involving the supply or taking of illegal drugs by employees during normal working hours as required under the Misuse of Drugs Act 1971 (as amended) and may decide to take action whether or not the relevant Authorities decide to prosecute.

**8. PRESCRIBED AND OVER THE COUNTER MEDICATION**

**8.1** Prescribed or over the counter medications can have side effects which may, sometimes seriously, contribute towards an employee not being able to safely carry out the duties of their post.

**8.2** An employee when taking medication should ask their Doctor or Pharmacist whether the medication they have been prescribed could adversely affect their ability to safely carry out their duties. If they are specifically advised that there could be an impact e.g. unable to drive or operate machinery then they should discuss this with their Manager. Further advice can then be sought from the Occupational Health Service as to an appropriate course of action.

**8.3** If an employee experiences any adverse side effects, such as drowsiness, arising from a prescribed or over the counter medication during their normal working hours then they should inform their Manager immediately.

**9. SUBSTANCE ABUSE**

**9.1** Substance abuse is when an individual inhales substances such as glue, aerosols, paint or lighter fuel, to give them a feeling of intoxication.

**9.2** As with misuse of alcohol and drugs, substance abuse can have a detrimental impact on an employee’s health and wellbeing, attendance, performance, conduct and working relationships.

**9.3** Appropriate support and assistance will be given to employees to recover from their dependency problem with a relevant treatment programme being developed and agreed with them.

**10. ALCOHOL AND DRUG TESTING**

**10.1** Where a Manager has reasonable cause to suspect that an employee is under the influence of alcohol or drugs while at work, arrangements can be made for an alcohol and drugs test to be carried out. Signs that managers should be aware of include reduced work performance, physical signs such as smelling of alcohol and personality changes. Testing may also be appropriate following an incident or accident in the workplace where a Manager has reason to suspect that an employee involved has been under the influence of alcohol or drugs. The Drugs & Alcohol Testing Protocol is attached at Appendix 1.

**10.2** Managers should remove the employee from the job role in the first instance and discuss with them their concerns in a private setting to establish whether there is a reasonable explanation for the behaviour. It may also be appropriate to request that another Manager or Supervisor is present during this discussion to agree whether or not there is “reasonable cause” to suspect that the employee is under the influence of drugs or alcohol. The employee may be accompanied by a Trade Union Representative or work colleague if available at that time.

**10.3** Managers should seek immediate advice from a Human Resources Officer who will arrange, when agreed appropriate, for an alcohol and drugs test to be carried out. In exceptional circumstances where the support is not available managers must seek advice from the provider.

**10.4** Testing will be carried out by a fully accredited independent specialist provider in conjunction with the Occupational Health Service. A Technician will normally attend the workplace within 2 hours of contact to undertake the test.

**10.5** Following the test, the Technician will advise the Manager immediately of any positive results. There are also further laboratory tests which are carried out with results provided within 48 hours via Occupational Health who will highlight any issues to Managers and provide appropriate medical advice on the results.

**10.6** Managers should discuss the results with the employee and a Human Resources Officer. Where there is a positive result without reasonable explanation or an employee refuses to undertake the test, disciplinary action may be appropriate. Where it is identified that the employee may have an addiction related problem, a referral should be made to the relevant external agency in accordance with the procedure referred to in Section 4 of the Policy in the first instance prior to consideration being given to any disciplinary action.

**SECTION 3 SUPPORT MEASURES**

**11. OCCUPATIONAL HEALTH SERVICE**

**11.1** To assist in maintaining the health, safety and welfare of its employees, East Ayrshire Leisure has in place an Occupational Health Service. The Occupational Health Service in partnership with East Ayrshire Leisure aims to prevent employees from being made ill through work; helps employees who are ill to return to work; develops health initiatives and workplace health surveillance programmes. The maintenance of confidentiality towards employees forms a fundamental part of this service.

**11.2** Additional information on the Occupational Health Service is available from the Human Resources Service or can be viewed on East Ayrshire Council’s Intranet Site.

**12. COUNSELLING SERVICES**

**12.1** Employees have access to an independent, external counselling service which provides free counselling support to individual employees who are experiencing personal or work related problems.

**12.2** This service is independent of Employer/Trade Union influence and is entirely confidential. There are two methods of referral – Self Referral and Management Referral. For further information please contact your Human Resources Officer.

**13. WORKLIFE BALANCE**

**13.1** East Ayrshire Leisure has in place a number of Work Life Balance Policies to enable employees to balance their work and home life including Career Break; Homeworking and Flexible Working. Copies of the various Policies are available from Human Resources or can be viewed on East Ayrshire Leisure’s Intranet Site.

**14. HELPLINES**

**14.1** Human Resources has a list of appropriate Support Agencies and Helplines where contact can be made to assist employees to deal with their addiction. These include Drugscope; Luke and Marcus Trust, www.drinkaware.co.uk, Youthnet UK and others.

**SECTION 4 REFERRAL AGENCIES**

**15. REFERRALS**

**15.1** Referrals will be made to a relevant external Agency that has specialism to deal with the problem concerned as it is recognised that neither management nor Trade Union Representatives are qualified to diagnose addiction related problems. The Referral Agency will assess the nature and extent of any problem and, where appropriate, recommend a recovery programme.

**15.2** The Referral Agency is independent of Employer/Trade Union influence and operates outwith the work environment.

**15.3** Human Resources has a list of appropriate Referral Agencies where contact can be made to assist employees to deal with their particular issue or problem.

**16. TYPES OF REFERRAL**

**16.1** Where it has been determined that an employee may have an addiction related problem then referral to the relevant Agency can be made in the following ways:-

**Self-Referral**

This occurs where an employee approaches the relevant Agency direct. The employee then makes arrangements to undergo a programme of treatment in their own time. Such a referral will be confidential between the employee and the Agency and Management will have no knowledge or involvement.

**Management Referral**

This occurs when management refers an employee to the relevant Agency for initial assessment and possible treatment/counselling etc. The employee will be granted time off with pay to attend a programme of treatment/counselling and the Agency will provide confidential written reports to management with regard to the progress of the employee. Management referral may take place when an employee who has an addiction problem makes an approach to management to arrange an appointment for them.

or

Employees who come to the attention of management through deterioration in attendance, work performance or behaviour associated with an apparent addiction problem will be encouraged by management to immediately seek assistance from the relevant Agency.

**Disciplinary Referral**

This occurs, where it emerges in the course of disciplinary action, that the conduct of an employee may be affected by the misuse of alcohol/drugs/substance abuse and that the employee claims that the reason for their misconduct, poor performance or unsatisfactory attendance is that they have a relevant addiction related problem.

In such circumstances, the Disciplinary Hearing will be concluded in the normal manner and appropriate action determined. The employee will then be referred to the relevant Agency who will provide advice whether or not the alleged offence is directly attributable to a related problem. The employee will be advised that the proposed disciplinary action will be held in abeyance pending a view from the Agency.

If the Agency advises that the employee has a related problem and the employee agrees to complete the recommended recovery programme then the employee will be further advised that the disciplinary action will be held in abeyance pending the satisfactory completion of the programme.

If the Agency determine that the employee does not have a problem, and that a recovery programme would not be appropriate, then the disciplinary action originally proposed will be confirmed and implemented.

Employees can be accompanied by their Trade Union Representative or work colleague as appropriate during any discussions with their Manager relating to the support and assistance being offered by East Ayrshire Leisure to the employee concerned.

**16.2** Employees will be granted the necessary time off with pay to attend the relevant Agency to undergo a recovery programme except in respect of Self-Referrals as employees will be attending in their own time as management will not be aware of the Self-Referral.

**17. TREATMENT PROGRAMME (Management/Disciplinary Referrals)**

**17.1** As well as obtaining medical advice, the Manager will normally discuss the treatment programme with the employee and their Human Resources Officer before deciding a reasonable time frame for the employee to complete the treatment programme.

**17.2** The Manager must show that, bearing in mind all the circumstances, the timescale allowed was reasonable. Relevant considerations will include:

* the employee’s willingness and commitment to obtaining treatment
* the estimated duration of any absence during treatment
* the urgency to have the employee’s work done
* the ease of providing cover or reassigning duties
* the availability of support agencies
* the detail of the treatment programme

**17.3** Line Managers will receive, from the support agency, regular progress reports on employees who are undergoing treatment.

**17.4** A Consent Form which the employee should complete agreeing to be referred to the nominated support agencies is attached as Appendix 2.

**18. RELAPSES**

**18.1** East Ayrshire Leisure recognises the possibility of relapse. If this occurs, and if appropriate, the same procedures of support may be offered to the employee at management discretion and depending on the circumstances of each case. If subsequently, an employee appears incapable of dealing with the addiction related problem then management will take steps to deal with the matter under East Ayrshire Leisure’s Disciplinary Policy and Procedures on the grounds of capability and/or conduct, where appropriate.

**19. NON COMPLIANCE/ RECOVERY UNLIKELY**

**19.1** An employee who denies that they have an addiction problem and declines to accept assistance or treatment, or discontinues a course of treatment before its satisfactory conclusion may be subject to the deferred disciplinary action under East Ayrshire Leisure’s Disciplinary Policy and Procedures, as appropriate.

**19.2** Any work performance or conduct problems will be addressed in the normal way without any special consideration being given to the possible existence of a problem.

**19.3** If, after an employee has received treatment, recovery seems unlikely, East Ayrshire Leisure will have to consider the most appropriate course of action to resolve the situation. In such cases, dismissal may result after a clear warning has been given to the employee beforehand and a full medical investigation has been undertaken.

**SECTION 5 OTHER ISSUES**

**20. EQUALITY ACT 2010**

**20.1** Where a long term illness affects an employee’s ability to carry out day-to-day activities then the provisions of the Equality Act 2010 should be considered. The Act does not provide a list of impairments that are covered but instead considers the effects of impairment on a person.

**20.2** An employee has a disability if they have a physical or mental impairment, which has a substantial and long term adverse effect on their ability to carry out normal day to day activities. An impairment is long term if it has lasted or is likely to last, at least 12 months**.**

**20.3** Equality law recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker. This is the duty to make reasonable adjustments.

**20.4** The duty to make reasonable adjustments aims to make sure that a disabled person has the same access to everything that is involved in getting and doing a job as a non-disabled person as far as is reasonable. When the duty arises, East Ayrshire Leisure is under a positive and proactive duty to take steps to remove or reduce or prevent the obstacles a disabled worker or applicant faces.

**20.5** The Occupational Health Service should be consulted when determining whether or not an employee is a disabled person in terms of the Equality Act 2010.

**21. REDEPLOYMENT/ TRANSFER**

**21.1** While an employee is undertaking a recovery treatment programme, all efforts will be made to enable the employee to remain in their current post. However, there may be occasions where continuing in the same job could undermine the employee’s ability to return to a satisfactory level of performance or could have adverse safety implications or it is mutually agreed that a change would be beneficial. In such circumstances, a transfer to suitable alternative post on a temporary basis should be considered.

**21.2** East Ayrshire Leisure recognises that there may be occasions when colleagues may feel anxious during the course of the treatment and rehabilitation of a fellow employee with an addiction related problem. East Ayrshire Leisure will offer appropriate support and assistance to such employees e.g. counselling and/or referral to Occupational Health.

**22. CONFIDENTIALITY**

**22.1** Confidentiality will be maintained by all parties when dealing with an employee’s addiction related problem. The confidential nature of employees’ personnel records will be strictly maintained at all times.

**23. TRAINING AND HEALTH EDUCATION PROGRAMMES**

**23.1** East Ayrshire Leisure will provide, when appropriate, relevant training as well as health education programmes aimed at making employees aware of the issues relating to addiction and encouraging employees to avoid the abuse of any harmful substances or excessive alcohol consumption.

**23.2** East Ayrshire Leisure participates in the Healthy Working Lives Programme which encompasses a wide range of topics enabling organisations to select those that are most relevant to the workforce, including health promotion; occupational health and safety; health and the environment; mental health and well-being, community involvement and employability.

**23.3** To support theHealthy Working Lives Programme, East Ayrshire Leisure will:

* identify and support the health and safety needs of our employees through the provision of information and organising awareness-raising activities
* promote topics such as healthy eating and physical activity
* publicise the health implications of excessive alcohol consumption
* publicise the dangers of drug and substance abuse
* support employees' attendance and reducing sickness absence
* address mental health and well-being issues***,*** including stress
* promote wider community health and well-being
* develop support for employability

**24. ADVICE AND GUIDANCE**

* 1. **Employees can obtain advice and guidance on the issues detailed in the Policy from:**

* EAC Human Resources Officers
* Trade Union Representative
* Occupational Health Service
* Relevant Referral Agency
* Support Agency

**25. REVIEW**

The Policy and Procedures will be subject to an annual desktop review to assess whether a more detailed review is required. The desktop review will take account of operational experience or impending legislative changes.

**Record of Change**

|  |  |
| --- | --- |
| **Date Reviewed** | **Date of next review** |
| Aug 2020 | Aug 2021 |

Appendix 1

**DRUGS & ALCOHOL TESTING PROTOCOL**

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| --- |
| If manager suspects employee is under the influence of drugs and/or alcohol then the employee should be removed from job role to discuss manager’s concerns in a private setting. The employee may be accompanied by a Trade Union representative or work colleague available at the time. |

|  |
| --- |
| Manager should seek immediate advice from EAC Human Resources who will arrange, when agreed appropriate, for a test to be carried out. In exceptional circumstances where support is not available manager must seek advice from the provider. The provider is available 24 hours per day, 7 days per week. In circumstances where a drug or alcohol problem is identified then testing may not be appropriate and support would be provided in accordance with the policy. |

|  |
| --- |
| Contact details and site address should be provided. Technician will arrive on site at an appropriate location normally within 2 hours of being contacted. |

|  |
| --- |
| Technician will arrive on site and carry out test and inform manager immediately of any positive result. The test involves a urine sample from the employee. Sample is then sent to laboratory and detailed results are sent to provider within 48 hours. |

|  |
| --- |
| Provider will advise employer immediately of any issues. Certificates outlining testing results will be issued within 7 days. |

|  |
| --- |
| Manager will discuss results with employee and HR. Where there is a positive result without reasonable explanation or where an employee refuses to take the test, disciplinary action may be appropriate under East Ayrshire Leisure’s Disciplinary Policy. **No further action will be taken for an employee who tests positive but a reasonable explanation is given by the provider.** |

**EAST AYRSHIRE LEISURE**

Appendix 2

**DRUG/ALCOHOL POLICY TREATMENT PROGRAMME**

**CONSENT FORM**

I, ..................................................................................... agree that I will undertake the treatment programme as outlined below through the Occupational Health Service of East Ayrshire Leisure.

I will agree to be referred to the following support agencies:

............................................................................................................................

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I will give my consent for the Occupational Health Service to request regular reports from those support agencies.

I give my consent for the Occupational Health Service to report on my regular progress to EAC Human Resources and my line manager.

I understand that all information so gained will be kept confidential between myself and the Occupational Health Service but that I give them permission to summarise my progress to EAC Human

Resources Service and line manager on a regular basis.

I agree to keep all my appointments necessary to assist with my recovery and treatment programme. I understand that EAC Human Resources Service and my line manager will be informed of any missed appointments and that subsequently, disciplinary action may be taken where appropriate.

Signed ..................................................

Date .............................

Designation ...................................................

Service ................................