



East Northamptonshire Council

Personnel Sub Committee - 21 July 2009

OD Policies - Workplace Drugs and Alcohol Policy & Procedure

Summary

This report seeks approval to a new OD Policy and Procedure on Workplace Drugs and Alcohol

Attachment(s)

Workplace Drugs and Alcohol Policy and Procedure

1. The Workplace Drugs and Alcohol Policy and Procedure has been developed to meet legal requirements and ensure the Council follows best practice in relation to managing workplace drugs and alcohol issues.

It provides information about:

- The Council's policy on the use of drugs and alcohol in the workplace.
- How people who work for the Council can get support with drugs and/or alcohol problems.
- What will happen if people who work for the Council do not comply with the policy.
- What constitutes gross misconduct under the policy.

2. Councillors are asked to approve the policy and procedure.

Implications

Corporate Outcomes or Other Policy/Priority/Strategy

Good Quality of Life	<input type="checkbox"/>	Good Reputation	<input checked="" type="checkbox"/>
Good Value for Money	<input type="checkbox"/>	High Quality Service Delivery	<input type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/>	Strong Community Leadership	<input type="checkbox"/>
Effective Management	<input checked="" type="checkbox"/>	Knowledge of our Customers and Communities	<input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours			<input checked="" type="checkbox"/>
Other:			<input type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval			<input type="checkbox"/>

	There are no financial implications at this stage	<input checked="" type="checkbox"/>
	There will be financial implications – see paragraph	<input type="checkbox"/>
Financial	There is provision within existing budget	<input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date	<input type="checkbox"/>
	Decisions may have potential for income generation	<input type="checkbox"/>

Risk Management	An assessment has been carried out and there are no material risks	<input checked="" type="checkbox"/>
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	Material risks exist and these are recorded at Risk Register Reference -	<input type="checkbox"/>
Staff	There are no additional staffing implications	<input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph	<input type="checkbox"/>
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications	<input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph	<input type="checkbox"/>
Legal	Power: Local Government Act 1972	
	Other considerations:	

Background Papers: None

Person Originating Report: Katy Everitt, Head of Organisational Development Tel: 01832 742120

Date: 10 July 2009

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(Committee Report Normal Rev. 15)



East
Northamptonshire
Council

Workplace Drugs and Alcohol Policy and Procedure



Preventing and managing drug and alcohol misuse
by East Northamptonshire Council employees

Document Version Control

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Change History

Issue	Date	Comments
1.0	27 May 2009	Issued to UNISON, Heads of Service for feedback.
2.0	08 July 2009	Issued to UNISON, Heads of Service for feedback

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners /Organisation(s)
Heads of Service	
JCF	
Unison	
SMT	
Personnel Sub-Committee	

Distribution List

Internal	External
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All employees	

Links to other documents

Document	Link
Disciplinary Policy and Procedure	
Grievance Policy and Procedure	
Code of Conduct	
Knowledge, Skills and Behaviours	

Additional Comments to note

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1.0 Introduction

1.1 The Council aims to be an excellent employer and achieve the highest possible standard of health and safety for its employees, visitors and customers. This policy and procedure sets out what the Council's policy is on the use of drugs and alcohol by its employees and people who work for the Council.

2.0 Statement of Intent

2.1 The Workplace Drugs and Alcohol Policy and Procedure aims to contribute to the Council having an excellent reputation with its customers and a safe, healthy and productive work environment by:

- Preventing drug and alcohol problems through raising employee awareness.
- Encouraging employees with drug and/or alcohol problems to seek help at the earliest opportunity.
- Offering support to employees who have a drug and/or alcohol problem.
- Explaining how misuse of drugs and/or alcohol may lead to formal action being taken against an employee including dismissal from employment.

3.0 Scope

3.1 This policy and procedure applies to all employees of the Council including permanent, fixed-term, temporary and casual employees. The Council's policy on the use of drugs and alcohol must also be followed by agency employees, contractors and consultants.

4.0 Outcomes

4.1 The outcomes to be delivered by this policy and procedure and the links to the Council's corporate outcomes are as follows:

4.2

Workplace Drugs and Alcohol Policy and Procedure outcomes	Links to corporate outcomes
<ul style="list-style-type: none">• Individuals achieve and maintain acceptable standards of behaviour.• Individuals do not undertake work for the Council whilst they are under the influence of drugs and/or alcohol.• Individuals know where they can get support and advice from on drug and alcohol related issues.• Individuals are treated fairly and consistently.• Disciplinary action is only taken against employees when a full and careful investigation of the facts has been undertaken.	<ul style="list-style-type: none">• Effective Management• Employees with the right knowledge, skills and behaviours

5.0 Responsibilities

5.1 All employees have a personal responsibility to comply with this policy and make sure that they take care of their own, and others, health and safety. If an employee has a concern about another employee's health and safety they should report it to their manager. An employee's personal responsibility includes:

- Getting professional help at the earliest opportunity if they have a drugs and/or alcohol problem.
- Telling their manager if they are concerned about the health or welfare of another employee.
- Notifying their manager if they are taking medication which could affect their ability to work safely.

5.2 In addition, all managers have a responsibility to make the Workplace Drugs and Alcohol Policy and Procedure available to all individuals who work for the Council and:

- Effectively manage workplace drugs and alcohol problems.
- Get advice from Organisational Development on how to manage drugs and alcohol problems.
- Provide support to employees who undertake a treatment programme for drugs and/or alcohol problems.

6.0 Definitions – Drugs and Alcohol Problems

6.1 Drugs and alcohol problems in the context of this policy and procedure are defined as:

“The habitual or intermittent use of alcohol or any drug or other substance which causes detriment to the individual's health, social functioning or study/work performance. It can often impair safety of themselves or others and affect attendance, time keeping, efficiency or conduct. Problems also include the possession, use or supply of illegal drugs”.

6.2 This policy and procedures relates to all:

- Illegal drugs (controlled by the Misuse of Drugs Act, 1971). Class A includes cocaine and morphine, Class B includes amphetamines, barbiturates and cannabis and Class C includes anabolic steroids.
- Legal drugs including alcohol, volatile substances (those giving off gas vapors that can be inhaled), ketamine, khat and amyl nitrates (known as poppers).
- Over the counter and prescription medicines.

6.3 It does not include the use of tobacco which is covered by the Council's Smoking Policy and Procedure.

7.0 The Council's Policy on the Use of Drugs and Alcohol

7.1 The Council has a zero tolerance policy on the use of drugs and alcohol in the workplace. That means all individuals who work for the Council are expected to turn up for work with no drugs or alcohol present in their body.

- 7.2 The only exception to this is over the counter and prescription medication which must be used as prescribed. Individuals using over the counter and prescription medication must consult with their doctor or a pharmacist to make sure the drugs will not affect their safety at work. If they think they might affect them, they should discuss it with their manager.
- 7.3 In general alcohol is not permitted at council events for employees. However, it is recognised that alcohol may be available at some work related events such as training courses, seminars or conferences which include overnight accommodation and Christmas parties. Employees are responsible for their behaviour and must avoid doing anything that could lead to a complaint of misconduct, could harm the reputation of the Council or impair their work performance. If such complaints are received they will be investigated by the Council and may lead to disciplinary action being taken against the employee.
- 7.4 The Council encourages all employees to follow the Government's safe drinking limits which can be found in **Appendix A**.

8.0 Employee Self-referral and Council Support

- 8.1 The Council will support employees who voluntarily refer themselves for treatment and/or rehabilitation related to a drugs and/or alcohol problem. Employees are encouraged to get help as soon as possible before drugs and/or alcohol impacts on their health, work performance/conduct or the reputation of the Council.
- 8.2 Employees who want help should talk to their manager in the first instance. The manager will liaise with Organisational Development who will make a referral for the employee to be seen by the Council's occupational health provider, Medigold.
- 8.3 Depending on the situation it may be necessary for the employee to take some time off from work on sick leave whilst they receive treatment. If this happens the employee's absence should be dealt with by their manager through the Council's Sickness Absence Policy and Procedure.
- 8.4 If the employee is able to remain at work they might need reasonable time-off to receive treatment. Where possible this should be managed through the Council's Flexi-time Scheme.
- 8.5 The manager should tell the employee that when they are receiving treatment or rehabilitation related to a drugs and/or alcohol problem, they must still comply with the Council's policy on the use of drugs and/or alcohol at work. They should also tell them that failure to comply with the policy is treated very seriously by the Council and could result in formal action being taken against them including the possibility of dismissal from employment for gross misconduct.
- 8.6 Advisory services who provide support for drugs and/or alcohol problems are provided in **Appendix B**.

9.0 Identifying an Employee Who Might Have a Problem With Drugs and/or Alcohol

- 9.1 If a manager is concerned that an employee might have a problem with drugs and/or alcohol they should discuss their concerns with Organisational Development.

9.2 Some behaviours associated with drugs and/or alcohol problems include:

Evidence of inadequate or deteriorating work performance:

- Frequent lateness, repeated brief periods of absence for trivial or inadequate reasons.
- Impaired concentration and memory.
- Absenteeism, particularly related to weekends and high absenteeism rates for colds, flu, gastro-enteritis, depression etc.
- Accident proneness, minor accidents at work and accidents off duty.
- Mistakes, errors of judgment.
- Improbable excuses for poor job performance.
- Increasing general unreliability and unpredictability.

9.3 **Observations of behaviour and appearance:**

- Smelling of alcohol.
- Mood changes, irritability, lethargy.
- Deterioration in working relationships.
- Borrowing money.
- A combination of hand tremor; slurred speech, facial flushing.
- Bleary eyes, poor personal hygiene, unkempt appearance.

9.4 **Relationships with colleagues:**

- Over reaction to real or imagined criticism.
- Unreasonable resentment.
- Irritability.
- Complaints from colleague.
- Avoidance of managers or associates.
- Borrowing from colleagues.

9.5 It is important to note, however, that just because someone displays these behaviours it does not necessarily mean they have a problem with drugs and/or alcohol. It's therefore important that these situations are managed sensitively and managers should always get advice from Organisational Development before taking any action.

10.0 Non-compliance with the Council's Policy on Drugs and Alcohol

10.1 The Council wants to support employees to overcome any problems they may have with drugs and/or alcohol. However, whilst employees are receiving support they are still expected to follow the Council's policy on the use of drugs and/or alcohol. That means they must not come to work whilst they have drugs and/or alcohol in their body (excluding exceptions referred to in 7.2 above).

10.2 When an incident happens involving the use of drugs and/or alcohol the employee's manager must get advice from Organisational Development and gather facts to help them to decide what to do. Gathering facts could include considering:

- What happened and the nature/seriousness of the incident.
- Evidence of any related health problems the employee might have.
- The employee's willingness to receive support.
- Any previous history of drugs and/or alcohol problems.

10.3 When a review of the facts is complete the manager must decide what action to take. It could include:

- No further action.
- Offer of support.
- Formal action through an appropriate employment policy and procedure.
- Offer of support and formal action through an appropriate employment policy and procedure.

10.4 A management flowchart is contained in **Appendix C**; it details options to deal with incidents involving the use of drugs and/or alcohol. When making a decision, managers should get advice from Organisational Development to ensure:

- decisions about the use of drugs and/or alcohol are applied consistently across the Council; and
- good practice and employment legislation is followed.

11.0 Non-compliance – Disciplinary Action, Gross Misconduct and Dismissal

11.1 Failure to comply with the Council's policy on the use of drugs and/or alcohol will be treated very seriously by the Council and could result in disciplinary action being taken against the employee which could include dismissal from employment.

11.2 There might be occasions when the Council regards an employee's failure to comply with the Workplace Drugs and Alcohol Policy and Procedure as gross misconduct. Examples of acts of gross misconduct include:

- The possession, use or supply of illegal drugs on council business or premises.
- The employee placing themselves or others at a significant health and safety risk.
- The employee bringing the Council into disrepute.
- The employee being aggressive or using threatening behaviour.

11.3 This list is not exhaustive.

11.4 Employees for whom driving is an essential part of their work and who are banned from driving due to a drugs and/or alcohol offence may be dismissed from employment unless it is practical for them to continue working despite the ban. The Council will take into account all the circumstances, including whether it is possible to put temporary arrangements in place for the duration of the ban.

12.0 Attending Work Whilst Under the Influence of Drugs and/or Alcohol

12.1 Any employees who have drugs and/or alcohol in their body will not be allowed to work until they are able to comply with the Council's policy on the use of drugs and alcohol.

12.2 In some circumstances it may be necessary to send an employee home from work. When this is necessary arrangements will be made to transport the employee to a place of safety at the employee's cost. The manager will ask the employee to return to work at the earliest opportunity when drugs and/or alcohol are no longer in the

body. Time-off will be managed through the Council's Flexi-time Scheme or, where it is necessary for the employee to report sick whilst treatment is received for a drugs and/or alcohol problem, the Council's Sickness Absence Policy and Procedure.

12.3 When employees return to work they will meet with their manager to discuss the situation. A representative from Organisational Development will be present and employees will be asked if they want to be accompanied to the meeting by either a Trades Union representative or a work colleague. Based on the outcome of the discussion, the manager will need to decide how best to deal with the situation (see section 10). Managers might want to consider the following questions:

- Does the employee have a drug and/or alcohol problem?
- Has the employee simply failed to follow the Council's policy on the use of drugs and/or alcohol e.g. behaving inappropriately after drinking alcohol at a work related event?
- Is this the first time the employee has failed to comply with the Council's policy on the use of drugs and/or alcohol?
- Did the employee indicate a willingness to receive support for a drugs and/or alcohol problem?
- Has the employee previously received support for a drugs and/or alcohol problem?
- Is the employee currently receiving support for a drugs and/or rehabilitation problem?
- Has the employee previously refused support for a drugs and/or alcohol problem?
- Is the employee fit to be at work?
- What explanation did the employee provide for the behaviour at the meeting?
- Is the employee's explanation reasonable?

12.4 Organisational Development will give managers advice throughout the process to ensure their decision complies with employment legislation and ensures consistent application of the policy and procedure across the Council.

13.0 Suspension from Work

13.1 It might be necessary to suspend employees from work due to drugs and/or alcohol use because:

- They are not medically fit to be at work and present a risk to themselves and/or others.
- They have committed an act of gross misconduct.
- They need to be removed from the workplace whilst an investigation is undertaken.

13.2 Suspension will be a matter of last resort and managers should always seek advice from Organisational Development before suspending an employee. When a suspension is necessary it must be done following the rules set out in the Council's Disciplinary Policy and Procedure.

13.3 Suspension is not a form of disciplinary action, nor an indication of guilt.

14.0 Drugs and Alcohol Testing

- 14.1 The Council will not carry out random drugs and alcohol tests on employees. However, the Council may test employees if there is reasonable suspicion, e.g. through their appearance, or the way they are acting, that they are working with drugs and/or alcohol in their body.
- 14.2 Employees will be asked to sign their consent and a copy of the consent will be held on the employee's personnel file. Unreasonable refusal to agree to testing could be a disciplinary matter and could lead to dismissal.
- 14.3 Organisational Development will make arrangements for the testing to be done by the Council's occupational health provider, Medigold.

15.0 Agency Workers, Consultants and Contractors

- 15.1 Managers must make agency workers, consultants and contractors aware of this policy and procedure and inform them that they must comply with the Council's policy on the use of drugs and/or alcohol whilst on council premises or business.
- 15.2 They should advise them that failure to comply with the policy could result in contract reviews and termination of the contract with damages.

16.0 Monitoring of Policy and Procedure

- 16.1 This policy and procedure will be reviewed every 12 months.

Appendix A

Drinking Guidelines

The following benchmarks are a guide to how much adult men and women can drink in a day without putting their health at risk. They apply whether you drink every day, once or twice a week or occasionally.

Men

If you drink between 3 and 4 units a day or less, there are no significant risks to your health **BUT.....**

If you consistently drink 4 or more units a day, there is an increasing risk to your health.

Women

If you drink between 2 and 3 units a day or less, there are no significant risks to your health **BUT.....**

If you consistently drink 3 or more units a day, there is an increasing risk to your health.

Alcohol and its Effects

What happens when you drink alcohol?

- Alcohol is absorbed into your bloodstream within a few minutes of being drunk and carried to all parts of your body including your brain.
- The concentration of alcohol in the body, known as the “blood alcohol concentration”, depends on many factors, but principally how much you have drunk, how long you have been drinking, whether you have eaten, and your size and weight. It is difficult to know exactly how much alcohol is in your bloodstream or what effect it may have.
- It takes a healthy liver about one hour to break down and remove one unit of alcohol. A unit is equivalent to 8gm or 10ml (1cl) of pure alcohol. The following all contain one unit of alcohol:
 1. A half pint of ordinary strength beer, lager and cider (3.5% ABV*)
 2. A single 25ml measure of spirits (40% ABV*)
 3. A small glass of wine (9% ABV*)
- If someone drinks two pints of ordinary strength beer at lunchtime or half a bottle of wine (i.e. four units), they will still have alcohol in their bloodstream three hours later. Similarly, if someone drinks heavily in the evening they may still be over the legal drink drive limit the following morning.
- Black coffee, cold showers and fresh air will not sober someone up. Only time can remove alcohol from the bloodstream.

* ABV : Alcohol By Volume

Appendix B

Advisory services that can help with drugs and/or alcohol problems

This list is not intended to be exhaustive.

Support from the Council

Free and confidential counselling from Peter Piranti and Associates (01604) 259770

Support for alcohol problems:

Alcoholics Anonymous – 0845 769 7555 www.alcoholics-anonymous.org.uk

Offers confidential advice either by phone or e-mail. Calls are redirected automatically to an AA member in the caller's region. Information can be provided about future meetings that are to be conducted in the area.

Al-Anon Family Groups – 020 7403 0888 www.al-anonuk.org.uk

Offers help and support for people whose lives are affected by someone else's drinking

Drinkline – 0800 917 8282

Provides free information, self-help materials and advises callers of where to go for help. Also offers help for families and friends of people who are drinking.

Drugs help lines and services:

Talk to Frank – 0800 776600 www.talktofrank.com

Offers free and confidential advice about drugs and can refer people to local drug advice services. The website provides extensive drug information.

ADFAM – 020 7928 8898 www.adfam.org.uk

Provides information for families and friends of drug users.

Narcotics Anonymous – 0845 373 3366 www.ukna.org

Helpline offers confidential support and advice for drug addicts. Website provides a message board chat-room to discuss problems and contact information for local support groups across the UK

Release – 0845 4500 215 www.release.org.uk

Offers free, confidential and non-judgmental advice on drug use and legal issues.

Appendix C – Management Flowchart

