



FALKIRK COUNCIL

DRUG AND ALCOHOL

POLICY



February 2013

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PART 1

1.1 POLICY STATEMENT

Falkirk Council is committed to improving the health, safety and wellbeing of its employees by introducing and promoting policies to encourage healthier lifestyles. The Council recognises that substance misuse, which includes the misuse of alcohol and drugs, is primarily a matter of health and social concern. However, when problems relating to these issues arise in the workplace, the Council, as an employer, must have strategies in place to deal with them and, where appropriate, offer help and support to employees.

PART 2

2.1 INTRODUCTION

Legislation such as the Health and Safety at Work etc. Act 1974 places a duty of care on Falkirk Council to ensure the health, safety and welfare of all employees. This includes the need to address the issue of substance misuse in order to protect employees, their colleagues and members of the public.

The aim of this policy is to have a positive and constructive approach to dealing with the misuse of alcohol and drugs in the workplace, encouraging identification of alcohol and drug related problems and offering support to employees who may be vulnerable.

Consumption of alcohol or the use of drugs can impair performance at work, increasing the likelihood of accidents or mistakes which may endanger colleagues or members of the public. In addition to the health and safety risks, substance misuse can result in absence, conduct or performance problems, impacting on attendance, timekeeping, behaviour, standards of work and the public image of the Council.

Where substance misuse has been identified, either by the individual themselves or by a line manager, the Council recognises the need to support employees through a range of support options, whilst ensuring appropriate standards of attendance, conduct and performance are maintained.

2.2 SCOPE AND DEFINITION

For the purposes of this policy, substance misuse is defined as any alcohol or drug use, either intermittent or continual, which interferes with an employee's health and welfare, social interaction at work, conduct or work capability.

Within this Policy, the term 'drugs' will include:

- Any illegal drugs (Class A, B, and C);
- Any prescription drugs which have been prescribed for another person;
- Any over-the-counter remedy or prescription drug taken in excess of the stated dose;

- Any substances or solvents including lighter gas refills, aerosols, glues, paint thinners, and correcting fluids, with the exception of usage by employees in the normal work context where appropriate risk assessments are in place.

The Drug and Alcohol Policy will apply equally to all employees, including temporary employees and casual workers. The policy also applies to contractors, volunteers and agency workers.

2.3 USE OF ALCOHOL OR DRUGS

No employee is permitted to report for work, or be at work, under the influence of alcohol or drugs. Consumption of alcohol or drugs is not permitted at any time during normal working hours, including paid and unpaid breaks. In the case of celebrations or functions (e.g. retirements, Christmas etc), permission may, however, be sought in advance from the Chief Executive or appropriate Director/ Head of Service to allow the consumption of alcohol.

Employees who attend corporate hospitality events are representing Falkirk Council. As such, employees have a responsibility to remain capable and presentable at such events.

Employees reporting for work have a responsibility to be fit, capable and presentable to undertake their duties. If an employee is known or is believed to have consumed alcohol or drugs at any time during the working day, or is believed to be under the influence of alcohol or drugs at any time during the working day, the employee will normally be suspended from duty with pay for the remainder of that working day. Employees should not be allowed to drive home under the influence of alcohol and where necessary, the line manager should arrange for the employee to be taken home. If an employee insists on driving their own vehicle home, their line manager should contact the Police immediately to report this matter. The employee should be advised that this will be done if they insist on driving.

The issue of the employee having been believed to have been at work under the influence of alcohol or drugs should be discussed when the employee is in a fit state to resume work, normally the next working day.

If considered appropriate, the employee may subsequently be suspended from work to allow the matter to be formally investigated. Suspension will generally be considered appropriate where this is not a 'one off' occurrence or where the nature of the employee's role means that there may be a risk to themselves or others. Guidelines on suspension and investigation are contained within the Council's Disciplinary Policy and Code of Practice, but it should be noted that suspension does not constitute disciplinary action.

Employees should not store prescription medication in personal areas at work including lockers and desk drawers unless it is prescribed medication for personal use from a doctor. In this case, employees must ensure that it is stored in a safe place which is not accessible to others and, if an employee is likely to suffer possible side effects from the medication, they should discuss this with their line manager. In such circumstances, advice should be sought from Occupational Health, where appropriate, to assess the employee's ability to undertake the full range of their duties whilst taking the prescribed medication.

Employees known or believed to be under the influence of alcohol or drugs at any time during the working day may be subject to disciplinary action, given the potential impact on health and safety, work performance and the Council's public image. All circumstances **will** be taken into consideration, but it should be noted that the matter **may** constitute gross misconduct.

Employees who, at any time at work or during the working day:

- take drugs or are suspected or known to be under the influence of drugs;
- are believed to be buying or selling drugs;
- are in possession of unlawful drugs; or
- are suspected or known to have driven a vehicle or operated plant or equipment under the influence of alcohol.

may be subject to disciplinary action which may be considered as gross misconduct. In addition to possible disciplinary action, employees may also be subject to criminal proceedings if it has been considered appropriate to involve the Police.

2.4 RESPONSE TO USE OF ALCOHOL OR DRUGS

Use of alcohol or drugs may be identified by the employee themselves, by the line manager, or as a result of a formal disciplinary, capability or absence process. Once use of alcohol or drugs has been identified, the next step depends on whether or not the employee has an alcohol or drug related problem.

In certain circumstances, an employee may have an allergic or adverse reaction to prescribed or over-the-counter medication which could affect how they perform at work. Such circumstances will not be considered under this policy.

If an employee attributes misconduct or capability problems to alcohol or drug dependency during a disciplinary, capability or absence meeting/hearing, any formal action may be postponed, pending referral for assessment and/or treatment. Alternatively, disciplinary/capability/absence procedures and support (i.e. referral to a counselling agency) may run in tandem. It should be noted that formal disciplinary action may still be taken even where an employee indicates an alcohol or drug problem may exist. In all cases, an employee raising an alcohol or drug problem will be referred to Occupational Health. If an employee rejects the offer of referral for assessment and/or treatment or fails to adhere to support mechanisms put in place, the formal procedures shall continue.

2.4.1 Where an Alcohol or Drug Related Problem is Identified

Employees who volunteer themselves or are identified by their manager as having problems which may be related to alcohol or drugs will be treated sympathetically and in confidence. The employee should be encouraged to seek help by accessing support and assistance available from the Occupational Health Service, Human Resources, their GP or other agencies including:

- Counselling and Support Service for Alcohol and Drugs (CSSAD);
- Alcoholics Anonymous;
- Community Addiction Team;
- Signpost Forth Valley; and
- Employee Counselling Service.

Employees may attend these agencies either through self-referral or referral by a manager or other representative of Falkirk Council. Where the employee is referred by a line manager, the manager will be kept informed of progress via Occupational Health reports. Further information on the referral process is available from the relevant Service HR Adviser.

The Council recognises that people with mental illnesses are often affected by substance abuse and that people diagnosed as mentally ill often abuse either alcohol or drugs. It is therefore very important that each case is considered carefully to help identify if there is a mental ill-health dimension so that the most appropriate support is provided.

When an employee attends a recommended programme requiring absence from work, the co-operation of the manager is essential to assist the employee's recovery. Managers should therefore make every effort to permit time off with pay during the working day to attend for counselling and/or treatment.

Leave of absence to attend counselling during normal working hours will be authorised by the employee's manager and payment made within the appropriate Conditions of Service (e.g. sick pay, special leave). Referral will not normally affect the employee's current job role unless they are unfit to fulfil their duties, there is an issue relating to safety, or if their duties conflict with the long-term resolution of the drug or alcohol problem. Referral to support will not adversely affect any employee's promotion prospects.

Where an employee acknowledges he/she has an alcohol or drug-related problem, the offer to seek help and treatment is made on the understanding that:

- If the treatment necessitates long-term absence from work, employees will produce medical certificates to cover the period(s) of absence.
- If the employee is absent from work to undergo treatment or has been removed from certain duties for the duration of the treatment, on return or on completion of treatment, he/she will return to the same or equivalent job. However, where return to the same or equivalent job would impact on either a satisfactory level of job performance or the long term resolution of the employee's alcohol or drug problem, every consideration will be given to finding suitable employment in line with the Council's Rehabilitation and Redeployment Policy.

As drug and alcohol dependence can be a relapsing illness, an employee's progress will be monitored by the Occupational Health Service in liaison with managers assessing work performance and attendance.

If, following return to employment during or after treatment, work performance or conduct is again affected as a result of alcohol or drug related problems, each case will be considered on its own merits. If appropriate, a further opportunity for assistance and treatment will be offered. In this respect, advice will be sought from the Occupational Health Service.

A programme of support/treatment does not, however, supersede the requirement for all employees to be free from the influence of alcohol or drugs on arrival at work and not to consume alcohol or drugs at any time during the working day, including paid and unpaid breaks.

If, on completion of treatment, the employee's standard of work performance or conduct remains unsatisfactory, or if it is satisfactory throughout the period of treatment only to lapse very soon thereafter, the employee will be subject to the Council's Disciplinary or Capability Procedures.

2.4.2 Where Support is Refused

Employees:

- who deny that alcohol or drug misuse is the cause of their problems;
- who decline to accept the offer of referral for assessment and treatment;
- who discontinue a course of treatment before its satisfactory completion or;
- whose level of work performance continues to be unsatisfactory after undergoing treatment;

may be subject to the Council's Disciplinary Policy and Code of Practice, or Capability Procedures, as appropriate.

2.4.3 No Alcohol or Drug Related Problem

An employee who is not considered to have an alcohol or drug-related problem, but who is found to be under the influence of alcohol or drugs or has consumed alcohol or drugs at any time during the working day, will be dealt with in accordance with the Council's Disciplinary Policy and Code of Practice.

2.5 SUPPORT FOR MANAGERS

As misuse of alcohol or drugs may affect an employee's work performance, line managers are responsible for enforcing this policy. Training is therefore available to assist managers in how to recognise these problems and how to implement the policy. Details of this training are included in the Employee Development Bulletin. Further information on support for employees is available from the Health, Safety & Care team on (01324) 506009. The Health, Safety and Care team is also available to provide information and advice on risks associated with alcohol and drugs in the workplace.

Further information on any part of this policy or its application is available from Human Resources on (01324) 506268.

2.6. IMPLEMENTATION AND REVIEW

This policy is effective from 12th February 2013.

The Head of Human Resources will review this policy as per the agreed Human Resources Policy Review Timetable in conjunction with Service Directors and Trade Unions.

This Policy has been Equality Impact Assessed and no adverse impact has been identified.