

# Drugs & Alcohol Policy



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### 1.0 Introduction

- 1.1 The Council is committed to providing a safe working environment. This includes, as far as is reasonably practicable, promoting the good health & wellbeing of all of its employees.
- 1.2 It is the purpose of this policy to ensure that the use of drugs and alcohol by any employee does not impair the safe and efficient running of Council business or put at risk the health, safety and general wellbeing of its employees, customers, suppliers or members of the general public.
- 1.3 The Council recognises the importance of balancing respect for employee privacy with the need to maintain a safe and productive working environment free from the impairing effects of drugs and alcohol.
- 1.4 The Council is aware that in some instances drug and alcohol dependency can be defined as an illness and therefore actively encourage any employee who may have a dependency to seek help by discussing with their line manager or HR Business Partner.
- 1.5 This policy is designed to ensure that we protect our staff, customers and residents in a meaningful way.

### 2.0 Definitions

- 2.1 Alcohol – includes, but is not limited to distilled spirits, liquor, beer, wine, malt liquor or any other intoxicants used for beverage or food purposes.

- 2.2 At Work – includes any period during which an employee is working for the Council and is carrying out their activities or duties when representing the Council, whether on Council premises or elsewhere on Council business including customer premises and remote working.
- 2.3 Council Premises – includes all premises the Council has responsibility for including all Council vehicles and land. The term Council Premises also applies to all occasions when an employee is at work including homeworking and remote working.
- 2.4 Dependency – when an employee has adapted physically and/or psychologically to the presence of drugs or alcohol and would suffer if they were withdrawn abruptly.
- 2.5 Drug – any psychoactive substance (a drug that has the potential to affect mood, through process or perception), available both legally and illegally. This includes all drugs covered by the Misuse of Drugs Act (1971) as amended.
- 2.6 Employee – a directly employed person of the Council or a worker.
- 2.7 Impaired (Alcohol) – in terms of this policy, an employee whose Breath Alcohol Concentration exceeds 35mcg per 100ml (the Council level for alcohol), (to be confirmed by an appropriate test) is deemed to be impaired due to the use of alcohol and therefore in contravention of this policy.
- 2.8 Impaired (Drugs) – in terms of this policy, an employee proven to have consumed illegal drugs or misused any other drug, is deemed to be impaired due to the use of drugs and therefore in contravention of this policy.
- 2.9 Misuse – applies to misusing. For example, any illegal drug use, or using drugs for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical practitioner or pharmacist. It also applies to using drugs or alcohol in a way that is harmful/hazardous to the employee or to others and which is likely to distort perception and response.

## 3.0 Scope

- 3.1 This policy applies to all employees regardless of their job function.
- 3.2 This policy is applicable to all Council premises including vehicles and land.
- 3.3 This policy shall form part of the terms and conditions of employment for all employees but shall be non-contractual.
- 3.4 This policy shall be used in accordance with the Council's Information Governance Policy and the Data Protection Act 2018, and the Disciplinary Standards.

## 4.0 Rules

- 4.1. To safeguard the health and safety of all employees, and others with whom they come into contact and to maintain the efficient and effective operation of the Council, the following rules will be strictly enforced.
- 4.2. Employees must not:
  - 4.2.1 Work or report to work whilst impaired due to the use of drugs (legal or illegal) or alcohol.
  - 4.2.2 Be in possession of alcohol on Council premises. Unopened containers of alcohol that have been purchased off Council premises for consumption outside of work will be permissible.
  - 4.2.3 Attempt to sell, distribute or supply alcohol whilst on Council premises, or whilst representing the Council, unless at a Council arranged event where the sale, distribution and/or supply of alcohol has been authorised by a Senior Manager.
  - 4.2.4 Consume illegal drugs or misuse any drug whilst working or representing the Council.
  - 4.2.5 Be in possession of, or attempt to sell, distribute or supply any drug which contravenes the Misuse of Drugs Act 1971; the Psychoactive Substances Act 2016; and the Medicines Act 1968, whilst on Council premises or whilst at work. Any contravention of this, without exception, will be reported to the police.
- 4.3. Employees may consume alcohol at Council arranged functions when such consumption has been authorised by a Senior Manager. Such functions will, when possible be arranged for times when employees do not have to return to work having consumed alcohol. However, if alcohol is consumed, they must not drive a vehicle or operate any machinery. Employees who do not drive a vehicle or operate any machinery can only return to work if they are not impaired by alcohol (see definition at section 2).
- 4.4. Employees must remember that they are acting as ambassadors of the Council and their behaviour is appropriate, lawful and does not offend, harass or irritate others present, nor does it in any way, bring the Council into disrepute or undermine its values.
- 4.5. A contravention of these rules is a very serious matter, and the Council may take disciplinary action in the event of a contravention under the Council's disciplinary procedure, which could result in dismissal.

## 5.0 Manager and Supervisor Responsibilities

- 5.1. All Managers and Supervisors have a responsibility to ensure that this policy is appropriately applied and when necessary take appropriate action if an employee is displaying signs of impairment due to the use of drugs or alcohol; in the event of a suspected contravention of this policy; or as part of an accident/incident investigation. If an employee is in contravention of this policy this could lead to suspension and disciplinary proceedings.
- 5.2. Managers and Supervisors must:
  - 5.2.1 Ensure that the health and safety of those employees under their management or supervision is not endangered due to the use of drugs or alcohol.
  - 5.2.2 Take the appropriate action if an employee's job capability is impaired due to the use of drugs or alcohol. This could be to send the employee home or suspension from duties following an alcohol or drugs test.
  - 5.2.3 Take the appropriate action if as part of an accident/incident investigation they have a concern that drugs or alcohol may have been a contributory factor. This could be to send the employee home or suspension from duties following an alcohol or drugs test.
  - 5.2.4 Refer to their HR Business Partner, an employee who declares that they may have a drug or alcohol dependency; or when they have a concern regarding an employee's possible dependency.

## 6.0 Employee Responsibilities

- 6.1. All employees have a responsibility to comply with this policy. Employees:
  - 6.1.1 Have a duty of care not only for their own health and safety, but the health and safety of others who may be affected by their acts or omissions.
  - 6.1.2 Should familiarise themselves with this policy and the implication arising from a contravention of this policy.
  - 6.1.3 Should recognise that prescribed and over-the-counter medicines may cause impairment to their safety and performance at work. It is therefore an employee's responsibility to seek advice from their medical practitioner or pharmacist on any medicines they are taking. They should inform their Line Manager or their HR Business Partner of any possible side effects of their medication that could impair them at work. Any medical information will be treated in strictest confidence.

- 6.1.4 Must be aware of their responsibility that if they feel they have or are developing a drug or alcohol dependency they must come forward and seek assistance at the earliest possible opportunity. Employees should contact their Line Manager, any other Manager or their HR Business Partner.
- 6.1.5 Must be aware of their responsibility that when they have a genuine concern about another employee in relation to drug or alcohol impairment, misuse or dependency, they must take their concerns to their Line Manager, any other Manager or their HR Business Partner immediately. Any employee should feel able to raise genuine concerns appropriately without fear of consequences, however concerns must be raised with appropriate discretion and be done in good faith. The employee can also use the Council's Whistleblowing Procedure to report any concerns.

## **7.0 Disciplinary Action**

- 7.1 When the rules of this policy are contravened and following a disciplinary investigation, dismissal may result on the grounds of gross misconduct under the Council's Disciplinary Procedure. Employees should refer to the Council's Disciplinary Procedure and Disciplinary Standards for information.

## **8.0 Testing**

- 8.1 Testing may apply to all employees. The purpose of testing is to ensure that due diligence is exercised and to deter and/or detect an employee working on Council premises who is suspected of being in contravention of this policy, or of being impaired due to the use of drugs or alcohol.
- 8.2 Testing will be carried out by an impartial testing company specialising in drug and alcohol testing, in the following circumstances:
  - 8.2.1 Intervention – When it is suspected that an employee is in contravention of this policy or when it is suspected that an employee is impaired due to the use of drugs or alcohol, testing may be carried out as part of an assessment procedure. Agreement for this will be given by the Director of Service or Service Manager.
  - 8.2.2 Accident/Incident – As part of an accident/incident investigation, testing may be carried out on those employees involved, when possible, to determine whether or not drugs or alcohol may have been a contributory factor.

- 8.2.3 Assurance – If an employee’s conduct or capability is affected by a dependency to drugs or alcohol or when they are being supported by the Council for a drug or alcohol dependency, they will be required to undergo assurance testing.
- 8.2.4 Targeted – The Council may use targeted testing where there is a concern about a particular group of employees. Any requests for the use of targeted testing will need to be signed off by the HR Services Manager. Employees in that group may be randomly selected and tested for drugs and alcohol.
- 8.3 The Council will use breath testing for alcohol and urine testing for drugs but reserves the right to use other approved methods of testing if necessary.
- 8.4 Should an employee refuse to consent to testing (including retesting); or comply with the testing procedure; or provide a sample for testing, the Council reserves the right to treat any of this as a refusal to comply with a reasonable management instruction, and following a disciplinary investigation, dismissal may result on the grounds of gross-misconduct under the Council’s Disciplinary Procedure.
- 8.5 Should an employee working from home be suspected of being impaired due to the use of alcohol and or drugs, the Council will arrange transport to and from Council premises for a drugs or alcohol test. Should an employee refuse to attend without a valid reason, the Council will treat their non-attendance the same as a positive test result, and following a disciplinary investigation, dismissal may result on the grounds of Gross Misconduct.
- 8.6 Should an employee who when selected and notified to attend for a targeted test fails to attend without a valid reason for doing so, the Council reserves the right to treat their non-attendance the same as a refusal to comply with a reasonable management instruction, and following a disciplinary investigation, dismissal may result on the grounds of gross misconduct under the Council’s Disciplinary Procedure.
- 8.7 Any sample provided for drug testing is labelled, tracked, analysed and reported so that on completion of the laboratory analysis the result is specific to the original sample provided by the employee.
- 8.8 All test results will be held confidentially in line with Data Protection.

## **9.0 Help and Support**

- 9.1. The Council will ensure that advice and specialist help is made available to any employee who has a drug or alcohol dependency and who seeks assistance from the Council by referring them to Occupational Health.

- 9.2. An employee who seeks the assistance of the Council in obtaining help and support for a drug or alcohol dependency is assured of their confidentiality being respected.
- 9.3. Early identification and treatment is essential for the benefit of the employee and the Council, therefore the employee must come forward and seek assistance at the earliest possible opportunity.
- 9.4. When an employee with a drug or alcohol dependency only declares they have a dependency when a serious misconduct issue has arisen or before a test takes place or when they are proven to be in contravention of this policy, they will be subject to the same disciplinary procedure as any other employee who contravenes this policy and following a disciplinary investigation, dismissal may result on the grounds of gross-misconduct under the Council's disciplinary procedure.
- 9.5. The employee should contact their Line Manager, any other Manager or their HR Business Partner. Their HR Business Partner will, with the support of Occupational Health arrange for the appropriate help and support programme to be made available.
- 9.6. If an agreed or recommended help and support programme is not accepted or followed by an employee or is ineffective and occurs concurrently with lapses in the employee's performance, conduct or attendance then they will be dealt with in accordance with the Council's normal disciplinary or sickness absence procedure as appropriate.
- 9.7. During any period of absence from work for an agreed help and support programme, the Council's normal sick pay arrangements will apply and absence during the programme will be treated as normal sickness.
- 9.8. The aim of the help and support programme is to ensure optimum recovery and return to work.

9.9 Useful contacts:

9.9.1 Chelmsford City Council's Employee Assistance Programme

Freephone: 0800 030 5182 Website: [www.healthassuredeap.co.uk](http://www.healthassuredeap.co.uk) To access their website, please use the following details:

- Username: Chelmsford
- Password: Council

9.9.2 drinkaware – Website: [www.drinkaware.co.uk](http://www.drinkaware.co.uk) – Advice and support for individuals and their families includes links to Alcoholics Anonymous, Al-Anon

9.9.3 Open Road – Website: [www.openroad.org.uk](http://www.openroad.org.uk) – provides details of local recovery centres for alcohol and drugs



9.9.4 Frank – Website: [www.talktofrank.com](http://www.talktofrank.com) – advice and information about drugs

Version Number	Creation Date	Changes Made	Changes Made By:	Authorised And Checked?	Date of Changes
2.1	May 22	Minor changes to add in remote working	K Knowles	Y	May 22
2.0	Dec 21	Policy re-written	A Felton	Y	Dec 21
1.2	Jan 11	Updated Disability Confident Logo	HR Team	Y	Dec 16
1.1	Jan 11	Re-branded to City	HR Team	Y	Sep 12
1.0	Jan 11	-	HR Team	Y	26/1/11

