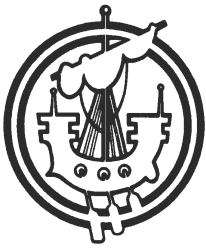


# COMHAIRLE NAN EILEAN SIAR

Department of Education

## Local Negotiating Committee Agreement

<b>Title:</b>	<b>DRUG AND ALCOHOL POLICY</b>
<b>Date:</b>	<b>1 JUNE 2005</b>



# COMHAIRLE NAN EILEAN SIAR

## Department of Education

### Local Negotiating Agreement: June 2005

---

personnel/drug&alcoholpolicy

## DRUG AND ALCOHOL POLICY

### INTRODUCTION

- 1.1 Alcohol and drug misuse affects performance, conduct and relationships at work and at home. Employees who develop alcohol or drug related problems cause harm to themselves and to others. As an employer, the Comhairle is committed to ensuring the health, safety and welfare of its employees and others who may be affected by the action of its employees, during the course of their employment.
- 1.2 This Policy has been established to provide a positive framework for dealing with the adverse effects of drug and alcohol misuse in the workplace and applies to all employees of the Comhairle.
- 1.3 The Comhairle recognises that an alcohol or drug problem may be an illness to be treated in the same way as any other illness.
- 1.4 Under the terms of this Policy the misuse of alcohol or drugs does not exonerate an individual from the results of their actions or from potential disciplinary action.

### LEGAL OBLIGATION

- 2.1 Under the Health & Safety at Work Act (1974) the Comhairle has a duty to ensure the health, safety and welfare at work of all its employees and other persons including pupils, visitors and contractors using the premises. The Act places a general duty on employees to take reasonable care of their own health and safety and of any other persons who may be affected by their acts or omissions whilst at work. The Comhairle considers it has a responsibility to promote good health by raising the awareness of employees as to the risks of alcohol and drug misuse and by offering support for those who have a drink or drug problem.
- 2.2 It is an offence under the Misuse of Drugs Act (1971) for an employer to knowingly permit the production, supply or use of controlled substances on their premises except in specified circumstances (e.g. when prescribed by a doctor).

### DEFINITION OF DRUG AND ALCOHOL MISUSE

- 3.1 In relation to this Policy, 'drug misuse' refers to the use of illegal drugs and the misuse, whether deliberate or unintentional, or prescribed drugs and substances such as solvents. Drug misuse can harm the misuser both physically and mentally and, through the misuser's actions, other people and the environment. This Policy excludes the use of tobacco.

- 3.2 Alcohol abuse is defined as a level of drinking which persistently affects an employee's work. The simultaneous use of alcohol and drugs is particularly dangerous.
- 3.3 Drug and alcohol misuse becomes a matter of concern to the Comhairle when misuse demonstrably and materially interferes with an individual's work capacity, conduct, health or attendance.

### **AIMS AND OBJECTIVES**

- 4.1 The main aims of the Policy are to:
- promote awareness and prevent alcohol and drug addiction
  - identify and provide help and support to those with an alcohol or a drug related problem
  - encourage a sensible approach to drinking alcohol
  - indicate restrictions on drinking alcohol at work
  - safeguard employees, visitors, contractors and others from the hazards of alcohol and drug abuse
  - provide appropriate support and advice to managers on how best to deal with employees who may suffer from alcohol and/or drug related problems
  - Engender a climate that encourages openness and honesty (within the boundaries of strict personal confidentiality and legal requirements) and that gives employees and management confidence to deal with substance misuse problems by following a clear procedure

### **MANAGING ALCOHOL AND DRUG MISUSE**

- 5.1 All employees are expected to ensure that their personal consumption of alcohol or use of prescribed drugs does not interfere with their ability to perform their duties safely and competently. Specific requirements or controls regarding alcohol and drugs may be determined as a result of workplace risk assessments.
- 5.2 The procedure contained in Appendix 1 to this Policy describes how the Comhairle will manage individual cases to provide support to employees whilst ensuring the interests of Comhairle nan Eilean Siar are protected. Employees who acknowledge that they may have an alcohol or drug related problem will be supported and given access to professional assistance.

### **CONSUMPTION AND EFFECTS OF ALCOHOL AND OTHER SUBSTANCES DURING WORKING HOURS**

- 6.1 The consumption of alcohol and other substances as defined in this Policy is prohibited on Comhairle premises during working hours. This excludes prescribed and/or legal drugs taken for a genuine medical reason and in accordance with directions for use subject to the need to observe health and safety rules.
- 6.2 In terms of the consumption of alcohol on Comhairle premises during working hours, an exception may be made when specific events are formally approved by the Comhairle, Chief Executive, Director or Head Teacher at which the consumption of alcohol is expressly permitted in the particular circumstances. In these circumstances, employees are required to adhere to the standards of behaviour as set out in this Policy, in the Comhairle's Health and Safety Policy and as contained in any other relevant work place rules.

- 6.3 Employees have a responsibility to ensure that any consumption of alcohol before starting work or during lunch-breaks does not impair their ability to work safely and effectively or to deal with customers or clients to the required standards.
- 6.4 The Comhairle reserves the right to impose a ban on the consumption of alcohol during the working day for certain categories of employee on safety, legal and operational grounds. This will include those who are required to drive to carry out their duties or employees required to operate heavy plant and machinery.
- 6.5 Any employee who reports for work and who, in the opinion of the employee's manager, is not capable of working safely or to required standards of conduct and performance due to being under the influence of alcohol and/or other substances will be sent home on full pay. If appropriate, the employee should be taken home. The matter will subsequently be investigated initially by reference to paragraph 5.2 above. Ultimately, however, the Comhairle reserves the right to implement the appropriate disciplinary procedures.

### **TRAINING AND COMMUNICIATION**

- 7.1 Information on the Policy will be made available to all employees. Reference to the Policy will be included in induction training.
- 7.2 The Comhairle will provide managers and other employees with training to equip them with the necessary knowledge and understanding to deal with problems of substance misuse.

### **CONFIDENTIALITY**

- 8.1 In all situations where an employee has a potential or confirmed substance misuse problem, confidentiality will be strictly preserved. However the Comhairle is obliged under the Misuse of Drugs Act (1971) to inform the Police where illegal drugs are found on the premises.

### **REVIEW**

- 9.1 The Comhairle will review this Policy at regular intervals in consultation with the recognised trade unions to ensure its compatibility with current legislation and recognised best practice.



## PROCEDURE FOR MANAGING ALCOHOL AND DRUG MISUSE

### **General Principles**

It is recognised that alcohol or drug misuse can seriously affect the employee's ability to perform his/her work safely and therefore employees may require professional help and treatment to address their problems.

Although the employee may not be absent from work, referral to the Comhairle's Occupational Health Section provides the appropriate mechanism for addressing such matters.

The Personnel Section will provide support to line managers throughout the process. This may include the provision of advice on assessing the work issues and safety risks that may arise in individual cases.

The employee can be accompanied by a Trade Union Representative or fellow employee at all stages of this procedure.

### **Signs of Alcohol and Drug Misuse**

Listed below are examples of the kind of symptoms which may be manifest in someone with an alcohol or drugs related problem. Clearly not all these symptoms will apply in every instance. Similarly these symptoms may arise but be wholly unconnected with alcohol or drugs in which case developments which give cause for concern should be addressed appropriately.

#### **Absenteeism/Irregular Attendance**

- multiple instances of unauthorised leave
- frequent Monday or Friday absences
- improbable reasons for absences
- unusually high absenteeism, e.g. for colds, flu, gastritis and general malaise

#### **Reporting for Work**

- excessive lateness, for example on Monday morning or returning from lunch
- arriving at work under the influence of alcohol or drugs
- smelling of alcohol
- unkempt appearance/lack of hygiene

#### **Absenteeism whilst at Work**

- repeated absences from the post, more often than reasonably necessary
- frequent trips to the toilet
- overlong tea/coffee breaks
- leaving work early

#### **Lack of concentration and confusion**

- work requires greater effort
- jobs take an unreasonable time to complete
- difficulty in recalling instructions and details
- increasing difficulty in handling complex assignments
- difficulty in recalling errors

### **Spasmodic work patterns and deteriorating performance**

- alternate periods of high and low productivity
- increasing general unreliability and unpredictability
- missed deadlines
- mistakes due to inattention or poor judgement
- complaints about performance
- improbable excuses for poor performance

### **Poor employee relations**

- over-reaction to real or imagined criticism
- unreasonable resentment
- irritability
- complaints from colleagues about behaviour
- attempts to borrow money from colleagues
- avoidance of manager or colleagues

### **Procedure for Managing Individual Cases**

If an employee's attendance, work performance or behaviour is unsatisfactory, the appropriate line manager should arrange a meeting with the employee concerned.

The appropriate line manager should discuss his/her concerns with the employee and identify the specific work problems that have arisen, regarding general conduct, performance, behaviour or pattern of work. The line manager should seek to identify whether the employee has any health or other problems that are contributing to the employee's current behaviour or whether there may be any underlying problem relating to alcohol or drug misuse. A record should be kept of this meeting.

Where the employee acknowledges that he/she may have a problem and is prepared to accept help and treatment, the matter should be referred to the Personnel Section who will make the necessary arrangement for referral with the Comhairle's Occupational Health Section. If an employee does not accept that he/she may have a problem relating to alcohol or drugs misuse, the normal disciplinary process may be invoked.

The Occupational Health Section will advise on whether the referred employee has an alcohol or drug problem and, where this is the case, what support would be appropriate.

If attendance at counselling or other forms of support are recommended, paid time off will be granted.

There may be a requirement, for a short-term period, because of the specific nature of the employee's duties, to temporarily re-deploy him/her to other duties, or a different location, in order to protect the employee, other members of staff and/or the public. This decision would be based on the manager's assessment, in consultation with the Occupational Health Section and Personnel Section. During this period the employee shall receive his/her normal rate of pay subject to his/her full co-operation with the support programme.

The appropriate line manager and employee will meet regularly to monitor progress, including information provided by Occupational Health. These reviews should continue until the Comhairle is satisfied that the employee has successfully completed the prescribed course of treatment. Detailed records of these meetings should be kept by the Line Manager.

If an employee has a relapse during and/or after completing a course of treatment and the level of performance again becomes impaired, the situation will be assessed and further opportunity to receive help/treatment may be given.

Where, following advice from Occupational Health Section, a permanent redeployment is considered necessary, i.e. a transfer on medical grounds and a suitable post is available, the employee shall receive the normal pay and conditions of service associated with the post he/she is redeployed to. If a suitable post is not available, reasonable adjustments should be made to the original post, if this is not possible capability dismissal may be considered.

### **Suspension of Disciplinary Action**

The Comhairle's Disciplinary Procedure may be suspended pending a referral to the Occupational Health Section. If an alcohol or drug dependency problem is identified, this suspension may be continued on condition that the employee follows the recommended treatment and/or accepts professional assistance. The matter will be kept under review until the Occupational Health Section has advised that the employee has successfully completed the prescribed course of treatment.

If an employee does not accept that he/she may have a problem relating to alcohol or drug misuse, the normal disciplinary process will be invoked.

There may be occasions where, following initial acceptance by an employee that he/she may have a problem, the employee refuses to participate in the programme recommended by the Occupational Health Section or does not attend appointments. Managers should recognise that some employees may find it difficult to constantly apply themselves to their prescribed treatment and setbacks could occur. In such circumstances disciplinary action may still be suspended provided their manager is satisfied that the employee is addressing his/her problem. Where however no such commitment is evident the suspension of the disciplinary process may be lifted following consultation with Personnel Section.

Although in most cases medical referral will be an alternative to disciplinary action, there may be instances where, in view of the serious nature of an incident, disciplinary action will be applied in conjunction with the referral process.

### **LIST OF DRUGS**

For the purposes of this Policy, the term 'drugs' will include:

- Any illegal drugs (Class A includes morphine, diamorphine (heroin), cocaine and ecstasy. B includes amphetamines and barbiturates and C includes cannabis, anabolic steroids, benzodiazepines and growth hormones).
- 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 context where appropriate risk assessments are in place.