



KIPPAX PARISH COUNCIL

WORKPLACE SUBSTANCE MISUSE POLICY

Date Adopted: 21/01/2021 (item 202b)

Review Due: January 2022

Signed by Chair, Councillor Martin Eyre

Introduction

Kippax Parish Council (“the council”) is committed to providing a safe, healthy, and productive working environment for all employees, contractors, customers and visitors involved in its operation. This policy sets out the council’s aims in reducing and managing alcohol and drug problems in the workplace.

Alcohol and drug problems are associated with a wide variety of costs for employers and employees. These costs include ill-health sickness absence, reduced work performance, and accidents.

Consumption of drugs and alcohol (including prescription and over the counter drugs) or intoxication during working hours implicates the health and safety of the individual and others, since these substances impair coordination, judgement, and decision making. Irresponsible behaviour resulting from the misuse of drugs and/or alcohol may damage the council’s reputation or operations, and as such, is a policy matter.

Policy Objectives

- I. To state the council’s position on alcohol and drugs within the workplace.
- II. To ensure the council complies with appropriate legislation.
- III. To minimise the creation of risks caused by or associated with alcohol and drugs at work.
- IV. To have clear rules regarding substance misuse in the workplace.
- V. To provide employees with training on the adverse health effects of alcohol and drugs.
- VI. To encourage the early identification of substance misuse
- VII. To support employees experiencing alcohol and drug problems.
- VIII. To provide sufficient training and support to line managers to make sure they feel able to support employees experiencing problems.

Definitions

Alcohol abuse – the council define alcohol abuse as any drinking, either intermittent or continual, which interferes with health and/or social functioning and/or work capability or conduct.

Drug – the council defines drugs as illegal, prescribed and over the counter medicines and solvents. In the case of prescribed and over the counter drugs, the council recognise that their possession and use by the employee is legitimate.

Drug abuse – the council defines drug abuse as the use of illegal drugs, the deliberate misuse of prescribed or over the counter drugs, and the use of solvents, either intermittent or continuous, which interfere with health and/or social functioning and/or work capability or conduct.

Legal

Under the **Health and Safety at Work Act 1974**, the council recognises the duty to protect the health, safety, and welfare of employees and others who are (or may be) affected by their activities, as far as is reasonably practicable, and is committed to taking measures to ensuring this safety.

Under the **Management of Health and Safety at Work Regulations 1999**, the council will carry out a risk assessment to identify workplace hazards and put measures in place to minimise these risks.

Under the **Misuse of Drugs Act (1971)**, it is illegal for anyone, to produce, supply or be in possession of illegal drugs. Employers may be liable if they knowingly allow an employee, customer, or service user to dispense, manufacture, possess, use or sell drugs on their premises.

Policy Rules

The council require all employees to come to work free from the effects of alcohol and drugs. Working under the influence of alcohol or drugs, or consuming alcohol or drugs during hours of work, including paid and unpaid breaks, is unacceptable behaviour.

Employees found in possession of illegal drugs or using illegal drugs while at work will normally be reported to the police.

If the legitimate use of prescribed drugs is likely to affect job performance and safety, employees should inform their line manager immediately.

Education

The council is committed to promoting health and welfare at work and on occasion will provide employees with information on safe and sensible drinking and the risks associated with drug use. This information will be disseminated via written materials and email communication.

The council is committed to providing suitable and sufficient training to help managers enforce this substance misuse policy and support any employees with a problem. New line managers will be made aware of their responsibilities in relation to this policy.

New employees will be made aware of this policy during the induction and will be sent a copy with their contract of employment. This policy will also be available on the council's website.

Identifying a problem

Substance misuse may become apparent through a number of signs. The following list of signals (particularly in combination) could indicate an issue. This list is not exhaustive.

- Persistent short-term absence
- Frequent unauthorised absence
- Recurrent small accidents
- Poor time keeping
- Inconsistency in work performance
- A breakdown in working relations
- Paranoia/aggression
- Deterioration in physical appearances, such as dental problems/weight loss.

These factors can have a number of other causes, and the council encourage line managers to use all the information at their disposal and intellectual discretion to identify a potential problem.

Colleagues may be the first to notice when an employee is misusing substances. If an employee suspects an alcohol or drug problem in a colleague they should either:

- Encourage the person to seek help from support agencies.
- Report the matter to their manager, or the Personnel Committee

Misconduct

The council's policy is principally concerned with ongoing issues of substance misuse. The council class these as 'capability issues' as the problem will primarily impact how the individual performs their job.

In circumstances where an employee breaches the policy on an individual case, such as reporting for work drunk or being under the influence of drugs at work, the council will class this behaviour as a conduct issue and handle it via the normal disciplinary procedures.

If an employee, for example, is violent at work while under the influence of any substance or deals illicit substances at work or any other very serious incident, the council will consider this serious misconduct and are justified in summary dismissal.

If an employee admits to having a substance misuse problem, the disciplinary process may be held in abeyance. This will be subject to the successful outcome of treatment and improvement of performance/job capability. If the employee subsequently admits to a substance misuse problem following an instance of serious misconduct, the council may carry out the support route and the disciplinary route in tandem.

Voluntary Referral

Employees who suspect or know they have a drug or alcohol problem are encouraged to seek support at an early stage. In such instances, the council recognise that it is up to the discretion of individuals regarding informing their line managers.

Referral by Management

Managers will offer support to employees who are suspected of having an alcohol or drug problem. If the problem has become apparent because of a decline in work performance, management will place the employee on a performance improvement plan where the employee will be required to demonstrate improvement and satisfactory completion of the support programme. If performance does not improve, disciplinary action will be taken. The council will give employees the opportunity to attend treatment within work time. If an employee is absent, normal sick pay arrangements will apply.

Confidentiality

All appropriate employees and members, such as the Personnel Committee, must maintain confidentiality for any employee who is experiencing problems with drugs and alcohol. Appropriate employees or members must not divulge information regarding individual cases to third parties. Information can only be divulged in cases where safety would be compromised by not doing so.

Relapse

The council acknowledge that relapse is common with alcohol and drug problems and, in normal circumstances, the council will support employees through two relapses after treatment.

The council will treat subsequent relapses on a case-by-case basis. During any review, the council will take into account the needs of the council. Line managers should make sure that employees are aware that disciplinary procedures may begin following subsequent relapses.

Return to Work

After the successful completion of treatment, the council will try to make sure that the employee returns to their existing role. However, if the employee is unable to fulfil their required duties, the council will consider alternative duties. The completion of treatment will not affect promotional prospects.

Equal Opportunities

This policy applies equally to all employees regardless of grade, experience, or role within the council.

Monitoring and Review

This policy will be subject to monitoring to review how the policy works in practice. The council will review this policy every twelve months. In compliance with the Employment Protection (Consolidation) Act (1998), the council will give all employees twelve weeks' notice of any changes to this policy.