

# **THE MORAY COUNCIL**

## **ALCOHOL AND SUBSTANCE MISUSE**

### **Introduction**

The Moray Council recognises the potential problems for both employees and the employer of alcohol and substance use. Difficulties can arise from alcohol and/or substance use from intoxication, regular use, or dependence including misuse of prescription medication. These can range from reduced efficiency at work, poor performance, behavioural issues to impaired safety which may present a hazard to employees themselves, their colleagues or the general public affected by their work

This policy aims to provide a fair, consistent and caring response to any employee who is experiencing issues related to either alcohol and/or substance use including misuse of prescription medication.

The consumption of even the smallest amount of alcohol or substance (including legally obtained medicines) may greatly affect staff judgement, safety and efficiency at work therefore the Council operates a zero tolerance to substance misuse in the workplace. Staff must not consume alcohol or substances (except legally obtained medicines within prescribed and approved limits) at any time while at work including during rest or meal breaks spent at or away from work premises.

The Council intends that this policy will contribute to a positive work culture and support the delivery of high quality services within Moray.

The Council recognises that the responsible use of alcohol and taking medication for health conditions is a normal, acceptable part of life. It is not, however, acceptable for employees to attend work whilst under the influence of alcohol, illegal or other substances.

### **Scope**

The policy applies to all employees of the Council, including Teachers, agency workers, contractors, trainees/students and volunteers working in Council services. The guidelines in this policy will be applied to all employees equally.

### **Policy Statement**

The Council is committed to ensuring a safe, healthy and productive working environment and to minimising problems arising from the use of substances or alcohol at work. It is recognised that alcohol and substance use are primarily health problems requiring specialist treatment and not, in the first instance, disciplinary problems.

This policy aims to promote awareness of alcohol and substance issues and their impact on our health and welfare and to encourage positive lifestyle choices among employees. The policy also aims to ensure positive, confidential support and assistance to any employee experiencing alcohol and/or substance use problems, with a view to treatment and recovery and the resumption of full working within their normal employment. Its purpose is to:

- Raise awareness among employees and managers of the dangers and harmful effects of substances and alcohol use.
- Encourage early detection and prevention of alcohol and substance use problems, to increase the possibility of recovery and to minimise the effect on the service to the public.
- Encourage employees to seek specialist help voluntarily if they are concerned about their own alcohol and/or substance use or are affected by someone else's.
- Give employees the opportunity to seek specialist help if they are identified through, impaired work performance and/or behavioural problems at work as possibly having an alcohol and/or substance use problem.

The policy is designed to provide a workable basis for the care and treatment of any employee who requires help with conditions which can have a devastating effect on the personal and family life of the individual and which may, if allowed to progress untreated result in serious disciplinary action and even dismissal.

### **Standards at Work**

The Council ask that employees must not consume alcohol or drugs (as defined below) during working hours (including breaks and lunchtimes) or on Council premises. The minimum standards below set out the Council's expectations for employees, including Teachers, agency workers, trainees/students, volunteers and contractors working on council premises:

- The Council requires that all employees ensure that their alcohol or substance use does not interfere with their health and social functioning, capability or conduct at work. Employees should be particularly aware of use of alcohol/substances/misuse of prescription medication where the effects of consumption off duty may carry over into work time.
- For some employments there are also legal requirements relating to alcohol and substances and employees must abide by these. Line managers will be responsible for monitoring and ensuring their employees are aware of the requirements.
- Where prescribed medicines or over-the counter medicines and remedies may have an impact upon an employee's performance of their duties or the safety of themselves or others they must advise their line manager in order that appropriate adjustments can be made.
- Employees are expected to take a responsible attitude to alcohol and should bear in mind that they are employees of the Council and must not do anything to jeopardise the reputation or bring the Council into disrepute.

A breach of these standards or misconduct related to the consumption of alcohol or substances is normally dealt with under the Council disciplinary procedure including the disciplinary policy and procedures for Teaching staff, and acts of gross misconduct may result in disciplinary action, with the penalty up to and including dismissal. If an employee is considered to be unfit for duties, they may be suspended on full pay whilst investigations take place, to minimise danger to themselves and others

## **Definitions**

All substances (including alcohol) are substances that affect the brain and can change the way people feel and behave. Within this definition fall:

- Substances controlled under the Misuse of Drugs Act 1971 (heroin, cocaine, crack, ecstasy, etc as set out in **Appendix 1**),
- Novel Psychoactive Substances (NPS) sometimes known as 'legal highs'
- Volatile drugs (lighter fuels, adhesives, aerosols, etc)

For the purposes of this policy the term "substance" also applies to prescribed medicines and over the counter medication.

Alcohol and substance use is defined as a problem when it interferes with a person's health and social functioning and/or work capability or conduct. Reporting for work whilst impaired through alcohol or substances is not acceptable and presents a problem for the Council as it can lead to a number of problems at work including increased absenteeism, impaired safety, low performance standards, and problems with workplace relationships, which require action to address them and support the employee.

## **Drugs and Alcohol and the Law**

Under Sections 2,3 and 4 of the Health and Safety at Work Act 1974, all employers have a general duty to ensure the health, safety and welfare of their employees. If the Council knowingly allowed an employee under the influence of alcohol or substances to continue working and this placed the employee or others at risk, the Council could be liable to charges. Under Section 7 of the Act, employees are also required to take reasonable care of themselves and others who could be affected by what they do. They, too, could be liable to charge if their alcohol or substance consumption put safety at risk.

The Misuse of Drugs Act 1971 makes it an offence to possess, supply or offer to supply or produce controlled substances without authorisation. It would also be an offence for the Council to knowingly permit these activities or the use of any controlled substances on its premises.

The Road Traffic Act 1988 states that any person who when driving or attempting to drive a motor vehicle on a road or other public place is unfit through alcohol or substances shall be guilty of an offence. An offence is also committed if a person unfit through alcohol or substances is in charge of a motor vehicle in the same circumstances.

## **Drug and Alcohol Awareness**

New employees will be made aware of the policy and any requirements which are specific to their roles as part of the Induction process (both Corporate & Service specific).

The Council will provide support and training for managers who are required to implement this policy.

Substance and alcohol awareness events and literature will be available to employees on a regular basis [provided with the support of NHS Health Scotland (Health Improvement)].

The Council's policy regarding alcohol or substance misuse is that, as far as possible, any employee identified as suffering from such effects will be given support and advice to help overcome the problem.

The consent of the employee will be sought at this stage for referral to the Council's Occupational Health provider and to provide a liaison between the employee's medical practitioner and the Council.

If as a result of his/her impaired work pattern an employee is suspected of having an alcohol or substance related problem the matter shall be referred to an appropriate manager of the service and arrangements made to discuss with him/her:

- The circumstances observed
- An offer of help
- The disciplinary consequences of continuing the present pattern

The interview will focus on aspects of work performance and/or behaviour however the manager may raise the question of alcohol or substance misuse, or refer to evidence, or the employee may raise the matter themselves. Normally only the interviewing officer and the employee will be present at a counselling interview although the employee may be accompanied by a Trade Union Official or another person if they wish.

If the employee acknowledges that an alcohol or substance related problem does exist and indicates a willingness to undertake treatment, assistance as outlined above should be offered. The employee will be referred to the Council's Medical Advisor (Occupational Health).

Management's expectations of work performance and behaviour during the programme of recovery will be conveyed to the employee.

In such circumstances, the Disciplinary Procedure (if relevant) may be put in abeyance subject to the employee seeking and showing a positive response to relevant treatment. However, in a case where the employee has severely breached disciplinary rules, the Council reserve the right to implement the Disciplinary Procedure.

### **Loss of Driving Licence**

Employees who are required to drive as part of their terms and conditions of employment must report any offences to their line manager as soon as they are known. A decision will then be made in conjunction with Human Resources as to the level of action to be taken which may include proceeding down the Disciplinary Policy and Procedure.

### **Risk assessments for 'safety critical' roles**

Line managers must conduct risk assessments to identify roles which include safety-critical activities. Examples of such activities include:

- Driving a vehicle of any description

- Piloting a boat
- Undertaking work with hazardous chemicals where spillages could be highly dangerous by virtue of their toxicity, flammability etc.
- Heavy lifting and using dangerous machinery or equipment

This list is not exhaustive.

Employees who undertake safety-critical roles must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties, which means being alcohol and substance free.

Employees who undertake safety-critical roles and use prescription or over-the-counter medication which may cause an impairment and impact on their fitness to work must declare this to their manager immediately to determine if medical advice should be sought or adjustments made.

### **Monitoring and Review**

The effectiveness of the policy will be reviewed on a regular basis to take into account feedback from managers, trade unions and experiences from cases managed under the policy.

### **Relevant documents:**

Employee Assistance : Alcohol and Drug Use  
Alcohol and Drug Use – Management Referral Guidelines  
Disciplinary Procedure  
Health and Work Policy