

East Dunbartonshire Council

Drug, Alcohol & Substance Misuse Policy

**Chief Officers, Craft & Local Government
Employees & Teachers**

Education, People & Business

October 2019



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East Dunbartonshire Council

www.eastdunbarton.gov.uk

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Drug, Alcohol & Substance Misuse Policy

1.0 POLICY STATEMENT

- 1.1 The Drug, Alcohol and Substance Misuse Policy outlines the Council's approach to the misuse of drugs, alcohol and other substances by employees. This responsibility includes recognising the signs of being under the influence and/or misuse and addressing them as soon as possible.
- 1.2 The Council will adopt a zero tolerance policy for the consumption and/or misuse of alcohol, drugs and other substances in the workplace. All employees covered by the Policy must therefore attend work free from the effects of drugs, alcohol and substances to ensure that these do not compromise safety and affect an employee's fitness for work.
- 1.3 The use of alcohol, drugs and other substances can impair both mental and physical performance. The Council aims to ensure that it provides a safe and productive work environment that promotes the health, safety of all employees and the wider community at the same time maintaining the Council's reputation and integrity.
- 1.4 The Council therefore encourages employees with dependency or addiction problems to inform of such and seek help in advance of any concerns and/or allegations being raised. In these circumstances the Council will aim to offer support to the employee in the first instance.
- 1.5 The Council is committed to providing a safe working environment and will therefore endeavour to prevent and eliminate, as far as is reasonably possible, any such behaviour which will increase the potential for ill health, accidents, absence, poor performance or which will otherwise adversely affect the Council, its employees and/or its customers/clients.

2.0 AIMS

- 2.1 The Policy aims to:
 - Provide a framework to enable instances of drug, alcohol and substance misuse to be handled in an appropriate, fair, consistent, and confidential manner.
 - Ensure that Managers have the appropriate skills and knowledge to recognise the signs of drug, alcohol and/or substance misuse and are aware of their role if they suspect an employee is involved in misuse of such.
 - Ensure a clear understanding of the Council's approach to drug, alcohol and substance misuse to prevent employees from placing themselves in disciplinary situations arising from drug, alcohol and substance misuse related problems.
 - Define what action may be taken should the standards of this Policy be breached.
 - Raise awareness of the risks associated with drugs, alcohol and substance misuse and the consequences (including legal consequences) of their actions.
 - Create a culture that supports and assist employees who suspect or know that they have or are developing a dependency or addiction to drug, alcohol and/or substances.

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- Employees are encouraged to seek support voluntarily at the earliest stage from support agencies directly or via the established procedures.

3.0 SCOPE

- 3.1 The Drug, Alcohol and Substance Misuse Policy applies to all employees within the Council. Agency staff working in the Council and other contractors, will be required to comply with the principles outlined in this policy for the duration of their service, however, their own Organisation's policies will apply to issues of concern. Casual Workers and Volunteers are also covered by this Policy.

4.0 REFERENCES AND RELATED DOCUMENTATION

- 4.1 This forms part of the Councils Policies and Procedure base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document. This policy has been developed to ensure compliance with relevant employment law.
- 4.2 This Policy should be applied with reference to the Charter of Roles & Responsibilities for Employment based Policies and Procedures.

5.0 DEFINITIONS

- 5.1 For the purposes of this policy:

Alcohol misuse is defined as either intermittent or continual consumption of alcohol, which interferes with a person's health and social interaction and/or conduct or work capability.

Drug misuse refers to the use of illegal drugs and highs and misuse of prescribed drugs and other substances such as solvents. Nicotine is not included within this definition and is covered in the Council's Smoking Policy.

Substance misuse is the harmful use of substances. The term "substance misuse" often refers to illegal drugs. However, legal substances can also be misused, such as alcohol, prescription and over the counter purchased medications, caffeine, nicotine and volatile substances such as petrol, glue, paint.

Addiction is a state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effect on the user and often their family as well, and the individual has great difficulty discontinuing their use.

Dependence is a compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquilising effects or pleasure (psychological dependence).

6.0 POLICY OUTLINE

6.1 Standards of Conduct

- 6.1.1 The Council has adopted a zero tolerance approach and will not be compromised by the presence of employees who are under the influence of drugs, alcohol or substances in the workplace.
- 6.1.2 All employees must therefore attend work free from the effects of drugs, alcohol and substances and remain free from the effects for the duration of their working day.
- 6.1.3 Employees have a responsibility to advise their manager if they are taking any prescribed or over the counter medication that may cause side effects and have an impairment on their ability to carry out their role.
- 6.1.4 The Line Manager will have responsibility to risk assess the role and put into place appropriate measures to prevent risk to the employee and/or others following disclosure of drug, alcohol and/or substance misuse. This may include temporary redeployment or a medical suspension pending an Occupational Health referral.
- 6.1.5 The Council reserve the right to carry out “for cause” testing on employees for drug, alcohol and substances where behaviour, suspicion or evidence indicates that someone may be under the influence or where an allegation is made through the Council’s Whistleblowing Policy to establish the employee’s fitness for work. Consent is required from the employee on each and every occasion before a test is requested. Testing will be carried out by a fully accredited independent specialist provider and further information on “for cause” testing can be found in the Drug, Alcohol & Substance Misuse Toolkit
- 6.1.7 In cases of agency workers and consultants, the Council will contact their company in the first instance and where there is a concern regarding casual workers/volunteers, this may result in the removal from their position.
- 6.1.8 Random testing may be performed where agreed for a period as part of a support programme for an employee. Random testing will be a condition for employees returning to a safety critical role following a course of rehabilitative treatment to ensure continued safety of employees, service users and the general public. Examples of safety critical roles, including but not limited to, involve driving, use of machinery, dealing with vulnerable people and where a significant threat may be posed to their own safety or that of others for example working in high risk areas such as near traffic, at height, near water etc.
- 6.1.9 The illegal possession, supplying or the offering to supply controlled drugs in the workplace will be regarded as a breach of the Drug, Alcohol & Substance Misuse Policy and as such will be treated within the scope of the disciplinary procedure. In such circumstances the Council has a legal requirement to notify the Police.

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6.1.10 Any breach of the drug, alcohol and substance misuse policy including failing a test or refusing a test is considered Gross Misconduct and the disciplinary process may be invoked.

6.1.11 In line with the Council's Discipline at Work Policy, the following will be regarded as Gross Misconduct:

- Attending work and/or carrying out duties under the influence of Drugs, Alcohol and any other substances;
- Consumption and/or misuse of alcohol, drugs and/or substances whilst at work.
- Test positive for any level of drugs, substances and/or alcohol above the legal alcohol limit. This will be classed as a failed test. Where the employee has been at work for more than one hour the test result can be used to determine whether the employee would have been under the influence when reporting for work;
- A refusal to participate in 'for cause testing' will be classed as a failed test;
- A refusal to participate in a random test when a programme of random testing has been previously agreed posing a risk to health and safety of self or others due to intake of drugs, alcohol and/or substances will be classed as a failed test.
- The illegal possession, supplying or the offering to supply controlled drugs in the workplace.
- Unacceptable behaviour whilst under the influence of alcohol, drugs or substances in the workplace

6.1.12 In all cases of gross misconduct disciplinary sanctions up to and including dismissal may be imposed.

6.1.13 The Council recognises that each case is individual in its circumstances and that such misuse can be because of an underlying problem such as addiction. Therefore, the Council is committed to supporting employees making a disclosure regarding their drug, alcohol and/or substance misuse problem in advance of any concerns and/or allegations being raised and their intention to manage the situation.

6.1.14 Employees seeking help will be supported with their treatment and every effort will be made to assist them in line with the appropriate policy. Whilst referral to the Discipline at Work Policy or disciplinary action may be suspended in these circumstances other related conduct associated with the condition i.e. persistent lateness, failure to attend work may be dealt with under the relevant policies.

7.0 CIVIC, CORPORATE AND AUTHORISED FUNCTIONS

7.1 A civic function is hosted by the Provost and involves civic hospitality that may or may not include alcohol. A corporate event or authorised function is authorised by an

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Executive Officer and could involve retirement presentations and long service awards, for example.

7.2 Alcohol must not be consumed on Council premises, with the exception of civic and authorised functions. Employees attending such functions during working hours should not drink alcohol. Non-alcoholic drinks should be made available.

7.3 Exceptions to this may be when:

- Prior authorisation has been sought and given by senior management.
- Where possible events and functions take place later in the working day and employees are not expected to return to work.

7.4 Employees representing the Council should not act in ways that could affect the reputation of the council.

8.0 GDPR STATEMENT

8.1 East Dunbartonshire Council holds, uses and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how East Dunbartonshire holds and uses personal information and copies of privacy notices used throughout the Council are available on our website: www.eastdunbarton.gov.uk/council/privacy-notices.

9.0 POLICY REVIEW

9.1 This policy will be reviewed in two years or in line with:

- Legislative Change
- Other external factors
- Evaluation on the effectiveness of the policy

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:
East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

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本文件可按要求翻譯成中文，如有此需要，請電 **0300 123 4510**。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر **0300 123 4510** پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ **0300 123 4510** ਫੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòn gu **0300 123 4510**

अनुवाद करने पर यह दस्तावेज़ हिन्दी में भाषांतरित किया जा सकता है। कृपया **0300 123 4510** पर फ़ोन कीजिए।

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