

## Drug and Alcohol Policy

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### 1.0 Introduction

- 1.1 Under the Health and Safety at Work Act 1974, Huntingdonshire District Council is required to ensure, so far as is reasonably practicable, the health and safety (physical and mental) of its employees at work. This means taking reasonable care to ensure that they, and third parties, are not exposed to risks to their health and safety because of substance misuse, or drug and/or alcohol-related negligence.
- 1.2 Huntingdonshire District Council has a zero-tolerance policy on the misuse of alcohol or drugs by all employees. The Council's policy is not intended to intrude upon the privacy of its employees, particularly in health matters, where their condition does not affect their conduct or performance. However, the Council is concerned where health or behaviour impairs conduct or work performance and impacts on the health and safety of other employees or clients. It is recognised that alcohol, drugs or other substances can be a cause of such impairment, and the aim of this policy is to reduce the risks associated with this. For example alcohol can affect judgement and physical coordination. Drug and Alcohol abuse can also contribute to workplace accidents.
- 1.3 This policy applies to all of Huntingdonshire District Council's employees, volunteers, contractors and agency workers. Members are also required to comply with the policy requirements.

### 2.0 Aims

This policy aims to:

- promote greater awareness of how alcohol, drugs and substance misuse and/or dependency can be prevented by ensuring those employees with key responsibilities in administering the policy are suitably trained in how to recognise drug and alcohol dependency issues and how to implement the correct procedures;
- ensure staff are capable of working and not under the influence of Drugs or Alcohol.
- achieve a balance between employee support and discipline when dealing with

- isolated incidents of substance misuse or employees who have dependency problems;
- encourage and support self-referral/help or intervention at an early stage of dependency;  
and
- meet the Council’s legal obligation to discharge its duty of care to its employees and clients.

### 3.0 Definitions

- 3.1 **Drug misuse:** Any substance that affects the way in which the body functions physically, emotionally or mentally. This includes, but is not limited to, alcohol, solvents, prescription/non-prescription, new legal highs and illegal substances. These may interfere with someone’s health, work capabilities or conduct; and / or which may affect their work performance, safety and / or the safety of others.
- 3.2 **Alcohol misuse:** Any drinking, either intermittent or continuous, which interferes with an individual’s health, work capabilities or conduct; and/or which affects their work performance, safety and/or the safety of others.
- 3.3 **Unfit for duty due to alcohol or drugs:** A person has drugs or alcohol in their body at a level that would cause them to test positive.
- 3.4 **Positive Drug test result:** A laboratory confirmed positive drug test result will be recorded if a drug is detected in the donors sample for which no legitimate explanation, medical or otherwise can be found. An employee will be in breach of this policy if they receive a laboratory confirmed positive drug test result.
- 3.5 **Positive Alcohol test result:** A positive alcohol test result will be recorded if alcohol is detected in the donors breath in two consecutive breath tests. An employee will be in breach of this policy if they receive a positive alcohol test result.
- 3.6 **Safety critical role:** A position which requires the post holder to perform duties which are directly related to:
- the safe operation or security of premises, a piece of mechanical/operational equipment or a vehicle;
  - handling of chemicals;
  - the supervision of a swimming pool;
  - the supervision of children and vulnerable people;
  - work on the highway, at height or in confined spaces;
  - public facing roles, where there is a reputational risk;
  - the supervision of employees who carry out the above duties
- 3.7 **Alcohol and drug dependency:** is defined as not having control over doing, taking or using something to the point where it could be harmful to you or others.

#### 4.0 Policy Rules

- 4.1 We require all employees to come to work free from the effects of alcohol and drugs.
- 4.2 Being unfit for duty due to drugs and /or alcohol misuse or consuming alcohol or drugs during hours of work, including paid and unpaid breaks, is unacceptable behaviour.
- 4.3 Employees found in possession of illegal drugs or using illegal drugs while at work will normally be reported to the police.
- 4.4 If the legitimate use of prescribed drugs is likely to affect job performance and safety, employees should inform their line manager immediately.
- 4.5 The overarching principles of the policy are that:

In order to ensure that employees do not compromise their ability to do their job safely and correctly, **employees are not permitted to consume drugs or alcohol at the place of work or whilst representing the Council during working hours, or be unfit for duty due to drugs and / or alcohol misuse during working time.** This includes meal and rest breaks.

#### 5.0 Responsibilities

- 5.1 The Council will encourage an open working environment in which the issues caused by inappropriate consumption of alcohol and drugs and/or substance misuse are better understood and appropriate support is put in place to assist, including where this has an impact on work performance.
- 5.2 Individuals are strongly advised to inform their manager if they have an alcohol, drug or substance misuse problem so that appropriate support can be given. However, declaration will not be treated sympathetically if it is made following an incident / accident or when an individual is called for a drug test. If this is not done and unsatisfactory performance or conduct occurs, it may lead to the immediate application of the appropriate Disciplinary Procedure or Managing Employee Performance Policy which may result in dismissal.
- 5.3 Huntingdonshire District Council's approach is to deal with alcohol, drug or substance misuse issues outside of the disciplinary procedure as far as possible. The first response to an employee with a dependency-related problem will be to provide support. However, the Council's Disciplinary Policy or Managing Employee Performance Policy will be used in situations where an employee persistently misuses alcohol, drugs or other substances, refuses treatment or commits an act of gross misconduct in relation to drugs and/or alcohol misuse which may result in dismissal
- 5.4 It is the expectation of the Council that employees will consider the adverse effect that alcohol can have on performance and efficiency. Employees are not permitted to consume alcohol during working hours and outside of working hours staff should be aware of the effects of excessive alcohol or drugs that will have adverse effects on their work performance when next in work. For example, an individual employed to undertake driving duties should ensure an adequate time lapse between drinking and starting work to be sure that s/he is fit to drive.

5.5 Admission of an alcohol, drug and/or substance misuse problem may be very difficult for an individual to make and such a disclosure should be treated as strictly confidential. However, if the manager believes that a law has been broken or that the individual's actions may result in serious harm to the individual or another person, advice on action to be taken should be sought immediately from the HR Advisory Team.

5.6 Line managers need to be aware of their responsibility to discourage the misuse of drink or drugs and this includes ensuring that staff are aware that they must not consume alcohol or drugs:

- During the working day including lunchtime periods between the morning and afternoon and
- After work before attending an evening activity such as a public meeting.

If you are unsure what constitutes a working day please seek guidance from your Head of Service.

5.7 Whilst this policy does not ban employees from consuming alcohol outside of their normal working day, at events organised by third parties where the employee is representing the Council (e.g. evening events and receptions, awards presentations or overnight conference) employees must be mindful to ensure their behaviour could not damage the Council's reputation.

5.8 Employees and Line Managers should be aware that Employment Tribunals (independent legal body that reviews disputes between employers and employees), usually view 'work parties' as taking place within the employment context, even if they are not held on the work premises. Therefore, behaviour at social events with a group of HDC colleagues should remain acceptable and care should be taken to prevent any negative impact on working relationships and the Council's reputation with outside contacts.

5.9 Employees who are aware that a colleague is unfit for duty due to drugs and / or alcohol misuse or other substances should inform their manager, particularly if they witness something that could be viewed as an act of misconduct/gross misconduct, e.g. where the safety of others, including clients, customers and members of the public or the reputation of the Council is at risk. In the case of regulated or prohibited substances there may even be a criminal liability on both the Council and the employees concerned.

5.10 The HR Advisory Team is available to provide advice to managers who are supporting employees with drug and alcohol misuse issues.

## 6.0 Education

- 6.1 Huntingdonshire District Council is committed to promoting health and welfare at work.
- 6.2 We will provide employees with information on safe and sensible drinking and the risks associated with drug use.
- 6.3 We are committed to providing suitable and sufficient training to help managers enforce this Drug & Alcohol policy and support any employees with a problem. Additional support can also be sought from Human Resources.
- 6.4 New managers will be made aware of their responsibilities in relation to this policy via the company induction programme. New staff will be made aware of this policy during the induction and will be sent a copy with their contract of employment.

## 7.0 Drinking/Drugs and Driving

- 7.1 Employees driving in connection with Council business must comply with the Road Traffic Act and supporting regulations. In addition to this Huntingdonshire District Council also:
- expects that employees whose duties require them to drive will abstain from alcohol consumption and / or the misuse of medicines, controlled drugs or other substances during their normal working hours or at times which may later lead to adverse effects during working hours; and
  - considers drinking and driving, and unfit to drive due to prescribed drugs that adversely affect the driver's capability to safely control a vehicle, to be a disciplinary offence - see disciplinary rules. These rules apply to Council-owned vehicles, e.g. pool cars and minibuses, and employees' own vehicles that are insured for business use.
- 7.2 Any employee charged with a drinking and driving or related offence (e.g. failure to provide a specimen) or a drug-related offence, must inform their manager at the beginning of the next working day. Any employee convicted of a drinking and/or drug-related driving offence must also inform their manager in writing immediately upon conviction.

## 8.0 Managing Drugs and Alcohol Misuse

- 8.1 Where an employee is found to be displaying the signs of drug or alcohol misuse (see Appendix 1), the subject should be broached immediately with the employee by their line manager or supervisor. The conversation should be private and confidential and the employee should be treated sympathetically.
- 8.2 Any employee who has a dependency problem will be referred to the Council's Occupational Health provider and will be advised to contact the employee's own General Practitioner. In order to assist an employee with a dependency problem, they will be expected to co-operate by agreeing to permit the Council's Occupational Health provider to have access to their medical records.
- 8.3 The manager will offer reasonable support; this includes treating absence (for treatment and rehabilitation), as normal sickness and recognising that relapses may occur. Return

to work after successful treatment should be to the same or a similar job where possible. Support is available via an Occupational Health referral, Counselling, Staff Council, First Contact and Mental Health First Aiders (see appendix 1 for details on support available).

- 8.4 Should an employee refuse to co-operate with the help/advice, when this is deemed necessary, the employee may be subject to disciplinary procedures. Employees who are suspected to have a drug/substance or alcohol-related problem and who decline to accept diagnosis or help, or who discontinue their treatment without medical consent, may similarly be subject to action under the Council's Disciplinary procedure.
- 8.5 Whenever a manager, supervisor or other HDC official has reasonable cause to suspect that an employee has misused drugs or alcohol and is unfit to continue working then a reasonable suspicion test will be instigated. The official observations will be documented and shall be kept on the employee's personal file.

The Council may look to temporarily redeploy into a non-safety critical role (if appropriate) or suspend the employee pending the outcome of testing and a full disciplinary investigation. The Council's Disciplinary Policy will be invoked regardless of the fact that an employee is following a recovery programme unless the employee came forward before reasonable suspicion. A positive test result for drugs or/and alcohol is a serious breach of health and safety rules and would be investigated under the Disciplinary Policy as gross misconduct. This could mean dismissal from the Council if proven.

- 8.6 If the employee is not in a safety critical role, then, following Occupational Health advice, the individual will be managed, dependent upon the circumstances, through the Council's Sickness Absence Policy & Procedure or Disciplinary Policy in a fair and consistent manner.
- 8.7 Where an employee is taking prescribed drugs which may have an impact on their ability to undertake their regular duties safely, they should ask their General Practitioner or Pharmacist if the medication could affect them at work. If the member of staff is concerned they should discuss their concerns with their line manager or the Council's HR Advisory Team.
- 8.8 Possession of illegal drugs on work premises is not permitted and will be reported immediately to the police.
- 8.9 Where Disciplinary procedures have been invoked and it transpires that the breach of rules is associated with drug or alcohol misuse, each case will be assessed individually and action taken accordingly. Disciplinary action may be delayed while the employee is receiving treatment for alcohol and drug misuse.

## **9.0 Testing for Drugs & Alcohol**

- 9.1 This policy applies to testing of breath and/or bodily fluids (urine) for the purposes of determining whether an employee has alcohol and/or drugs in their body whilst at work. This procedure is intended to ensure the safety of the individual employee, their work colleagues and members of the public.
- 9.2 Testing will be carried out by an external body who will be onsite within 2 hours where a

manager / supervisor has **reasonable suspicion** that an employee, who is employed in a **safety critical role or a role where they are required to travel on Council business**, is unfit for duty due to drugs and / or alcohol misuse.

9.3 Testing will also be carried out in the following circumstances:

9.3.1 **Accident / Incident:** Following an accident or incident, testing may be carried out if there is evidence to suggest those involved might have consumed/abused/used alcohol and/or drugs in contravention of this policy. In the event of an accident or incident it may be necessary to test not only those who are injured, but also any employees who potentially contributed to the accident or incident in any way. The testing is mandatory following an incident in which a serious injury or fatality has occurred.

9.3.2 **Rehabilitation:** As part of the rehabilitation and aftercare process, employees may be required to consent to a series of drug and alcohol tests some of which may be unannounced. Random periodic screening/testing may also be advised as an outcome following a disciplinary hearing.

9.3.3 **Pre-employment:** All employees within a safety critical role will be required to undergo pre-employment testing for drugs and alcohol.

9.4 Subject to meeting any of the above conditions the employee should immediately be withdrawn from work and a breath or urine test requested to determine specific levels. The employee will be stood down from their safety critical role during this period, until the results of the test(s) have been confirmed. Suspension may be considered depending upon the situation/incident and in discussion with the HR Advisory Team.

9.5 If an employee passes the drug and / or alcohol tests undertaken then further investigation and discussion will be required with the individual to determine the cause for their impaired performance. They will not be allowed to undertake a safety critical role until it has been determined that they will be able to undertake the duties safely. Further advice may be required from Human Resources, the Council's Health and Safety consultant, the Council's Occupational Health provider and the employee's GP.

9.6 If an employee refuses to take a drug/alcohol test, a decision will be taken in line with the evidence available as to whether to proceed in line with the Disciplinary Policy.

9.7 Alere Toxicology is the Emergency Response Service appointed by HDC to be used for testing. Alere Toxicology is a 24 hour UK Emergency Response service on call around the clock, every day of the year to assist in controlling the use of alcohol and drugs.

To activate an emergency call out, Managers should call the 24 hour emergency number - **020 7538 1133** and quote the **Pin Number 8817**. The PIN is a mandatory requirement during this phone call as it is used to confirm that you are authorised to activate a call out.

Once this information has been confirmed the call out is activated, the clock is started and a collecting officer will be dispatched. For more information please read the attached user guide (Appendix 2).

Name of Policy	Drug and Alcohol Policy
Person/posts responsible	HR Business Partner (LGSS)
Date approved/adopted	24 <sup>th</sup> September 2015
Approved by	Employment Panel <b>Amended and approved by Corporate Management Team 31 May 2016</b>
To be reviewed by	1 <sup>st</sup> January 2021



## Drugs and Alcohol: Fact sheet

Huntingdonshire District Council is committed to ensuring every employee's health, safety and wellbeing at work. Employees also play a part in this therefore if you suspect a colleague may be unfit for duty due to drugs and / or alcohol misuse at work you are expected to inform a manager immediately.

### What are the physical signs of unfit for duty due to alcohol misuse?

Symptoms might include:

- Slurred speech
- Smelling of alcohol
- Red eyes
- Reduced inhibition
- Erratic behaviour
- Impaired balance
- Lack of co-ordination
- Heavy sweating

### What are the physical signs of being unfit for duty due to drug misuse?

Symptoms will vary depending on the substance, but might include:

- Red or glassy eyes
- Dilated pupils
- Sweating / shaking
- Anxiety or becoming agitated
- Severe mood swings
- Over excited and talkative
- Sniffing / runny nose
- Lack of co-ordination

You are responsible for arriving at work in a fit state. If you have consumed alcohol prior to starting work (including the night before) you should ensure you have had sufficient time to recover so that you are fit for work.

**NB:** the signs shown above may be caused by other factors, such as a pre-existing medical condition such as Diabetes or stress, and managers should take this into account when considering whether or not they suspect that an employee may be unfit for duty due to drugs and / or alcohol misuse.

### How long does it take for alcohol to get out of your system?

On average, it takes about an hour for your body to break down one unit of alcohol. However factors like your weight, age, metabolism and how much you have eaten means that this will vary from person to person.

So, for example, if you drink one large glass of wine (250ml) it will take your body about three

hours to break down the alcohol. If you drink a pint of beer, it will take two to three hours depending on the strength of the beer.

If you have several drinks during a night out, it can take many hours for the alcohol to leave the body. You could still be unfit for duty due to alcohol misuse (and over the legal limit for driving) the next morning.

### What is a unit of alcohol?

One unit is equivalent to 10ml or 8g of pure alcohol. Because alcoholic drinks come in different strengths and sizes, units are a way to tell how strong your drink is.

The number of units in a drink is based on the size of the drink as well as its alcohol strength. For example, a pint of strong lager contains 3 units of alcohol, whereas the same volume of standard lager has just over 2 units.

Here are some approximate examples:

- Small glass of wine 125ml ABV 12% = 1.5 units
- Medium glass of wine 175ml ABV 12% = 2.1 units
- Large glass of wine 250ml ABV 12%= 3 units
- Pint low strength lager ABV 3.6%= 2 units
- Pint strong lager/beer ABV 5.2%= 3 units
- Bottle of Lager/Cider 330ml ABV 5% 1.7 units
- Alcopop 275ml ABV 5.5%= 1.5 units
- Single measure spirits 25ml ABV 40%= 1 unit

It takes an average adult around an hour to process one unit of alcohol so that there's none left in their bloodstream, although this varies from person to person.

### Where can I get help or advice if I am concerned about a drug or alcohol issue?

If you are concerned about drugs or alcohol you could seek expert help from your Doctor or a specialist organisation, such as the ones listed below. You can also speak to your manager or a member of the Human Resources team who could access medical support from the occupational health service, or arrange confidential counselling.

**HDC First Contact Service:** <http://teams/first-contact/default.aspx>

**Alcoholics anonymous:** 0845 7697555 [www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)

**Narcotics anonymous:** 0300 999 1212 [www.ukna.org](http://www.ukna.org)

**Frank (advice on drugs):** 0800 77 66 00 [www.talktofrank.com](http://www.talktofrank.com)