CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

# DRUG AND ALCOHOL MISUSE IN THE WORKPLACE POLICY

**Prepared by:**
**Human Resources**

Revised December 2023
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## 1. INTRODUCTION

1.1 This policy has been introduced in order to highlight the importance the authority places on people's health and wellbeing at work. The policy relates to all the Council's staff, volunteers and agency workers with the exception of school based staff for whom a separate policy applies.

## 2. POLICY STATEMENT

2.1 The policy aims to promote awareness of the effects of alcohol and drug abuse on the workplace and to ensure that the authority continues to safeguard the health and safety of the workforce, in addition to every other individual who uses the council's buildings and services.

2.2 Alcohol and drug misuse (including mis-use of prescribed medications) can have an adverse effect not just on an individual but on their colleagues, customers and the public. Having a safe working environment, providing excellent customer service by maintaining productivity levels and avoiding days being lost to illness are all critical to our success.

2.3 Isle of Anglesey County Council (IACC) strongly discourages employees from drinking any alcohol or taking drugs prior to driving or reporting to work. IOACC prohibits staff from drinking alcohol, taking illegal drugs, misusing prescribed medication, or being under the influence during contracted hours, whilst at their normal identified place of work, on the Council's property at any time and also whilst undertaking overtime, training, on duty or stand-by outside normal working hours, and hybrid arrangements, which includes working from home.

2.4 IACC recognises that employees dealing with a dependency will need support and assistance. This policy aims to ensure that those who are dependent on alcohol or legal or illegal substances and those with alcohol and substance misuse related problems, will be treated sympathetically, fairly, and consistently and they will be encouraged to seek help and assistance. However, if the employee is unwilling to seek medical assistance or there is no improvement in their attendance, performance or conduct once any support is underway, disciplinary action may follow.

2.5 For the purpose of this document the following definitions shall apply:

- Drugs are substances that, when taken in or administered into one's system, affect mental processes, e.g. perception, consciousness,

cognition or mood and emotions. The term 'drug' shall refer to: illegal use of substances, e.g., alcohol or solvents; legally available medicines; prescribed medicines; illegally possessed or used prescribed medicines e.g., tranquilizers, opiates; illegally produced, possessed, used or supplied substances e.g. cannabis, LSD.

- "Under the influence" -
  - the presence of drugs or alcohol that has not prescribed by a certified medical practitioner
  - the presence of alcohol in the body as detected by a breath test (The presence of more than 35 micrograms in 100 millilitres of breath will be considered gross misconduct)

2.6 Problems relating to alcohol and drugs can fall into 2 categories:

- Presenting yourself for work under the influence of drugs or alcohol.
- Ongoing dependency on alcohol or drugs that interferes with work. This should be considered as a health issue and treated in the appropriate way.

2.7 The purpose of this policy is:

- to ensure that all employees are aware of the procedures.
- to ensure that all employees are aware of the assistance available with regard to drug/ alcohol abuse.
- to ensure as far as possible, that employee's use of drugs/alcohol does not affect safety and productivity in the workplace.

2.8 Employees taking drugs or using alcohol excessively become answerable to the Authority when that interferes with:

- attendance
- work performance
- the safety of others and themselves

2.9 IACC will test for drugs and/or alcohol on a "for cause" basis i.e. when a Line Manager/Supervisor, in consultation with Human Resources, suspects that there is misuse that affects the health and safety and/or performance in the workplace

2.10 IACC aims to positively support its staff through:

- Promoting healthy lifestyles.
- Intervention when drugs or alcohol are misused.
- Minimise harm and prevent the misuse of drugs/ alcohol.
- The provision of education and information on drug and alcohol use and misuse.

2.11 Drug or alcohol prevention is seen as a whole workplace issue and each staff member, at all level's, has a part to play. Any member of staff who requires help and support to address a personal drug or alcohol problem should receive it with the aim of helping that member of staff to continue to perform their professional duties.

2.12 Any individual who suffers from alcohol and or drug dependency will receive the same support as any other individual with a health condition.

## 3. LEGAL OBLIGATIONS

3.1 The Health and Safety at Work Act, 1974, Section 2 imposes a duty on an employer to ensure: "...the provision and maintenance of a working environment for its employees that is, so far as is reasonably practicable, safe, without risk to health, and adequate as regards facilities and arrangements for their welfare at work".

3.2 Employees also have a duty of care, as stated under Section 7 of the Act, to take reasonable care for both their own and others' health and to cooperate with the employer on such related issues.

3.3 Under the Misuse of Drugs Act 1971 it is an offence to allow prohibited drugs to be used, kept and supplied on one's premises and to ignore any such occurrences. The Authority may be required to disclose any such offences to the NW Police Authority.

3.4 According to the Transport & Works Act 1992 it is an offence to be unfit through drinking or drugs to work on transport systems.

3.5 The Psychoactive Substances Act 2016, introduced on May 26th, 2016, makes drugs formally known as 'legal highs' illegal.

3.6 Any symptoms arising from the misuse of drug/alcohol which may be defined as 'disability' in accordance with the Equality Act 2010 will be treated in accordance with the Act.

4. Prescribed Medication

4.1 The policy does not stop employees from using prescribed medication, over-the-counter medication or herbal remedies. However, it should be noted that some medication's will have side affects that could affect work performance or the safety of themselves or others.

4.2 If an employee is taking any medication they should:

- check the possible side effects with their doctor or pharmacist
- let their line manager know, in confidence, that they are taking medication and the possible side effects that could have side effects that may impact them day to day

- The line manager will then complete the necessary risk assessment in conjunction with their Service HR Office, and discuss any further steps that may be required.

4.3 In circumstances where it is not possible for the direct line manager to undertake the risk assessment this should be undertaken with an appropriate individual as agreed between all parties.

4.4 It should be noted that where it is deemed necessary due to health and safety concerns, consideration may be given to possible adjustments. Where no suitable adjustments can be met the manager should seek further advice from HR. 4.5 Where there has been no attempt to inform the line manager that prescribed medication may have side effects which in turn could impact the health and safety of themselves and/or others, may result in disciplinary action.

## 5. Assistance

5.1 This policy aims to ensure that those employees who suffer from drug/alcohol misuse or related problems receive the appropriate support and encouragement to seek help and treatment.

5.2 Whether an employee has been involved in an incident or comes forward voluntarily and seeks help for an alcohol or drug problem, they will be given help and support. If an employee thinks they have a problem and has or may be violating this policy as a result, the Council strongly encourages them to come forward and seek help. The Council will be sympathetic and ensure the employee gets the help and support they need which may include direction to external specialists. If an employee volunteers information to the Council that they have an alcohol or drug problem, they will be treated with dignity at all times.

5.3 Any discussions will be in the strictest of confidence.

5.4 The Council recognises that employees may continue to struggle with alcohol or drug dependency even after they have sought and are receiving assistance. The council will ensure an appropriate support plan is put in place with regular review periods, to ensure every effort to provide ongoing support is provided. It should be noted that this support could involve reasonable adjustments such as a change of duties on a temporary basis.

5.5 The following characteristics may indicate a drug or alcohol related problem; however, they should not be viewed as a complete list and the symptoms can relate to other problems:

- Absenteeism
- Frequent sick leave, especially Friday and/ or Mondays

- Carelessness/ increased injuries/ accidents at work
- Irritability, depression, confusion, mood swings, aggression, lethargy
- Difficulty in concentrating, unable to remember instructions.
- Reduced work performance
- Consistently late from lunch
- Suspicious reasons for absence
- Physical signs i.e., smelling of alcohol, unkempt appearance, lack of hygiene, slurred speech
- Poor timekeeping
- Lack of concentration and impaired memory
- Reluctance to accept responsibility
- Unreliability and unpredictability
- Altered relationship with colleagues, changes in attitude, avoidance of company etc
- Moodiness, depression, apathy
- Changes in attitude to council
- Lethargy
- Frequent accident outside work
- Careless handling of equipment
- Smelling of alcohol
- Facial flushing, puffy or bloodshot eyes, hand tremors, slurred speech etc

5.6 IACC acknowledges that drug/ alcohol abuse can happen to people at all levels within the workplace and is regarded by the Council as a health problem. Support and guidance are available to all individuals through contacting the following:

- Line Manager/Supervisors
- Union representative,
- Human Resources,
- Occupational Health service.
- (See also Directory of local services - Refer to Appendix 1 attached)

5.7 If it is known or suspected that an individual suffers from a drug or alcohol problem they will be advised to seek medical advice, or guidance from their GP or by self- referral to Occupational Health on **01286 679746/ 01248 752510** Occupational health - Monitor (gov.wales). However, if this advice is ignored, and as a result work performance continues to be affected/unsatisfactory, they could be dealt with in accordance with the disciplinary procedure which may result in demotion, transfer to another area or termination of employment.

5.8 Details of an addiction shall not be placed on an individual's personal record except in the case where the employee refuses support and medical advice and, hence, the disciplinary procedure has been applied.

## 6 PROCEDURE TO FOLLOW WHEN SUBSTANCE ABUSE IS SUSPECTED

6.1 Whilst the council will be sympathetic to employees who are experiencing difficulties with alcohol and drugs, it may be appropriate to implement a disciplinary or capability procedure as appropriate where conduct or performance is not satisfactory, which could result in termination of employment.

6.2 Criminal activity in the workplace involving drugs will, in every case, require the council to alert the police.

6.3 Employees who are aware they have an alcohol or drug addiction are asked to seek advice promptly. When a work colleague is suspected of having a problem it is the responsibility of the concerned individual/colleague to report this to the Line Manger/Supervisor, Human Resources or the Health and Safety Team.

6.4 If a Line Manage/Supervisor has sufficient reason to suspect misuse of drug /alcohol, for example, if they have cause to believe an employee has attended for work under the influence of alcohol / drugs, then they should contact HR for advice and then arrange “for cause” testing.

## 7. “For Cause” Testing

7.1 ‘For Cause’ testing means where there is a need to test an employee for drugs and/or alcohol due to there being grounds to suspect that the employee is unfit to carry out their duties and/or poses a threat to health and safety due to drugs and/or alcohol

7.2 Testing will take place, for example, if:

- An employee is involved in an accident or serious incident or near miss.
- Line Manger/Supervisor believes an employee’s actions or behaviour gives reasonable grounds to suspect that they are under the influence of drugs and/or alcohol.
- Discovery of drugs and/or alcohol at a work location
- Signs of current intoxication
- Information provided by a source to suggest an employee is at work under the influence of alcohol or substance misuse.

This is not an exhaustive list.

7.3 Any employees will be subject to testing if any of the above apply.

8.Testing Procedure

8.0.1 The term ‘drug and alcohol testing’ refers to the analysis of biological material to detect drugs or their metabolites in the body. For alcohol, breath tests are most. common. For drug testing, urine tests are most common in the UK, but saliva, sweat.and hair can be tested.

It should be noted that Employee’s will undertake a breath test for Alcohol Testing
In relation to Drug testing employee’s could be asked to provide a urine sample and/ or a saliva sample

8.0.2 The benefit of testing is that it provides an objective way of measuring whether an employee has used alcohol or drugs rather than relying on the personal opinion of a colleague.

8.0.3 Tests will be carried out where management has reasonable grounds to believe that an individual within the scope of this policy is under the influence of alcohol or drugs.

8.0.4 The test will be carried out by an independent external screening company, under a tightly controlled procedure, ensuring the results are fair, accurate and objective. Tests are carried out in the strictest confidence and privacy, and with dignity.

8.0.5 The Council will take appropriate action in response to any attempt by an employee to falsify a test result and this may result in disciplinary action under the disciplinary procedure, up to and including dismissal.

8.0.6 Where an individual has taken a test and no result is available immediately, they will be required to leave the premises and remain absent from work or be re-allocated other suitable duties until such a time the result is available. Pay will remain the same and be unaffected by any action required

8.0.7 An employee refusing to be tested under the provisions of this policy may be subject to appropriate action including disciplinary action under the council’s disciplinary procedure, up to and including dismissal.

8.0.8 All personal data collected for this purpose will be processed in line with the current Data Protection Act.

8.1 Alcohol Testing

8.1.1 A positive alcohol result is where the level of alcohol concentration on the sample is greater than the Council’s alcohol testing limit. The Council’s alcohol testing limit is in line with the England and Wales Drink Drive Limit, which is 80 milligrams of alcohol per 100 millilitres of blood, 35 micrograms per 100 millilitres of

breath, or 107 milligrams per 100 millilitres of urine. This level will be revised with any future legislative changes.

8.1.2 The advisory limit is between 22 micrograms and 34 micrograms per 100 millilitres of breath. Where an employee's test result falls within this advisory limit, the test result will be discussed with the employee and the circumstances considered. This may result in a misconduct allegation, unless there are further allegations resulting from the 'For Cause' incident which may be more serious.

8.1.3 If an employee tests above the levels as set out in this policy they will be deemed to have tested positive and appropriate action will then be taken in conjunction with Human Resources

8.2 Drug Testing

8.2.1 Drug testing will be undertaken by a specialist external organisation on behalf of the Council and will normally comprise of a urine test, although staff should be aware that oral fluid tests or a hair test may also be appropriate in some cases.

8.2.2 If the urine reading is indicative of recent drug use (which will be available at the time of testing), the individual will be advised that the sample needs to be analysed in a laboratory. This is classed as a non-negative result. The sample, provided under controlled conditions, will be handled in a formal chain of custody including maintenance of a split sample. The individual will then be suspended from work, pending the result of further laboratory analysis.

8.2.3 Individuals taking the test will have the opportunity to advise the Collector that they have taken medication prior to the test which may cause a positive result.

8.2.4 The drug screening kits are set to the established Substance Abuse and Mental Health Services Administration (SAMHSA) cut off levels which are internationally recognised and also recommended by the United Kingdom Laboratory Guidelines for Legally Defensible Workplace Drug Testing. Employees who are therefore tested positive are classed as being at work whilst being "impaired" putting their own and the health and safety of others in danger. A positive test whilst at work will be classed as being impaired whilst on duty and appropriate action in conjunction with HR will be undertaken.

8.2.5 In cases concerning drugs or alcohol where test results are negative, the employee will be informed. This will be followed up by a discussion with the manager and testing officer to establish the reasons for the testing and they will be allowed to continue normal duties.

**9 Follow up screening as a responsible employer**

9.1 Where an individual remains in employment following a positive test, they will be required to agree to a support programme which may also include follow-up screening.

**10. Substance Mis-use & Addiction**

10.1 If a Line Manage/Supervisor identifies capability related issues concerning absenteeism, accident levels, work performance or behaviour, or any other observations, and alcohol or substance misuse/ addiction is suspected, then they will meet with the employee to discuss the reasons for this. It is in the employee's best interests to be honest about the reasons at an early stage so that support can be offered at the earliest opportunity.

10.2 Every effort should be made to deal with the situation sympathetically and in confidence. If substance or alcohol misuse is suspected, or if the employee has confided that they have a drug or alcohol addiction, then the employee should be advised to seek immediate advice and guidance from their general medical practitioner, the Authority's Occupational Health Adviser and/or one of the voluntary agencies (see Appendix 1).

10.3 The matter will be dealt with in accordance with Informal Performance Improvement Procedure in the first instance. A programme of support should be agreed with the employee, which should include recommendation from Occupational Health Adviser, where appropriate. The support programme should be produced with reference to the Performance Improvement Procedure and may involve any of the following possible actions (this is not an exhaustive list)

- Reduction in hours for an agreed period.
- Arranging for counselling through the Occupational Health Service
- Arranging consultation and/or counselling through ADFERIAD ( formally known as CAIS Ltd) or any of the other specialist organisations
- Additional training or retraining.
- Review of standards of work required and set timescales for meeting these standards.
- Agree to review progress on a regular basis and monitor and feedback progress.

10.4 The relevant risk assessment should be conducted on the post to ensure that all health and safety implications have been addressed. The Line Manager/Supervisor should liaise with the Council's Health & Safety Unit in this regard.

10.5 . Work Events

10.6 Some employees will, in the course of their duties, attend events with clients for the purpose of building and maintaining client relationships. It may be that, during some of these events, alcohol will be readily available. Employees at these events are not permitted to drink alcohol.

10.7 – Information on other forms of addiction can be found under the Health & Wellbeing at work policy

## 11. ROLES AND RESPONSIBILTIES

11.1 All i**ndividuals** within the authority have a role to play to ensuring the prevention of drug and or alcohol misuse.

### 11.2 Managers

11.2.1 Managers will need to differentiate between misconduct because of excessive drinking/ taking drugs on a specific occasion, and serious dependency on drugs or alcohol, and will follow the appropriate procedure. They should also.

- be familiar with and make others aware of the policy context.
- be aware of the effects/ signs of alcohol or drug abuse.
- intervene as soon as there is a sign of a problem.
- refer employees for assistance and support.
- carry out 'risk assessments' on employees' duties in order to highlight and eliminate any factors which may contribute to such abuse
- take steps to protect individuals and others where an individual informs them that they are taking medication which could affect their ability to do their work effectively.
- Be aware that possession of illegal drugs in accordance with the Misuse of Drugs Act 1971, including legal highs, using them or supplying them within the workplace is strictly forbidden and any such case should be reported to the Police.

11.2.2 When there is sufficient evidence to suspect an individual's incapacity for work, or a risk to health and safety, due to being under the influence of drugs or alcohol, Line Managers/Supervisors must contact Môn Diagnostics to facilitate "for cause" alcohol and/or drug testing of the individual if appropriate.

### 11.3 Employees

- Employees should not present themselves for work whilst under the influence of drugs or alcohol where their performance or ability to undertake their duties at work safely and competently has been affected in any way.

- Should make themselves familiar with the policy and procedures with regards to drugs and alcohol testing.
- Should seek advice with any personal alcohol/ drug abuse issues either through their own GP, Specialist or via self-referral to Occupational Health.
- Should inform their Line manager/Supervisor about any concerns they have about work colleagues and drug/alcohol abuse.
- Should not use any drugs/alcohol **prior to** work hours which may impair their ability to undertake any of their duties, including where the individual needs to use a vehicle during working hours on official Council business.
- All are responsible for ensuring that there are no after–effects of alcohol or drugs on their body when presenting themselves ready for work (bearing in mind that alcohol and drugs remain in the body for a period and that a small amount can affect opinions, performance and it can endanger safety)
- Be aware that drinking alcohol or taking any illegal drugs **during work hours (even if working from home),** during overtime, on standby or,on Council property, whilst using Council vehicles and / or on official Council business at an independent location,, will be treated as a serious issue and will invoke the Disciplinary Policy and may result in dismissal. This includes staff who have responsibility for the health and safety of Children and/ or Vulnerable Adults when away from their normal place of work, or outside normal working hours. E.g., Meeting off site, day trips, overnight stop overs.
- Be aware that possession of illegal drugs in accordance with the Misuse of Drugs Act 1971 including legal highs, using them or supplying them within the workplace is strictly forbidden and any such case should be reported to the Police and the matter will be dealt with under the Council's Disciplinary Policy as gross misconduct which may result in dismissal.
- Ensure that they inform their Line Manager/Supervisor immediately if they have been prescribed drugs which could affect their work.

### 11.4 Human Resources

- to provide relevant training/awareness sessions for managers and staff
- to refer employees for help if needed – by referral to Occupational Health, Medra and signposting to FRANK and other support agencies.
- to advise and liaise with managers on implementing the policy and disciplinary procedure if appropriate.
- Facilitate "for cause" testing

### 11.5 Trade Union

- to advise members of their rights and responsibilities with reference to the policy
- assist with the development of the policy.
- represent the rights and needs of the employees.

## 12. IMPLEMENATION

12.1 This policy will take immediate effect.

12.2 Copies of this policy are available on Monitor.

Policy Portal - Monitor (gov.wales)

*This policy supersedes any other policy, procedure, practice or reference in other documents to HR arrangements for dealing with drug and alcohol misuse.*

**APPENDIX 1**

## USEFUL CONTACTS

| | | |
|---|---|---|
| Internal | | |
| Occupational Health Unit | 01286 679746 | occupationalhealth@ynysmon.llyw.cymru |
| Health and Safety Service | | HealthAndSafetyHealthAndSafety@ynysmon.llyw.cymru |
| HR Support Service | | CyswlltAdnoddauDynol@ynysmon.llyw.cymru |
| Medra Counselling Services | | Info@medracounselling.com<br>01248 712865<br><br>For emergency help call 0800 132 737 or text 'Help' to 81066 |
| Local | | |
| BCUHB Substance Misuse Services | 03000 853 355 | BCU.smsanglesey@wales.nhs.uk<br><br>Substance Misuse Service - Betsi Cadwaladr University Health Board (nhs.wales) |
| Dechrau Newydd | 01492 556 776 | Dechrau Newydd - Kaleidoscope (kaleidoscope68.org) |
| Adferiad (Previously known as Cais) | 01492 863000 | Adferiad Mental Health and Addiction Support Services |
| National | | |
| DAN 24/7 | 0808 808 2234<br>Text DAN to 81066 | DAN 247 – Wales Drug and Alcohol Helpline |
| Alcoholic Anonymous (AA) | 0800 9177 650 | help@aamail.org<br><br>Alcoholics Anonymous Great Britain (alcoholics-anonymous.org.uk) |
| Alcohol Change Uk | 020 3907 8480 | Alcohol in the workplace \| Alcohol Change UK |
| Drinkaware | 0300 123 1100 | Drinkaware Home \| Drinkaware |
| Samaritans | 166 123 for | Contact Us \| Samaritans |

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| | free | |
| NSPCC | Help for adults concerned about a child Call 0808 800 5000 | Keeping children safe \| NSPCC |
| Childline | 0800 1111 ( 18 and under) | Childline \| Childline |