THE MORAY COUNCIL

ALCOHOL AND DRUG USE

Introduction

The Moray Council recognises the potential problems for both employees and the employer of alcohol and drug use. Difficulties can arise from alcohol and/or drug use from intoxication, regular use, or dependence. 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 promote a sensible approach to alcohol as part of a healthier lifestyle and to provide a fair, consistent and caring response to any employee who is experiencing issues related to either alcohol and/or drug use

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

Scope

The policy applies to all employees of the Council, contractors and volunteers working in Council services.

Policy Statement

The Council is committed to ensuring a safe, healthy and productive working environment and to minimising problems arising from the use of drugs or alcohol at work. It is recognised that alcohol and drug 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 drug 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 drug 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 drugs and alcohol use.

- Encourage early detection and prevention of alcohol and drug 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 drug 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 drug 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 would prefer that employees do 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, volunteers and contractors working on council premises:

- The Council requires that all employees ensure that their alcohol or drug use does not interfere with their health and social functioning, capability or conduct at work. Employees should be particularly aware of use of alcohol/drugs 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 drugs 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.

- For special occasions, events which involve the consumption of alcohol may be held in Council premises with the authorisation of the relevant Director/Chief Officer, or Senior Manager. Employees should not return to work under the influence of alcohol that may impair their work performance/conduct.

- 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 drugs is normally dealt with under the Council disciplinary procedure, 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 drugs (including alcohol) are drugs that affect the brain and can change the way people feel and behave. Within this definition fall:

- Drugs controlled under the Misuse of Drugs Act 1971 (heroin, cocaine, crack, ecstasy, etc as set out in **Appendix 1**),
- Alcohol
- Volatile drugs (lighter fuels, adhesives, aerosols, etc)

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

Alcohol, drug or drug 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 drugs 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 drugs 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 drug 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 drugs without authorisation. It would also be an offence for the Council to knowingly permit these activities or the use of any controlled drugs 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 drugs shall be guilty of an offence. An offence is also committed if a person unfit through alcohol or drugs 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.

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

Drug 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 drug 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 drug 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 drug related problem does exist and indicates a willingness to undertake treatement, assistance as outlined above should be offered. The employee will be referred to the Council's Medical Advisor.

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.

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