

Alcohol And Drug Control Policy

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Version	Date	Description
0.1	18/10/06	Policy presented to MB and approved, amendments requested
0.2	17/05/07	Policy presented to Works Council and endorsed - minor amendments
1.0	14/06/07	Policy presented to and approved at HR Committee
2.0	Jan 08	Policy updated with style guide, OD, IS control table and equality impact assessment

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Policy definitions

Alcoholism

Drug dependency

Drug abuse

Alcohol and drug control policy

HEFCW is committed to ensuring the highest safety standards throughout the organisation and to this end has introduced a drug and alcohol policy. The policy contains guidelines regarding the consumption of alcohol and drugs prior to attending work and whilst at work. This policy will form part of each employee's terms and conditions of employment with HEFCW. This policy is subject to amendments and all employees are expected to comply with the rules and procedures set down in this policy.

HEFCW holds the health and safety of its employees of paramount importance and is committed to ensuring that the operation of its facilities are of the highest possible safety standards. Due to the serious nature of the problems associated with the consumption of alcohol, drugs and other potentially harmful substances, and the impact which the use of these can have upon work, safety and performance, HEFCW will take steps deemed necessary when job performance becomes adversely affected, or where there is reasonable cause to believe that the safe and productive operation of HEFCW is in danger, as a consequence of the use of such substances.

This policy also applies to agency staff and contractors.

This policy is not concerned with social drinking and is limited to those cases of consumption that affect work performance, conduct at work or the safety of the individual and / or others.

Part 1: outline of the policy

- 1.1 Alcoholism or drug dependency is regarded primarily as a health problem and those affected will need treatment and assistance. HEFCW will make attempts to ensure that employees suffering from alcoholism or drug dependency are identified, counselled and encouraged to follow a prescribed form of treatment.

1.2 Selling / distribution of controlled substances

Any employee found selling or distributing controlled substances on HEFCW premises shall be deemed to have breached the terms and conditions of employment on the grounds of gross misconduct and will be liable to summary dismissal.

1.3 Absenteeism

In serious cases of drug or alcohol dependency, employees undergoing treatment and absence from work are considered to be on sick leave and entitled to the normal sickness benefits and procedures.

1.4 Confidentiality

The confidential nature of any alcohol or drug dependence problem is recognised by HEFCW and for this reason confidentiality will be strictly preserved by all employees involved as far as possible. Only when the employee has consented to disclosure to another named individual will any disclosure be made, other than the rare case where the health and safety of the individual or others are in danger. In such cases only a Head of Team will be informed who will ensure absolute confidentiality. Employees must not discuss the situation or individual concerned amongst themselves. This requirement for confidentiality also applies after the situation has been resolved.

Disciplinary action may be taken if employees fail to comply with this requirement.

1.5 Referral for rehabilitation / treatment

Early recognition of an alcohol and/or drug dependency problem can enhance prospects of rehabilitation. Employees can seek support from HEFCW's 24 hr confidential EAP helpline. Employees must seek assistance and refer themselves at the earliest opportunity. This is preferable to subsequent discovery or disclosure, prompted for instance by a concern being raised.

Employees identified as having a drug and/or alcohol problems may only be referred to HEFCW's occupational health providers by a line manager or Head of Team in conjunction with HR.

1.6 Commission of disciplinary offences

Every employee is reminded of their continuing obligation to abide by the terms and conditions of their contract and HEFCW rules, which are subject to amendments. Alcohol and drug dependency is not recognised as a reason of the commission of any disciplinary offence or breach of HEFCW's rules or standards. Employees should be aware that they will be subject to the normal disciplinary procedures in any such case.

1.7 Repetition of drug or alcohol problems

HEFCW recognises that a relapse during or after treatment of alcohol or drug dependency is possible. Whilst HEFCW is sympathetic to any individual with such problems, it cannot condone employees who wilfully or knowingly contribute to further alcohol or drug problems. Every case will be considered on its own merits but every employee is expected to act sensibly and contribute to a successful recovery. In particular, employees are expected to act upon the medical advice stated during or after the treatment programme.

Part 2: Rules concerning alcohol or drugs during work or on HEFCW property or HEFCW business.

Employees who, in the opinion of a line manager, present themselves for work in an unfit condition, through alcohol or drugs, may in accordance with this policy, be suspended from work.

The line manager in conjunction with a member of Management Team has the absolute authority to refuse to allow any employee to work who they deem unfit, through alcohol or drugs.

Where an employee suspects another employee of presenting themselves for work in an unfit condition, through alcohol or drugs, this must be reported to the employee's line manager.

Any breach of the rules will render the employee liable for disciplinary action which may result in summary dismissal, if circumstances warrant it.

All employees are expected to conduct themselves sensibly whilst at work and this means remaining in a fit condition.

2.1 Disciplinary rules

The following rules form part of HEFCW's dismissal and disciplinary policy under the sections of gross misconduct, for which employees may be summarily dismissed.

2.1.1 Gross misconduct is defined as:

- 2.1.1.1 any act of drunkenness;
- 2.1.1.2 being under the influence of drugs whilst at work;
- 2.1.1.3 the selling or possession of, or use of, any controlled drug, on or outside of HEFCW premises;
- 2.1.1.4 gross negligence, gross dereliction of duty or gross incompetence endangering the health and safety of the employee or any other individual or the property of HEFCW, its employees or other individuals;
- 2.1.1.5 refusal to submit to a search when lawfully requested to do so.

The gross misconduct procedures will be applied in the above cases, as per HEFCW's dismissal and disciplinary guidelines.

Part 3: Alcohol and drug referral and searches

3.1 Medical referral and evaluation of employees for alcohol or drugs will be conducted if a line manager and/or Head of Team determines there is a reasonable cause to believe that an alcohol or drug related problem exists. Reasonable cause will be deemed to exist, but is not limited to, the following:

- 3.1.1 where employees are observed to be physically or mentally impaired and subsequently thought to be unable to perform work in a safe or productive manner and it is thought that the consumption of alcohol or drugs may have been a contributory factor;
- 3.1.2 where employees are involved in any incident, adversely affecting any individual or property (e.g., threatening behaviour or language, damage to property), where the line manager has reason to believe that the consumption of alcohol or drugs may have been a contributory factor;
- 3.1.3 where HEFCW has reason to believe that alcohol or drug consumption may be a factor for poor or deteriorating work performance;
- 3.1.4 when the evidence of alcohol or drug consumption is detected in the workplace (e.g., syringes, empty alcohol containers).

3.2 Searches

In accordance with HEFCW's commitment to protection of employees and its operation, HEFCW will conduct lawful searches to the extent deemed necessary to ensure the safe and productive operation of its facilities.

3.2.1 Employees would be expected to agree to a search including, a search of lockable facilities and cars and other property belonging to or accompanying the employee. Where there is reasonable cause as listed above, authorised personnel may conduct searches. These searches would only be conducted where there is suspicion of illegal substances and would be conducted with Police assistance.

HEFCW is liable to have committed a criminal offence under the Misuse of Drugs Act 1971 (section 28) if there are controlled substances on the premises.

3.3 Prescribed drugs

Drugs prescribed by a medical practitioner or purchased over the counter are a potential cause for concern because they may impair medical or physical performance on the job. Employees should keep medication in the original container that identifies drug dosage, date of prescription and prescribing chemist or hospital. It is in the best interest of the employee to inform their line manager of any prescribed medication that may adversely affect their job performance. If necessary employees will be withdrawn from specific work deemed to be unsafe or inappropriate.

3.4 Agency staff and contractors

The above rules apply to all contractors, temporary employees, agency staff and visitors. It will be a requirement, and will form part of the contract that they adopt their own policy in line with HEFCW's alcohol and drug control policy. HEFCW is making the workplace safe for their employees and others and they are expected to support the policy.

3.5 Police notification - unlawful possession or dealing in drugs

Unlawful possession of or dealing in drugs on HEFCW's premises is gross misconduct and the dismissal and disciplinary policy will apply. All cases will be referred to the Police.

Policy definitions

For the purpose of this policy:

Alcoholism

'alcoholism' is defined as:

'The habitual and uncontrollable drinking of intoxicating liquor by an employee whereby their ability to perform their duties is impaired or their attendance at work is affected or they endanger, or are deemed to be a danger to, the safety of themselves and/or others.'

Drug dependence

'drug dependence' is defined as:

'The habitual taking of drugs by an employee, other than drugs prescribed as medication by a registered medical practitioner, whereby their ability to perform their duties is impaired or their attendance at work is affected or they endanger, or are deemed to be a danger to, the safety of themselves and/or others.'

Drug abuse

'drug abuse' is defined as:

'The sale, or medically unauthorised use or possession of any controlled substance as defined by law or consumption of a legitimate substance exceeding the therapeutic dose'.