

ALCOHOL AND DRUGS AT WORK POLICY

Issued by – Human Resources
Updated – October 2023

Alcohol and Drug at Work Policy

Contents

Introduction	3
The Legal Position	4
Tendring District Council – Rules on Alcohol.....	4
Tendring District Council -Rules on Illegal and Prescribed Drugs.....	5
Responsibilities.....	6
Supporting an employee who may have a problem with alcohol or illegal drugs....	7
Procedure to follow where there has been a breach of this policy	7
Confidentiality.....	8

Introduction

The Council is committed to providing a safe and professional environment for all employees and service users. As part of that commitment, it is important that all employees and anyone working on our behalf are clear about what is expected when it comes to alcohol and drugs at work.

Employees should be free from the effects of alcohol, drugs and other substances while they are at work. Misuse can have a negative impact on an employee's ability to work effectively. An employee who has a persistent alcohol or drug problem is likely to be absent from work more often. Moreover, alcohol and drug misuse can substantially impair judgement, concentration and co-ordination.

Employees who come to work under the influence of alcohol or drugs can pose a risk to themselves and others. Colleagues, customers of the Council and members of the public can all be adversely affected and the reputation of the Council may also suffer. The Council has a responsibility for preventing and controlling the misuse of substances at work for the benefit of the workforce in general and the community to whom we provide a service.

This policy relates to the use of alcohol, drugs, the illegal use of prescribed drugs, and Novel Psychoactive Substances (NPS), including those formerly known as legal highs, which will be collectively referred to in this policy as 'alcohol or drugs'.

This policy also refers to legal drugs that have been prescribed to the employee that may affect their performance.

This policy applies to all employees. Any breach of this policy will be investigated under the Council's Disciplinary Policy and Procedure, which may lead to disciplinary action up to and including summary dismissal.

Employees whose performance, behaviour, or attendance at work is affected by alcohol or drugs, risk disciplinary action on the grounds of misconduct or capability. However, if the employee wishes to voluntarily enter and actively participate in an alcohol or drug rehabilitation programme, the Council may take this into consideration before taking disciplinary action.

In the case of casual workers, volunteers, agency workers, or contractors, services may be terminated immediately upon a breach of this policy.

This policy does not apply to Elected Members.

The Council is committed to supporting employees in a fair and sensitive manner. As such, separate guidance on alcohol and drug misuse for managers and employees is available from the HR Team and on the Council's Intranet (TED).

The Legal Position

The Council has a general duty under the Health and Safety at Work Act 1974 to ensure, as far as reasonably practicable, that it looks after and protects the health, safety and welfare of employees. There is also a duty under the management of Health and Safety at Work Regulations 1999 to assess the risks to the health and safety of employees. If a Manager knowingly allows an employee under the influence of drug misuse to continue working and their behaviour places the employee or others at risk, then there could be serious legal and financial risks for the Council.

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 to drive through drink or drugs shall be guilty of an offence.

The Misuse of Drugs Act 1971 covers nearly all drugs with misuse and / or dependence liability. The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (*e.g., they have been prescribed by a doctor*).

It is possible that, in certain circumstances, criminal charges could be brought against the Council or an employee if there is found to be a breach of the above legislation. The Council will co-operate with any criminal investigation relating to the supply or misuse of drugs or other substance-related criminal activity.

Any employee who receives a drug or alcohol-related criminal conviction during the course of their employment is expected to inform their Line Manager immediately. Failure to do so could damage the reputation of the Council and may result in disciplinary action for the employee involved.

Tendring District Council – Rules on Alcohol

Employees must not present themselves for work if they are under the influence of alcohol with a blood alcohol level in excess of the relevant legal drink drive limit.

1. Employees must also not present themselves for work if they have a reasonable belief that their judgement, behaviour, or ability to carry out their job would be affected.
2. If the employee needs to drive or operate machinery for work reasons, they must not carry out that work unless they are under the relevant legal drink drive limit.
3. Employees must not consume alcoholic beverages on Council premises or during their working time, including in any vehicle being used for Council business, or if they are working at home or remotely.
4. Employees must not be seen with unsealed alcoholic beverages on Council

premises.

5. Employees are not allowed to consume alcohol at any time wearing a Tendring District Council uniform, name badge, or any form of Council identification. This includes during break times and outside of working hours.
6. Alcoholic beverages may be supplied on Council premises for special occasions for consumption outside the normal course of employment, with the express consent of a member of Management Team or an Assistant Director. On such occasions, employees are expected to behave responsibly. Managers are also reminded that some employees will not consume alcohol on religious grounds and Managers must ensure that any consumption of alcohol outside of the normal course of employment does not cause offence to their employees.
7. Subject to compliance with other rules, employees may consume alcohol outside Council premises and working hours for Council-related activities, e.g., residential conferences and social events. However, employees are expected to consume alcohol in moderation and behave respectfully and appropriately at all times.

Contravention of any of the above may lead to disciplinary action, which could amount to gross misconduct and lead to summary dismissal.

Tendring District Council - Rules on Illegal and Prescribed Drugs

1. Employees must not present themselves for work if they are under the influence of illegal drugs.
2. Employees must also not present themselves for work if they have a reasonable belief that their judgement, behaviour, or ability to carry out their job would be affected.
3. Employees must not drive or operate machinery for work reasons if they are unfit to do so because they are on legal or illegal drugs or if they have certain levels of illegal drugs in their blood.
4. Employees must not consume or be in possession of illegal drugs on Council premises or during their working time, including in any vehicle being used for Council business, or if they are working at home or remotely.
5. If an employee has been prescribed medication that may affect their ability to do their job safely and efficiently or has a medical condition that may replicate the signs of drug or alcohol intoxication, they must talk to their manager about this as soon as possible and before they start work.
6. Employees must not be involved in the sale or distribution of illegal drugs during the course of their employment, either on or off Council premises.

Contravention of any of the above may lead to disciplinary action, which could amount to gross misconduct and lead to summary dismissal.

Employees who are found in possession of illegal drugs while at work, or a work-related event or activity, may be reported to the police.

Employees should also ensure they adhere to the rules outlined in the Council's No Smoking Policy, which refers to smoking cigarettes, vaping and smoking illegal drugs.

Responsibilities

Managers should seek to:

- Encourage safe and sensible drinking habits;
- Be aware of and identify any aspects of the work situation that could contribute to alcohol or drug misuse and take action to change them;
- Be familiar with the relevant guidance, Policies and Procedures;
- Ensure that staff are fully conversant with both disciplinary rules and the Policy on Alcohol and Drug Misuse and therefore understand what is expected of them;
- Be aware of the effects of alcohol and drug misuse and be alert to and monitor changes in work performance and attendance, sickness and accident patterns;
- Intervene early when there are signs of problems;
- Adopt a non-judgmental approach and use sensitive interviewing skills to ascertain whether alcohol is the underlying cause of work problems;
- Refer staff for assistance as appropriate;
- Ensure that discussions between an employee remain confidential and agree beforehand who they can share the information with, unless required to do so under law or in cases of a serious health, safety and welfare concern;
- Contact the Human Resources Team for further advice and guidance.

Employees are:

- Encouraged to talk to their Line Manager, another Manager they feel comfortable talking to, if they have a problem with alcohol or drug misuse or dependency, before it becomes an issue at work;
- Encouraged to seek help from external professionals and organisations, including their GP and the Council's Employee Assistance Programme;
- Read the employee guidance and become familiar with the Policy and Procedures;
- Be prepared to follow any advice, guidance and support offered by the Council;
- Employees should consider the reputation of the Council and how their individual actions could be perceived;
- To inform their Line Manager if they are under investigation by the police or

have received a police caution or conviction that may impact their role, such as receiving a driving ban while they are required to drive on council business.

Supporting an employee who may have a problem with alcohol or illegal drugs

Where a Manager suspects that an employee may have a problem with alcohol or illegal drugs, they must carry out a confidential interview with the employee to discuss the problem and agree on the options available for help. Further support for managers can be found in the Manager's Guidance.

Individual employees may approach their Manager or Human Resources of their own accord to discuss an alcohol or illegal drug problem. Managers should welcome such an approach and indicate to the employee that such discussions will be conducted with the strictest confidence.

The Council recognises alcohol and drug misuse or dependency as primarily a health-related and social problem requiring specialist counselling and/or treatment.

The Council is committed to reasonably accommodate and support any employee who wishes to voluntarily enter and actively participate in an alcohol or drug rehabilitation programme. However, it is the employee's responsibility to speak to their Manager to seek assistance before alcohol or drug problems lead to a breach of the Council rules, and possible disciplinary action.

Every effort will be made to ensure that employees undergoing counselling or treatment are retained in their original jobs until their performance and attendance records return to, or remain at, an acceptable level. If this is not possible, every effort should be made to find the employee alternative employment within the Council.

Managers will work with and seek advice from the Human Resources Team to ensure that the employee is appropriately supported. At any stage, employees can contact a member of the Human Resources Team, who will be able to offer referrals to Occupational Health, the Employee Assistance Programme (EAP) and other external organisations for further counselling or treatment.

Absence from work for counselling and treatment should be recorded as sick leave.

Procedure to follow where there has been a breach of this policy

If there are reasonable grounds to think an employee has consumed or is under the influence of alcohol or drugs while they are at work, their Manager (*or another appropriate Manager*) will speak to them about their concerns. If they think that the employee is not in an appropriate condition to work, the employee will be sent home.

Where appropriate, after consultation with the Head of People / HR Manager, the employee may subsequently be suspended from work and invited to a meeting.

When considering if the employee is under the influence of drugs or alcohol to a level

that may affect performance or cause a potential safety risk, the Manager does not need to rely on evidence of drug or alcohol consumption or misbehaviour. Instead, the Manager would consider if, in their reasonable belief, there is an obvious impairment of the employee's physical or mental ability, including slurred speech, difficulty maintaining balance, or other relevant changes in behaviour. Further examples of potential drug or alcohol misuse can be found in the Manager's Guidance.

Where there has been a breach of this policy or there is an incident related to alcohol or drug misuse, it may be considered a disciplinary offence. Managers should seek guidance from the Human Resources Team in deciding if this is the case and how to proceed.

Once a breach of this policy occurs, the employee may wish to voluntarily enter and actively participate in an alcohol or drug rehabilitation program. The Council may take this into consideration before taking disciplinary action, although it will depend on the seriousness and circumstances of the breach.

Confidentiality

Details of alcohol or drug misuse problems experienced by employees will be retained in strictest confidence, subject to requirements under law, or in cases of a serious health, safety and welfare concern.

This policy does not form part of an employees' terms and conditions of employment, and may be subject to change in line with the Council's constitutional and local trade union consultation arrangements.

Useful Support and Sources of Information

Council's Employee Assistance Programme – Health Assured

Free, confidential 24 hour helpline to support employees through any of life's issues or problems

Telephone number – 0800028 0199

Substance Dependence Support

Live Well

Live Well is an Essex-wide collaboration of Local Authorities and partners to provide advice on local and national support for alcohol and drug issues.

www.livewellcampaign.co.uk/livewell-articles/alcohol-and-drugs-support/

We Are With You

We Are With You is a charity offering confidential support to people who have issues with drugs, alcohol, or mental health.

Also providing support and advice to anyone who's worried about someone else's drinking or drug use

www.wearewithyou.org.uk

NHS Choices Website

www.nhs.uk/conditions/Alcohol-misuse

www.nhs.uk/Livewell/drugs

Alcohol Dependence Support

Drinkline

Drinkline runs a free, confidential helpline for people who are concerned about their own drinking or someone else's.

Helpline: 0300 123 1110

Weekdays 9am to 9pm

Weekends 11am to 4pm

Drinkaware

Drinkaware works to reduce alcohol misuse and harm in the UK.

www.drinkaware.co.uk/

Alcoholics Anonymous

AA is an organisation of men and women who share their experiences with each other, hoping to solve their problems and help others to recover from alcoholism.

www.alcoholics-anonymous.org.uk

0800 9177 650

help@aamail.org

Al-Anon

Al-Anon provides support to anyone whose life is, or has been, affected by someone else's drinking, regardless of whether that person is still drinking or not.

www.al-anonuk.org.uk

Drug Dependence Support

Frank

Talk to Frank is a national anti-drug advisory service. It is intended to reduce the use of both legal and illegal drugs by providing information about the potential effects of drugs.

www.talktofrank.com

0300 123 6600

Text 82111

frank@talktofrank.com

Action on Addiction

Action on Addiction is a charity working across treatment, research and education for families and addicts.

www.actiononaddiction.org.uk

Narcotics Anonymous

NA is a non-profit fellowship of recovering addicts who meet regularly to help each other stay clean. Membership is open to anyone with a drug problem seeking help, regardless of what drug or combination of drugs have been used and irrespective of age, sex, religion, race, creed or class.

www.ukna.org

0300 999 1212

helpline@ukna.org