



SHREWSBURY TOWN COUNCIL

Alcohol and Drugs at Work Policy

AIMS OF THE POLICY

Shrewsbury Town Council recognises that the state of an employee's health affects job performance and the kind of work that can be performed. Because of the potential harmful effects of substances on performance, judgement and decision-making, the Council has prepared the following guidance notes.

The Town Council has a general duty under the Health and Safety at Work etc. Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees. If the Town Council knowingly allows an employee under the influence of excess alcohol to continue working and this places the employee or others at risk, the Town Council could be prosecuted. Similarly, employees are also required to take reasonable care of themselves and others who could be affected by their actions.

This policy states the Town Council's perspective on substance associated behavioural and medical disorders and provides guidelines for consistent handling of problems that might arise. The policy applies to all employees.

SCOPE

The Town Council has adopted a policy to avoid the abuse of substances in order to fulfil its responsibilities under the Health and Safety at Work Act 1974 and the Misuse of Drugs Act 1971.

Shrewsbury Town Council is concerned only with those situations where use of chemical substances:

- seriously interferes with an employee's health and/or job performance,
- adversely affects the job performance of other employees,
- potentially or actually puts their own or others' health or safety at risk, or
- is considered so serious as to be detrimental to the Town Council's functions.

DEFINITION

For the purpose of this policy, the category of drugs and misuse have been defined below.

Legal Drugs

The Town Council will not tolerate the use of any legally obtained drug, including alcohol, to the point where such use adversely affects the employee's job performance. This includes arriving on Town Council premises under the effects of any drug, which adversely affects job performance, including drugs prescribed by a doctor. Where physician-directed use of drugs might seriously hinder job performance, it is in the best general interest of the employee, co-workers and the Town Council, that the individual's line manager is informed so that accommodations can be made.

Illegal Drugs

Illegal drugs include drugs which are not legally obtainable and drugs which are legally obtainable but have been obtained illegally. Arriving at work under the influence of any drug to the extent that job performance is adversely affected will not be tolerated. This applies to all forms of narcotics, depressants, stimulants or hallucinogens whose sale, purchase, transfer, use or possession is prevented by law.

The Town Council will not tolerate employees engaging in the sale, purchase, transfer, use or possession of illegal drugs on premises or while on Council business. Employees engaging in the above will be subject to disciplinary action, including dismissal, and may be notified to the police.

SPECIAL CIRCUMSTANCES

It is a criminal offence to be under the influence of alcohol and/or substances whilst operating a vehicle. The Town Council operates a zero tolerance approach to the consumption of alcohol/substances where the post involves driving, working on machinery and front-line staff where the safety of the public could be prejudiced. Employees engaging in the consumption of alcohol/substances whilst on duty will be subject to disciplinary action.

GUIDANCE NOTES: SUBSTANCE ABUSE AND DEPENDENCY

Introduction

The Town Council recognises that persistent substance abuse is primarily a health matter needing help and treatment. The Town Council as an employer will do all that it can to ensure anyone suffering from this problem gets appropriate advice and support. However, the Town Council will only do so if the employee admits they have a problem and ensures they fulfil their responsibility to address the issue and get treatment.

Early recognition and treatment of dependency problems are important for successful rehabilitation because they reduce personal, family and social disruption. The Town Council supports sound treatment efforts, and an employee will not place his/her job in jeopardy if help is sought conscientiously. In this context, constructive disciplinary measures may be used to motivate employees to seek help.

The procedure can only be effective if those affected admit they have a problem and are willing to accept help.

The key indicators of persistent chemical misuse are:

- Frequent smell of alcohol during working hours
- Complaints and remarks by colleagues or members of the public
- Increasing levels of sickness absenteeism (especially short-term)
- Decline in standards of dress or appearance
- Falling performance especially in the afternoons
- Abnormal behaviour such as obscene language, sexual harassment etc
- Incidents of minor accidents - falling down stairs, minor cuts etc
- Evidence of fighting or trouble with the Police

These indicators are for general guidance only and the presence of some or indeed all of them are not exclusive to alcohol misuse. Other illnesses such as Alzheimer's, diabetes, thyrotoxicosis, epilepsy, depression or cerebral tumour and several others may mimic drug related misuse.

Procedure

It is for line managers to initiate the procedure since it is the impact of substance misuse on performance, the workplace and colleagues which is likely to be the first indicator of a problem.

The following procedure should be used when confronted with a potential substance abuse related problem affecting one of their colleagues. This is to establish whether:

- it is potentially a straightforward disciplinary issue,
- there may be health problems that need to be addressed, or
- a poor performance issue to be addressed under the Disciplinary Procedure.

Do not interview someone who you suspect has been under the influence of drugs, drinking heavily recently or is actually drunk.

Should there be reasonable evidence that an employee is under the influence they should be sent home.

Interview the employee in private about your observations about their performance and any complaints without making it obvious to other colleagues.

Draw attention to the incidents causing concern, ask for explanations to establish facts and make notes.

Remind an employee that the smell of alcohol from an otherwise small consumption can in many working situations affect the public image of that employee, and therefore the Town Council.

Ask the employee whether they have any health or other problems which might account for his or her current behaviour.

If an employee admits to a substance abuse related problem which has led to misconduct, the employer may agree to suspend disciplinary action on condition that the employee has sought and agreed to a treatment and rehabilitation programme. The success of any programme should be reviewed regularly. They should be advised to seek help from their GP, the Occupational Health Unit or the various counselling agencies available including Relate.

If recommended by the Occupational Health Unit, GP, Counsellor or line manager/Town Clerk, the employee undergoing treatment should take sick leave in order to get help and treatment. He or she will be expected to co-operate with the Occupational Health Physician in obtaining medical or other reports relating to their treatment and progress, in line with the Council's Sickness Absence Policy.

The employee should not return to work before the Occupational Health Physician has received satisfactory medical reports and the employee has agreed to continuing surveillance. In addition, line managers should undertake regular monitoring and review of performance.

The employee should return to the same job after treatment unless:

- the effect of the illness or any misconduct has affected the individual's capacity to do that job as effectively as before.
- returning to the same job carries a risk of relapse because of its nature or stress content.

In the event of the employee not being able to return to their former job the employer will attempt to re-deploy that person.

If the problem is clearly a lapse due to some temporary personal crisis, agree future action including further meetings to monitor progress. The employee should be reminded of their obligation under the policy on Alcohol and Drugs at Work, and Health and Safety.

If the employee continues to deny they have a problem with health or chemical substances after one or more relapses and have not made any credible effort to comply with the Alcohol and Drug Policy or seek help then the usual disciplinary procedures should apply.

Where gross misconduct is involved, evidence of substance abuse may be taken into account in determining disciplinary action. However, where an employee has to drive as part of their job, dismissal may be unavoidable if their driving licence has been revoked and redeployment proves to be impossible.

Maintain accurate sickness absence records and confidential records of instances of poor performance, behavioural and other allied matters.

CONFIDENTIALITY

It is important to ensure that these matters are undertaken sensitively and information maintained securely and not disclosed to any unauthorised person.

All meetings will be held in private. Line managers will be responsible for the safe keeping of information for records. At all times the provisions of the Data Protection Act 2018 must be observed.

MONITORING AND EVALUATION

The Town Council will act equitably and reasonably and be able to demonstrate that it has done so in all cases. When determining any action, the Town Council will observe the need to satisfy the test of reasonableness in all circumstances.

Where employees have particular difficulties likely to impede understanding, all reasonable efforts will be made to ensure that they are fully aware of what is being discussed and that they are able to contribute to the discussions.

To ensure that this procedure is applied fairly the Town Clerk will collate information on the use of this Policy.

FURTHER INFORMATION:

ACAS: <http://www.acas.gov.uk>

Alcohol Education and Research Council: <http://www.aerc.org.uk>

National Drugs Help line: <http://www.ndh.org.uk>

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