

# DUNDEE CITY COUNCIL

**REPORT TO:** Personnel Committee - 20 March 2006

**REPORT ON:** Substance Misuse Policy

**REPORT BY:** Assistant Chief Executive (Management)

**REPORT NO:** 743-2005

## 1 PURPOSE OF REPORT

1.1 The purpose of the report is to seek the Committee's approval to the proposed Substance Misuse Policy.

## 2 RECOMMENDATION

2.1 It is recommended that the Committee approves the proposed Substance Misuse Policy, attached as Appendix 1.

## 3 FINANCIAL IMPLICATIONS

3.1 The costs of implementing the policy will be met from existing departmental budgets.

## 4 SUSTAINABILITY IMPLICATIONS

4.1 None.

## 5 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 None.

## 6 BACKGROUND

6.1 As part of the continuing process of reviewing employment policies, the Policy on Alcohol and Drugs has been revised and updated to meet the best practice recommendations of Scotland's Health at Work. This revised policy has been re-titled "Substance Misuse Policy".

## 7 CONSULTATION

7.1 The Council Management Team and the trade unions have been consulted in the preparation of this report.

## 8 BACKGROUND PAPERS

8.1 None.

J C Petrie  
Assistant Chief Executive (Management)

13 March 2006

# **SUBSTANCE MISUSE POLICY**

## **DRAFT MARCH 2006**

### **1 Introduction**

Many people enjoy drinking alcohol in appropriate circumstances. Nevertheless, an immediate effect of alcohol intake is to impair an individual's judgement and ability to perform tasks safely. Excessive use over a period can result in dependency and have a detrimental effect on health, family and work.

Drugs are also in common use both properly and improperly. They have all the negative potential of alcohol, and are readily available from a variety of legal and illegal sources. Prescription drugs, solvents and other substances, if misused, can be as harmful as illegal drugs, although the latter have the added complication of involving criminal acts.

For the purposes of this policy, "substance misuse" refers to the use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs and substances such as solvents and alcohol.

### **2 Legal Position**

The Health and Safety at Work etc Act 1974 places a duty upon employers to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees. Therefore, if an employee, under the influence of alcohol or drugs, is allowed to continue working and this places himself/herself or others at risk, the Council may be held liable. Duties are also placed upon employees to take reasonable care of themselves and others who could be affected by what they do.

The Misuse of Drugs Act 1971 makes the production, supply and possession of controlled drugs unlawful, except in certain specified circumstances (for example where they have been prescribed by a doctor.) If these types of activity are allowed to occur on Council premises, then the Council may be committing an offence.

### **3 Policy Statement**

Dundee City Council is committed to improving the health, safety and welfare of its employees by complying with the legislation and by introducing and promoting policies to encourage healthier lifestyles. The Council accepts the need to identify problems with substances, such as alcohol and drugs, as soon as possible, and to respond constructively.

The Council recognises that the misuse of substances, such as alcohol and drugs, is an increasing problem both within the community and the workplace. Substance misuse can harm the misuser both physically and mentally and can continue to impair performance long after consumption. Where substance misuse encroaches upon the workplace, undermines an individual's health and wellbeing and compromises the safety of other employees or members of the public, the Council will take appropriate action.

This policy provides a framework for dealing in an appropriate and supportive manner with employees whose use of alcohol or drugs has a detrimental effect on their health and social functioning at both work and leisure, as well as work performance, conduct, attendance and health and safety at work.

#### 4 **Aims of the Policy**

- To provide information and education to promote employee health and welfare.
- To encourage early recognition and intervention in substance misuse problems in the workplace.
- To provide support and practical assistance for those with substance misuse problems.
- To ensure that substance misuse does not compromise the safe, efficient and productive operation of the organisation.
- To provide fair and consistent procedures for dealing with employees whose conduct, attendance or performance is adversely affected by substance misuse.

#### 5 **Main Provisions for Dealing with Substance Misuse in the Workplace**

The policy applies to all Dundee City Council employees. Its main provisions are:

##### **Rules on Consumption of Alcohol, etc**

In general, employees are not permitted to enter licensed premises, such as a public house, licensed grocer, club, etc., during working hours. Any employee found to have done so will be subject to disciplinary action, which may lead to summary dismissal. However it is accepted that there may be occasions when it is acceptable for an employee to be on licensed premises during working hours, for example, when the nature of the employee's work requires him/her to do so.

Employees are not permitted to consume alcohol, or otherwise misuse substances, during working hours. Any employee found to have done so will be subject to disciplinary action, which may lead to summary dismissal.

Employees are discouraged from consuming alcohol at lunchtimes, as any employee who is found to be under the influence of alcohol or drugs, or smelling of alcohol, when reporting for duty or during working hours, will be subject to disciplinary action, which may lead to summary dismissal.

##### **Identification of potential substance misuse problem**

It is important to identify substance misuse problems as early as possible. Some possible signs, which may, but do not necessarily, indicate substance misuse, are: -

- Frequent lateness and/or repeated brief periods of self-certified absence particularly related to weekends, holidays or after pay days.
- Poor performance, impaired concentration and memory.
- Frequent absences for gastro-enteritis, dyspepsia, nervous debility etc
- Accidents either on or off the job.
- Smelling of alcohol or appearing to be under the influence of alcohol and/or drugs during working hours.
- Mood changes, irritability, lethargy.
- Deterioration in relationships with fellow employees, borrowing money.
- Hand tremors, slurred speech, facial flushing, poor personal hygiene.
- Stress related problems.

## **Advice and Assistance Arrangements**

- The Personnel Department's Personnel Officers will provide advice, assistance and support to individual employees and managers in interpreting and applying the Council's Substance Misuse Policy.
- Where required, a Personnel Officer will arrange referral to an appropriate counselling / treatment agency and / or medical adviser.
- In each case, a Personnel Officer will act as the main contact, co-ordinate all developments and make any other arrangements necessary.

## **Voluntary Referral**

An employee who knows or suspects, that he/she may have a substance misuse problem and wishes to do something about it voluntarily, has a number of options: -

- Access help privately through his/her own General Practitioner and/or directly to a specialist agency. A list of agencies providing information, support and help is included in Appendix 1A.
- Arrange a meeting with the Employee Support Adviser, who can provide information and advise on other sources of support. This is a completely confidential service which any employee may access without fear of disclosure. Contact details for the Employee Support Adviser are included in Appendix 1A.
- Request a private and confidential meeting with a Personnel Officer who can arrange referrals, with the involvement of departmental management, as appropriate.
- If an employee is worried that his/her work may already have been affected by a substance misuse problem, he/she may choose to seek the support of his/her manager, who will arrange a meeting with a Personnel Officer. (N.B. It is also recognised that prescribed drugs or medications can have possible side effects which may affect behaviour and/or performance. In such cases, it is the employee's responsibility to advise his/her manager, who may ask a Personnel Officer to seek guidance from the Council's Medical Adviser.)
- An employee may also seek advice/guidance from his/her Trade Union.

Where an employee seeks a voluntary referral for support in dealing with a substance misuse problem, this will not affect his/her job or promotion prospects.

## **Management Referral**

A manager or supervisor, who believes an employee has a substance misuse problem, should discuss the matter with the employee and arrange for him/her to contact or meet with a Personnel Officer to obtain advice. There are a number of ways that this can arise: -

- As a result of the manager/supervisor's personal knowledge of individual employees and observation of their general behaviour and demeanour.
- Arising from investigations into unsatisfactory conduct, performance or attendance.
- During the course of formal disciplinary, performance or absence management hearings.

A management referral for support in dealing with a substance misuse problem will not, in itself, affect job or promotion prospects. However, where the referral results from disciplinary, performance or absence procedures then consequences or conditions relating to these procedures may apply.

## 6 **Protections**

- The confidentiality of any record of an employee's substance misuse problem will be strictly preserved and any breach of confidence will be dealt with as a disciplinary matter.
- The employee will be granted paid time off or leave, where appropriate, to undergo any course of treatment prescribed. Leave of absence for a residential course of treatment will be treated as Sick Leave in accordance with the Council's Sick Pay Scheme.
- It may be necessary to adjust the duties and responsibilities of an employee, or to arrange alternative work during a course of treatment. Following treatment, he employee will normally be able to return to, or resume, the original job. In cases where this is deemed unsuitable, or where expert advice considers that it would be inconsistent with the long-term resolution of the employee's problem, a suitable alternative will be sought.
- Where a substance misuse problem emerges as a possible factor during the course of formal disciplinary, performance or absence management hearings, the hearing may be adjourned, where appropriate, pending further investigation/assessment. In some cases this will include a management referral to an appropriate specialist agency. When these investigations are completed, the adjourned hearing will be reconvened and the original complaint(s) against the employee dealt with, taking due account of all relevant evidence, including any on the extent to which alcohol/drugs may have played a part, and the individual's willingness to address the issues.
- Where an employee's unsatisfactory behaviour resulting from substance misuse is being dealt with under the Council's approved procedures on Discipline and Sub Standard Work Performance or Sickness Absence Management, all rights conferred by these procedures will be maintained, including that of accompaniment by a colleague or trade union representative.

The above protections, where applicable, are subject to the following conditions: -

- The employee attends the proposed counselling/treatment programme and agrees to attendance and counselling progress reports being sent from the agency to the Council.
- The employee co-operates with counselling/treatment.
- In the event of a relapse, or in the event of continuing or further misconduct, absence or performance difficulties during or following the period of referral, the circumstances of each case will be reviewed and appropriate formal action may follow.
- An employee who refuses to accept the offer of, or fails to maintain, referral conditions will immediately be subject to the Council's Disciplinary and Sub Standard Work Performance or Absence Management Procedures in respect of any outstanding or new offences.

## 7 **Removal from the Workplace/Suspension**

- In the interests of safety and efficiency, a manager or supervisor has the authority to send home any employee, who is considered to be under the influence of alcohol or drugs, pending an investigatory interview at the earliest practicable opportunity, and ideally at the start of the next working day.
- In such cases, the employee should be strongly cautioned not to drive and, where necessary, arrangements should be made for him/her to be transported home or collected by a friend or relative.

- As a result of the investigatory interview held at the earliest practicable opportunity the next working day it may be considered appropriate to suspend the employee on full pay on safety grounds and/or pending further investigation.
- Suspension is a neutral action and implies no judgement or censure.

## 8 **Exclusions**

There are a few specific circumstances where operation of the policy would be inappropriate.

- Refusal to recognise a substance misuse problem and/or rejection of any counselling or treatment offered
- One off indulgence in alcohol or drugs where there is no evidence to confirm that a dependency problem exists
- Possession of illegal drugs or dealing in drugs within the workplace, and, where appropriate similar offences outwith the workplace.

In these cases employees whose standards of conduct, work performance or safety are unacceptable, will be subject to normal disciplinary proceedings, which may result in summary dismissal.

## 9 **Responsibilities**

The Chief Executive and Chief Officers of the Council are responsible for the effective operation of the policy across the Council as a whole and within the various departments respectively. The Assistant Chief Executive (Management) will provide advice and assistance to departments and monitor and review the policy, as necessary.

The Health and Safety at Work Act states that it is the responsibility of all employees to take care to protect themselves and others affected by their actions. All employees should assume responsibility for their own behaviour and seek or accept help, where necessary. If it becomes known that a fellow employee has a substance misuse problem, it should not be condoned or ignored, but understanding should be demonstrated and, where appropriate, positive support and encouragement offered. Where the substance misuse of a co-worker or a contractor's employee have health and safety implications, the matter should be reported to management. In addition to protecting other employees, this will assist the individual to confront the problem and accept help.

## 10 **Education**

Dundee City Council will support the effective implementation of the policy by providing managers and employees with appropriate information, professional backup and training.

- To assist in early recognition and response to possible signs of substance misuse.
- To encourage a general awareness of the nature of substance misuse as it affects employees in the workplace.
- To develop a positive and constructive approach to handling substance misuse problems.
- To promote the benefits of a healthy balanced lifestyle.

## 11 **Monitoring/ Review**

This policy has been the subject of consultation with the relevant trade unions.

The policy will be reviewed by the Assistant Chief Executive (Management) on a regular basis; with the services, training and referral procedures continually assessed and reviewed, as necessary, by Heads of Department.

**DUNDEE CITY COUNCIL - SUBSTANCE MISUSE POLICY****Sources of Support**

- 1 Dundee City Council  
Employee Support Adviser  
Tel: internal: ext 3471 (01382 433471)  
mobile: 07985 873795
  
- 2 Specialist agencies providing information, support and help in Dundee/Tayside.

Tayside Council on Alcohol  
13 King Street  
Dundee  
DD1 2JD  
Tel: 01382 223965

Drug Problem Service (Tayside)  
(TDPS)  
Constitution House  
55 Constitution Road  
Dundee  
DD1 1LB  
Tel: 01382 424544

Tayside Alcohol Problems Service  
Sunnyside Royal Hospital  
Hillside  
by Montrose  
DD10 9JB  
Tel: 01674 830361 (ext 225)

Drug and Alcohol Team (Dundee)  
Unit 7  
Nethergate Business Centre  
Barrack Street  
Dundee  
DD1 4ER  
Tel: 01382 435020