



The Highland
Council
Comhairle na
Gàidhealtachd

Human Resources
Goireasan Daonna

Workplace Drug and Alcohol Support Policy

Poileasaidh Dhrogaichean & Deoch Làidir san Àite- obrach



Contents

Clàr-innse

Introduction	3
Policy Purpose	3
Who is this policy for?	4
Policy in Practice	4
Definitions	4
Roles and Responsibilities	5
Policy Principles	7
Drug and Alcohol Testing	9
Equality and Diversity	10
Guidance	10
Legislation	11
Monitoring	11
Quick Links	12



Introduction

The Highland Council has a duty under the Health & Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and wellbeing of all its employees. This policy is an important part of the organisation's approach to wellbeing by supporting employees to minimise the risk to themselves and colleagues.

The Council recognises that the use of illegal drugs, prescribed and over the counter medications and alcohol can have an impact on an employee's wellbeing and lead to a variety of challenges in the workplace, including impaired performance, reduced efficiency, difficulties with workplace relationships and an increase in the risk of accidents and absences.

Employees who are affected by the use of illegal drugs, prescribed medications and alcohol require the same support and understanding from their employer as anyone experiencing any other health condition.

Policy Purpose

The purpose of this policy is to support the creation of workplaces which are free from the dangers associated with drug or alcohol use and to ensure that affected employees are treated sympathetically, fairly and consistently as part of the Council's commitment to the health, safety and wellbeing of its workforce.

The aim of this policy is to keep the working environment safe for all employees.

The application of the policy will safeguard all employees, minimise the risk of injury or accident and allow us to provide supportive intervention when required to retain valuable employees. The associated guidance will enable managers to provide appropriate support and signpost to helpful resources.

By raising awareness of drug and alcohol use in the workplace this policy will support individuals to feel confident about raising and discussing concerns with their manager.

Who is this policy for?

This policy applies to all employees of the Highland Council, casual workers, agency workers and contractors working within premises owned or occupied by the Council.

Please see [NHS Policies](#) for staff under Agenda for Change (NHS) Terms and Conditions.

Testing

The Highland Council does not implement random drug and alcohol testing, however The Highland Council may require employees to undergo drug and alcohol testing where relevant cause has been identified. The benefit of testing is that it provides an objective way of measuring whether an employee has used alcohol or drugs rather than relying on the judgement or opinion of others.

Policy in Practice

Definitions

Drugs and Alcohol are included in the definition of drugs and alcohol within this policy which includes illegal drugs, legal highs, the misuse of prescribed and over the counter medications and alcohol.

Legal highs are substances which, although mimic the effects of drugs such as cocaine and ecstasy, are chemically and structurally different enough to avoid being officially classed as illegal substances and are not controlled under the Misuse of Drugs Act.

Under the influence of drugs or alcohol relates to a person's mental and physical impairment (to any degree) to safely undertake a work activity or task. This may present as reduced co-ordination or impaired cognition.

Dependency refers to a condition in which an individual's body becomes physically reliant on a substance leading to dependency on that substance.

Addiction is defined as a chronic relapsing disorder which changes behaviour and is characterised by a compulsive prioritising of substance use despite the adverse consequences.

Substance misuse is the use of a substance (alcohol, illegal drugs or prescription or over the counter medication) for a purpose that is not consistent with legal or medical guidelines, or where substances are used in a way that is harmful, or in excess for purposes other than those for which they were intended.

‘With Cause’ Drug and Alcohol Testing is the screening of breath or urine analysis that is undertaken when it is believed an employee may be under the influence of drugs or alcohol.

‘With Cause’ refers to the presence of evidence or a reasonable suspicion that an employee’s conduct or performance is impaired by drugs or alcohol at work.

At work is where an employee is undertaking work duties regardless of location, for example where an employee is working from home or remotely or on periods of standby.

Roles and Responsibilities

All employees have a duty to take reasonable care of their own health and safety and that of their colleagues or any other person that they come into contact with during the course of their work.

Employee Responsibilities

Being under the influence of illegal drugs or alcohol whilst at work is forbidden.

An employee must:

- be aware of and comply with the Workplace Drug and Alcohol Support policy and follow the associated guidance
- not attend work if they are under the influence of illegal drugs or alcohol
- check with their GP or pharmacist as to whether any prescription or over the counter medication may impair their ability to perform their duties. Where advised that there may be an impact, employees should inform their Line Manager

- highlight any genuine concerns, confidentially and discreetly, with their line manager with regards to their own performance or that of a work colleague being impaired due to drugs or alcohol use
- understand that the term 'at work' also refers to rest breaks and periods of standby
- comply with any reasonable management requests related to drug, medications and alcohol use
- undergo testing for drugs or alcohol where there is a reasonable suspicion that an employee's conduct or performance is impaired
- continue an agreed course of treatment or rehabilitation for a drug or alcohol related issue when required
- update their manager and provide medical evidence when undertaking a course of treatment or rehabilitation for drug or alcohol related issues
- take care of their own health and safety and that of their colleagues or any other person they may come into contact with whilst at work
- take care of equipment or machinery utilised as part of their role
- adhere to all Highland Council policies, guidelines, toolkits and other information related to substance misuse and take reasonable steps to follow the advice in any other related policies
- report any accidents, incidents, near misses or acts of violence whilst at work via the [Assure Portal](#) and inform their line manager
- report any concerns which may cause harm (to clients, patients or the public) when obligated under regulatory bodies' Code of Practice (for example, NMC, SSSC etc).

Manager Responsibilities

Managers should provide appropriate support to employees who they suspect are under the influence of drugs or alcohol, or where an employee has advised they have or are developing a dependency on drugs or alcohol.

A manager should:

- familiarise themselves with the expectations of the Workplace Drug and Alcohol Support Policy and ensure all employees are aware of this Policy and related Guidance
- apply this Policy and related Guidance fairly and consistently
- ensure the safety and wellbeing of all employees within the workplace and minimise risk by taking appropriate action
- implement reasonable adjustments and undertake a [risk assessment](#) where an employee's medication may impact their work duties

- lead by example through a fair and open management style to promote and encourage a workplace culture where people are treated fairly and with dignity and respect
- implement any supportive measures or reasonable adjustments which will allow an employee to remain in work
- offer support and signpost to additional resources, for example the [Employee Assistance Programme](#)
- obtain medical evidence where an employee is absent from work or where an agreed course of treatment or rehabilitation for a drug or alcohol related issue is undertaken
- ensure that any accidents, incidents, near misses or acts of violence whilst at work are reported via the [Assure Portal](#)
- treat all reported concerns confidentially and investigate discreetly to establish fact
- take action to prevent any employee who is suspected of being under the influence from continuing their duties until the effect of the perceived substance misuse has worn off
- where appropriate, take immediate action to prevent any employee who is suspected of being under the influence from driving a vehicle or operating machinery or any other action that may put themselves or others at risk
- facilitate testing as per the Workplace Drug and Alcohol Testing guidance where drug and alcohol testing is required
- contact [HR](#), [Occupational Health](#) or the [HR Attendance Support Officer](#) when further advice or clarity is required.

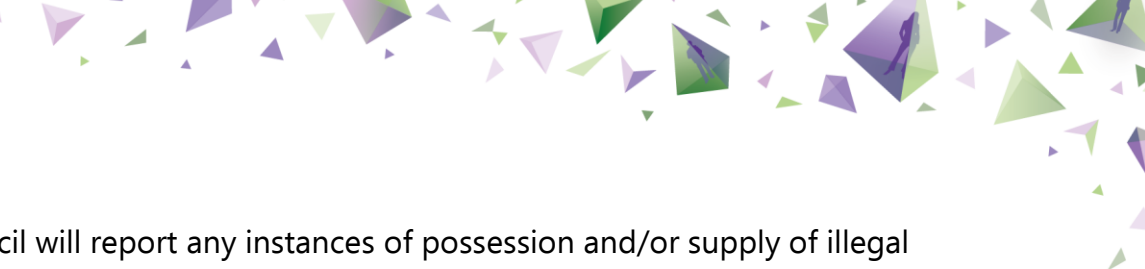
Policy Principles

Being under the influence of illegal drugs or alcohol whilst at work is forbidden.

Any employee suspected of being under the influence of drug or alcohol consumption whilst at work will be required to cease duties immediately.

There are a number of different criminal offences which restrict the supply and use of harmful substances. It is illegal to possess, supply and produce controlled drugs. Drugs (other than those which are prescribed or bought over the counter), alcohol or 'legal highs' must not be:

- in an employee's possession, consumed or supplied to others during working hours, including rest breaks and periods on standby
- consumed at any time before reporting for work as their use may impair work performance and safety.



The Highland Council will report any instances of possession and/or supply of illegal drugs to the relevant authority.

Under the Road Traffic Act 1988 and the Transport and Works Act 1992 drivers of road vehicles or individuals in charge of a motor vehicle must be free from:

- illegal drugs
- legal highs
- prescribed drugs for which no valid prescription is available
- alcohol (must not be above the Scottish legal drink-drive limit).

Instances of driving under the influence of drugs or alcohol are likely to constitute an offence and whilst there is no legal duty to report such instances to the relevant authority, it is strongly encouraged.

Allegations of drug or alcohol use at work will be investigated under the Council's [Disciplinary Procedures](#).

An Assistant Chief Executive (ACE) may authorise the responsible consumption of alcohol at events to mark special occasions. On these occasions staff should not return to work after consuming alcohol and non-alcoholic drinks must be available. All employees are expected to exercise responsibility for their own behaviour and level of consumption of alcohol during any attendance at work functions.

Additional support is available via the [Mental Health and Wellbeing Toolkit](#).

Managers will adopt a helpful and non-judgemental approach when supporting employees who may be experiencing drug or alcohol dependency/addiction and ensure that all individuals are treated with dignity and respect.

If an employee's work responsibilities are seen to be an obstacle to their recovery, then redeployment should be considered.

If the employee is absent from work due to alcohol or drug misuse, the absence should be recorded in [MyView](#) and paid in line with the [Attendance Management Policy](#).

Where an employee refuses to accept that drug or alcohol use is affecting their performance, attendance and/or conduct, or if they refuse treatment, policies such as [Attendance Management](#), [Supporting Improved Work Performance](#) and [Disciplinary Procedures](#) should be considered. Where an employee's attendance, performance, or conduct continues to be a concern despite the support offered, dismissal may be considered following formal procedures.

Disciplinary Considerations

Incidents of 'misconduct' or 'gross misconduct' involving drug and alcohol use will be managed using the [Disciplinary Procedures](#), regardless of whether related to an ongoing dependency or an isolated incident.

Where an employee has declared they have a drug or alcohol concern, this may be taken into account as a mitigating factor in any disciplinary process.

Instances of misconduct and gross misconduct as defined in the Disciplinary Procedures may lead to sanctions up to and including dismissal following formal procedures.

Examples of behaviours that are subject to disciplinary action are:

- deliberate disregard for the safety of themselves and that of colleagues related to the use of intoxicating substances
- unacceptable behaviour in the workplace associated with the use of intoxicating substances
- being found incapable of performing normal duties appropriately and safely due to the consumption of drugs or alcohol
- possession, consumption, dealing/trafficking, selling or storage of controlled drugs either on work premises or engaging in such activities outside of work.


Risk Implications

Employees in a high-risk role may be required to be redeployed on a temporary basis. This is particularly relevant to employees who are responsible for vulnerable groups or responsible for driving and/or operating machinery.

Drug and Alcohol Testing

'With Cause' testing is used to aid the application of this policy where there is evidence or reasonable suspicion of an employee using drugs or alcohol in the workplace. The Council reserves the right to require any employee to undergo 'With Cause' testing for drugs or alcohol.

All employees must be advised that the reason they are being referred for a test is because they are suspected of being under the influence of drugs or alcohol in the workplace.



Employees may be accompanied by a work colleague or Trade Union representative (as an observer) during testing. Any arrangements to be accompanied should not delay the testing process.

Employees must also be advised that if a positive test (or failed test) is confirmed they will be subject to the Council's [Disciplinary Procedures](#), which could result in disciplinary action up to and including dismissal. [HR](#) should be contacted for advice and confirmation of next steps in all cases involving suspension from duties.

An employee who refuses to be tested or who refuses to provide consent will be treated in the same manner as having received a positive test. The Council's Disciplinary Procedures will be instigated. The employee must be informed of this at the time of refusal.

If an accompanying party interferes or disrupts the testing process, then testing will stop and the employee will be considered to have failed the test (the same as a positive result).

The procedure may be discontinued if the employee has a valid medical reason for refusal. Reasons which are not medically related will not be accepted and the employee will be required to either 'consent' or 'refuse' to take the test.

Equality and Diversity

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of The Highland Council, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).

Guidance

Guidance, information and tools relating to the management of this policy have been developed and will be maintained in accordance with the Highland Council Partnership Framework. Guidance, procedures and associated documentation can be found on the HR Microsite – see [Quick Links](#) below.



Legislation

The development and application of this policy is guided by:

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2008
- Health and Safety at Work Act 1974
- Health and Safety at Work Regulations 1999
- Misuse of Drugs Act 1971
- Corporate Manslaughter and Corporate Homicide Act 2007

Monitoring

The application of this policy will be monitored through the Highland Council Partnership Framework and the Corporate Resources Committee.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

[HR Microsite](#)

[Workplace Drug and Alcohol Support Guidance](#)

[Assure Portal](#)

[Attendance Management](#)

[Disciplinary Procedures](#)

[Employee Assistance Programme](#)

[Mental Health and Wellbeing Toolkit](#)

[MyView](#)

[NHS Policies](#)

[Risk Assessment](#)

[Supporting Improved Work Performance](#)

There are external agencies who can provide support for drug or alcohol concerns, such as [Alcoholics Anonymous](#), [Drinkline](#), [Scottish Drug Forum \(SDF\)](#) and [Talk to Frank](#).



myjobscotland