



The Highland
Council
Comhairle na
Gàidhealtachd

Human Resources
Goireasan Daonna

Workplace Drug and Alcohol Support Guidance

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Introduction

The Highland Council is committed to providing workplaces which are free from the dangers associated with alcohol or drug misuse and expects employees to undertake their duties in a safe and effective manner, particularly where an employee works in a safety critical role such as driving or operating machinery. Implementing this guidance will help Highland Council to achieve its aim of providing a safe workplace for employees.

This guidance also clarifies the process for managers and employees where an employee is suspected of being under the influence of drugs or alcohol at work.

The Highland Council reserves the right to require employees to undergo drug and alcohol testing where relevant cause has been identified.

Using or being under the influence of illegal drugs or alcohol is prohibited whilst at work.

Guidance

Definitions

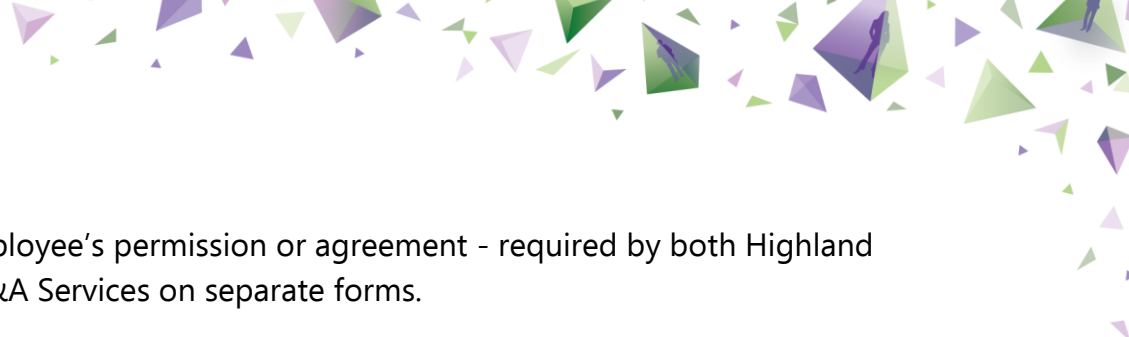
In addition to the definitions in the Workplace Drug and Alcohol Support Policy, below are definitions specific to the Drug and Alcohol Testing Process:

OHIO is the software used for all Occupational Health referrals.

Referring Officer is the Highland Council employee who books the test and acts as the point of contact between PAM and the Safeguarding Officer.

Line Manager refers to the line manager of the employee being tested.

Employee refers to the employee who is suspected of being under the influence and who is being tested.



Consent is the employee's permission or agreement - required by both Highland Council and PAM D&A Services on separate forms.

Safeguarding Officer takes the lead role on the testing process. This is usually the employee's line manager but may be delegated to a manager at an appropriate level who is available near to the location where the employee is working.

Test Collector is the PAM employee who conducts the test.

PAM D&A Services are PAM's (our Occupational Health provider) Drug and Alcohol Services team.

Accompanying Manager is the manager at an appropriate level who can stay with the employee until the testing begins (required in instances where the line manager is unable to stay).

Employee Representative refers to a colleague or Trade Union Representative.

Negative Result confirms that no alcohol or drugs have been identified in the sample.

Non-Negative Result means that the presence of drugs has been identified in the sample, however the testing laboratory need to validate the result before it can be deemed 'positive'.

Positive Result confirms that alcohol or drugs have been confirmed in the sample.

Chain of Custody process is PAM's internal process that maintains the integrity of the sample collected and ensures the processing and packaging is accurate, confidential and remains legally defensible.

Identifying a potential drug or alcohol concern

It is important to identify substance misuse problems as early as possible.

Possible signs which may indicate a concern for employees are listed below, however, it is important to remember that some of these signs may be caused by other factors unrelated to drugs or alcohol, such as an illness or stress. These should therefore be regarded only as indications that an employee may have a drug or alcohol problem:

- smelling of drugs or alcohol
- being unsteady on their feet or appearing uncoordinated
- slurring speech and having trouble with or changing their way of communicating
- increased sickness absence and/or poor timekeeping
- being quieter or more outgoing than usual.
- dysfunction or breakdown of relationships with colleagues or management
- poor performance, conduct or reduced concentration and memory
- having accidents or near misses, either on or off the job
- mood and attitude changes
- change in personal appearance or physical ability, such as hand tremors, dilated pupils, facial flushing, poor personal hygiene
- theft
- possession or consumption of prescription drugs without appropriate authority.

Roles and Responsibilities

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

Employee Responsibilities

In addition to the responsibilities stated in the [Workplace Drug and Alcohol Support Policy](#), employees should:

- adopt a responsible attitude towards drinking and prescribed and over the counter medication use
- seek additional support and advice if developing a dependency on drugs or alcohol
- consider counselling, mediation or other support when recommended
- utilise resources available through the [Employee Assistance Programme](#)
- discuss and consider reasonable adjustments or lifestyle changes that may support continuing or returning to work
- 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). Employees are also obligated under the same terms to ensure and maintain their own fitness to practice.

Manager Responsibilities

In addition to the responsibilities stated in the Workplace Drug and Alcohol Support Policy, managers should:

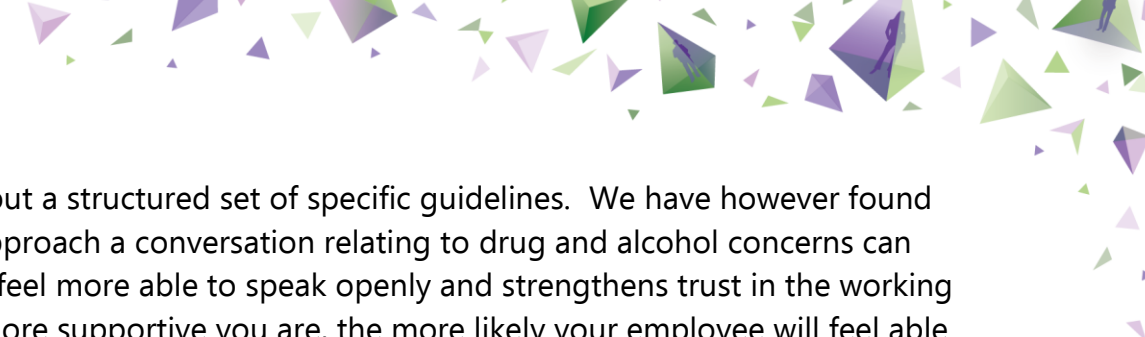
- regularly assess workloads, stress levels and working conditions to create a workplace environment where a genuine commitment to supporting wellbeing is demonstrated
- consider the implications around wellbeing and inclusion when planning social or work events
- create a workplace culture where an employee feels able to report any concerns and provide support for those making allegations in good faith
- ensure they provide appropriate support and consider a referral to [Occupational Health](#) where an employee raises health concerns or has advised that they have, or are developing, a dependency or addiction to a substance
- have regular contact with employees to ensure confidence that all employees are fit and capable for work
- ensure employees are kept fully informed of any requirements expected of them including providing medical evidence, keeping in touch, reasonable adjustments or Drug and Alcohol testing
- continue to monitor work performance and attendance of any employees where concerns have been identified.

Discussing Drug and Alcohol Concerns with an Employee

Where a line manager has concerns but the employee has not disclosed a drug or alcohol problem, the manager should arrange to discuss the matter with the employee. The purpose of the discussion is to provide a summary of the concerns and the circumstances observed such as work performance, attendance, behaviour or attitude. The employee should be given the opportunity to respond fully.

Where an employee does not feel comfortable discussing this with their manager, a referral to [Occupational Health](#) can be made for a medical appointment or they can be signposted to the [Employee Assistance Programme](#) or a [Mental Health and Wellbeing representative](#) for support.

It has been recognised that providing the right support to employees to manage drug and alcohol concerns may enable them to cope better and allow them to remain healthy and safe at work. We acknowledge that every employee's experience will be different and that some individuals may not want to discuss their health, therefore it is



not feasible to set out a structured set of specific guidelines. We have however found that the way you approach a conversation relating to drug and alcohol concerns can help the employee feel more able to speak openly and strengthens trust in the working relationship. The more supportive you are, the more likely your employee will feel able to approach you.

As with any sensitive conversation, setting the right tone is important. Managing a situation in which an employee is believed to have an alcohol, drug or substance related problem requires a great deal of tact, understanding and patience on the part of the manager. Any conversations should be approached with empathy.

Here are some tips to consider:

- wait until the affects of any mental or physical impairment have worn off
- to ensure confidentiality, secure a private space and ensure you are able to avoid interruptions
- allow enough time for the conversation to take place – don't rush
- welcome the employee and put them at ease by asking simple, open, non-judgemental questions
- seek an explanation from the employee without leading or making suggestions of drug or alcohol problems (remember there may be other causes such as domestic worries or the side effects of prescribed medication)
- give the employee ample opportunity to explain what is going on for them in their own words
- maintain good eye contact, actively listen to the explanation and carefully encourage the employee to open up, probe gently if necessary
- be prepared for some silences but don't be inclined to fill the gap
- keep the focus of the discussion on the person and the work-related issues including any concerns over performance and/or conduct
- employees should only have additional supervision and scrutiny applied where there are specific circumstances requiring this
- check that the employee is aware of the Highland Council's guidance relating to substance misuse
- ask the employee what support they feel they may need and suggest ways in which they can be supported
- sign-post to additional support and provide information on the [Employee Assistance Programme](#)
- avoid making assumptions, being prescriptive or providing your own opinion of the situation
- agree any actions and how these will be implemented in writing, ensuring any written documentation or record is treated as confidential and is stored securely
- discuss and agree any testing needs required for ongoing support
- ensure that designated time is allowed if a follow up meeting is required

- try not to take it personally if the employee refuses any proposals of help, remains in denial or relapses.

Any conversation relating to drug and alcohol concerns should be treated as confidential. If information is to be shared, the employee should be informed of who will be told as well as the information which will be shared.

If the employee acknowledges that a drug or alcohol related problem exists, they should not be treated differently because they have made this disclosure. Where an employee indicates a willingness to get help and undertake treatment, support should be provided to assist with their recovery.

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.

Treatment

Reasonable time off with pay will be allowed for medical appointments and counselling. Managers should recognise that employees receiving support for drug and alcohol related concerns may not always follow a linear process and that setbacks may occur.

During a period of treatment, the [Occupational Health](#) service will keep the manager up to date regarding the employee's progress, the likely return-to-work date and whether alternative employment needs to be considered.

Occupational Health Service should review the employee before they return to work and provide guidance on any workplace adjustments required. If an employee's work responsibilities are seen to be an obstacle to their recovery, then redeployment may be considered. After their return, Occupational Health and the manager will jointly review the employee's progress.

If an employee has successfully completed a course of counselling or other treatment and later relapses, the organisation will consider whether to permit another period of treatment with guidance from Occupational Health, or follow the capability procedure as outlined in the [Attendance Management Policy](#).

Reasonable Adjustments

The purpose of considering reasonable adjustments is to enable an employee experiencing any drug or alcohol related concerns to continue to remain in work and undertake their job. Any adjustments should consider the employee's needs, the Service requirements and the tasks which are undertaken. It is important, therefore, that a manager involves the employee in discussions to understand the barriers the employee is experiencing and the potential adjustments that could help to mitigate these.

Any adjustments should be considered for all employees regardless of an employee's work location including those working in a hybrid or remote location. The diversity of roles and working environments across the Council may provide challenges to implementing some adjustments, however, this highlights the importance of supportive discussions with the employee to ensure all possibilities are explored and consideration is given to all suggestions the employee may have.

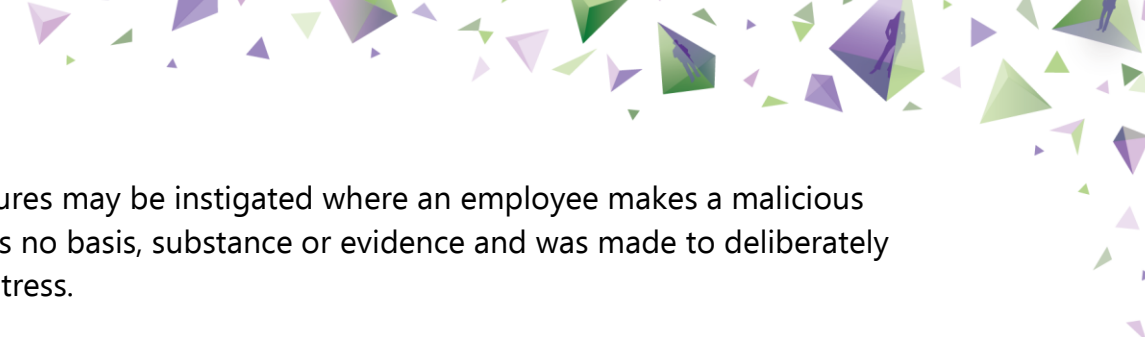
The implementation of any adjustments should also be agreed between the employee and the manager as part of their discussion. Some adjustments may need more planning and preparation than others.

Reasonable adjustments which might be considered include:

- allowing an adjustment to tasks or reallocating tasks on days an employee's wellbeing is impacted
- the ability to rearrange formal meetings or presentations if needed
- a temporary change to an employee's work pattern or shift, including later start or earlier finishing times or changing the days they are at work
- implementing the Flexi-Time scheme or flexible working
- allowing a change of work location (hybrid working)
- time off work for routine appointments, treatment or rehabilitation in line with the [Attendance Management](#) and [Special Leave](#) policies
- redeployment where an employee's work responsibilities are seen to be an obstacle to their recovery.

False Allegations

No action will be taken against an employee who raises a concern in good faith which is later found to be untrue.



Disciplinary procedures may be instigated where an employee makes a malicious complaint which has no basis, substance or evidence and was made to deliberately cause upset and distress.

Other Considerations

Illnesses and medication

Many illnesses and some medications can cause significant side effects which may mimic misuse of drugs and alcohol.

Disability

Whilst addiction itself is not a disability, impairment caused through drug and alcohol use may be classed as a disability. For example, where drug or alcohol use causes a mental or physical health impairment, a disability may be diagnosed. Managers should support employees with a disability and provide information about the [Reasonable Adjustment Disability Passport](#) process. For more information please see the [Equalities in Employment – Disability Confident](#) page.

Drug and Alcohol Testing

Please refer to the [Definitions](#) for clarity on Roles and Responsibilities in the Drug and Alcohol Testing process.

Purpose of Testing

Testing provides an opportunity to support the positive outcomes of implementing a Workplace Drug and Alcohol Support Policy. It provides confirmation of whether an employee was using drugs or alcohol at the time a concern was raised rather than relying on the judgement or opinion of others. It also allows us to identify employees who may need additional support and could lead to a reduction in absenteeism and accidents.

The Council reserves the right to require any employee to undergo 'With Cause' testing for drugs or alcohol. All employees referred for testing will be tested for both drugs and alcohol.

Supportive Testing

There may be occasions where an employee requests supportive testing as a means to aid recovery. Any consideration of supportive testing must be on a voluntary basis. The frequency of tests should be agreed between the manager and employee. The manager should seek approval from the Head of Occupational Health, Safety and Wellbeing prior to being arranged.

Where an employee has voluntarily undertaken supportive testing and decides they no longer wish for this to continue, a discussion should take place between the manager and employee to agree any additional or alternative supportive measures required. The employee should not be questioned, or any assumptions made, about why they wish to cease testing.

Where there is reasonable suspicion that the employee is under the influence of drugs or alcohol, then the [With Cause Testing Process](#) can be initiated.

Where there is a continuing concern in the health, behaviour or performance of an employee, advice should be sought from [HR](#) before implementing the [Disciplinary Policy](#) or [Supporting Improved Work Performance](#).

Where ongoing attendance management is required, advice should be sought from the [HR Attendance Support Officers](#), before implementing the [Attendance Management Policy](#).

Consent and Refusal to Test

Employee's must consent to screening for practical and legal reasons. Consent must be recorded on the [HC Consent form](#).

Employees cannot be forced to take a test, however if they refuse and there are reasonable suspicions for testing, they will be treated in the same manner as having received a positive result where the Council's [Disciplinary Procedures](#) will be instigated. The employee must be informed of this at the time of refusal.

Medical Exemptions

Where an employee has a valid medical reason for refusal the testing will be discontinued. Where there is not a valid medical reason for refusal the employee will be required to either 'consent' or 'refuse' to take the test. Medical exemption should be considered as part of a fair and supportive approach. Examples of valid medical reasons for refusal which may interfere with the ability to provide a sample:

- a psychological condition where a person finds it difficult to urinate when others are nearby
- saliva phobia or gag-reflex issues
- gastro-intestinal, urinary tract or kidney problems.

In addition, anxiety disorders, OCD or PTSD may cause distress during the testing process.

Where an employee refuses to be tested, or has a valid medical reason for refusal, a risk assessment should be undertaken to identify whether the employee is able to remain at work.

When to Test

If an employee is suspected of being under the influence of drugs or alcohol at work, or there is evidence to this effect, the manager can request a test.

As soon as a manager becomes aware of a concern, they should arrange for the employee to be removed from duties to mitigate any risk and contact the Referring Officer to book a Drug and Alcohol test.

Arranging the Test

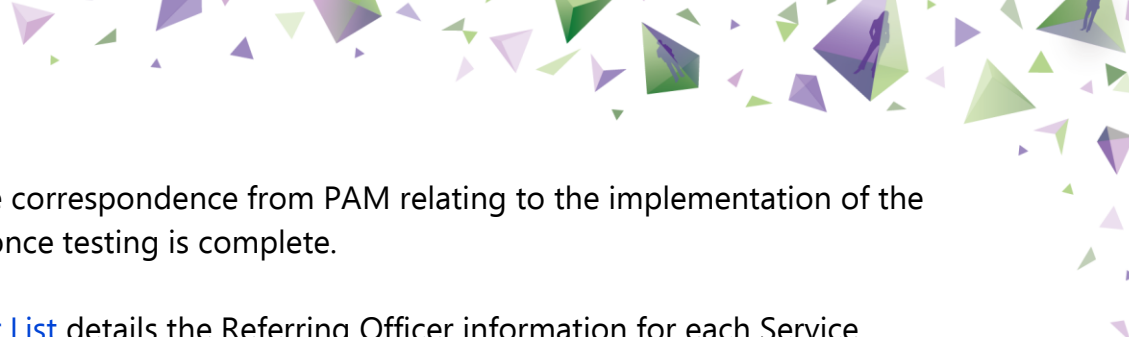
The employee should be taken into a private room where they can remain, accompanied by the Safeguarding Officer or an Accompanying Manager, until the testing begins. Their behaviour should be monitored and documented on the [Drug and Alcohol Manager Observations Checklist](#).

The employee is permitted to be accompanied by a colleague or Trade Union representative who must act as an observer only. Any arrangements to be accompanied should not delay the testing process. This representative is in addition to the Accompanying Manager and they are not permitted to take part in any part of the process as this is an observing role only.

Please see the full step-by-step [Drug and Alcohol Testing Process](#) for further information.

Referring Officer Role

There are nominated Referring Officers in each Cluster within the Highland Council. The role of the Referring Officer is to be the point of contact between PAM and the Safeguarding Officer. The Referring Officer should follow the [Referring Officer Process](#) to book the test through OHIO. They will need their Service budget code and will



subsequently receive correspondence from PAM relating to the implementation of the test and the results once testing is complete.

The [Referring Officer List](#) details the Referring Officer information for each Service.

Safeguarding Officer Role

When an employee is undergoing a drug and alcohol test a Safeguarding Officer will be appointed. This is usually the employee's line manager but may be delegated to a manager at an appropriate level who is available near to the location where the employee is working. The role of the Safeguarding Officer is to take the lead on the testing process, ensuring the employee is kept safe and informed and that they are accompanied at all times. The Safeguarding Officer may also need to ensure the employee gets home safely following testing, if appropriate.

PAM's Testing Process

The Test Collector from PAM will conduct the process in line with their collection procedures, which do not require a witness to be present.

The Test Collector will explain the process to the employee being tested and verify their details including name, date of birth and proof of identity before asking them to consent to supplying the alcohol and drug samples. The employee should declare the use of any prescription or over the counter medications that may affect the drug test result.

The alcohol test is a breath test, which is repeated after 20 minutes if a positive result is given. The drug test is a urine sample, which gives an indicative result within five minutes.

Results

Alcohol

Results of the alcohol test are either positive or negative.

Drugs

Results from the drug test will initially be either non-negative or negative.

- Non-negative results are sent to a laboratory by PAM for further testing to confirm what drugs are present. This process may take a couple of days for an outcome.
- Negative result ends the PAM process for testing.

Outcomes

Negative Result (alcohol and drugs) – the Safeguarding Officer should conduct a [risk assessment](#) to assess the employee's fitness to work and discuss any procedures or support as required. Where an employee's fitness to work still appears to be compromised, the employee should be sent home and will be paid for the remainder of their working day.

Positive Result (alcohol) – the Safeguarding Officer must ensure the employee gets home safely and is not permitted to drive. The employee will be paid for the remainder of their working day. The line manager should contact the employee to arrange a meeting to discuss the results and next steps. The Council's [Disciplinary Procedures](#) may be instigated for employees who test positive.

Non-Negative Result (drugs) – the Safeguarding Officer must ensure the employee gets home safely and is not permitted to drive. The employee should be suspended from duty and remain at home until the laboratory results are confirmed by PAM.

[HR](#) should be contacted for advice and confirmation of next steps, especially those involving suspension from duties.

Positive Drug Test

Where the results confirm the presence of illegal drugs or legal highs, the [Disciplinary Policy and Procedures](#) should be followed and [HR](#) should be contacted if not already involved. The line manager should contact the employee to arrange a meeting to discuss the results and next steps.

Where the results confirm the presence of prescription/over the counter medication, a [risk assessment](#) should be undertaken to assess the employee's fitness for work and return to duties, taking into consideration any adjustments or support required to enable the employee to return to work. If the employee raises any concerns around misuse of their medication, then a referral to [Occupational Health](#) should be considered – see [above](#).

Recording of Results

The test collector will inform the Safeguarding Officer of the result at the time of testing. PAM will upload the result to the employee's file on the OHIO system which also triggers an email to be sent to the Referring Officer.



Additional Support

Counselling

Counselling can play a vital role in supporting employees with drug and alcohol concerns by providing a confidential avenue for an informal approach. Counselling may also be useful as it can help support the person accused of being under the influence as well as supporting an employee who has made an allegation, especially where there has been doubt about the validity of the allegation.

Counselling may be suggested by a line manager or requested by an employee and can be accessed via the Council's [Employee Assistance Programme](#). This service includes online chat and face to face support where appropriate

Quick Links

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

[HR Microsite](#)

[Workplace Drug and Alcohol Support Policy](#)

[With Cause Testing HC Consent Form](#)

[With Cause Testing Manager Observations Form](#)

[With Cause Testing Referring Officer List](#)

[With Cause Testing Referring Officer Process](#)

[With Cause Testing Process](#)

[Assure Portal](#)

[Attendance Management Policy](#)

[Disciplinary Policy](#)

[Employee Assistance Programme](#)

[Equalities in Employment – Disability Confident](#)

[Mental Health and Wellbeing Toolkit](#)

[Mental Health and Wellbeing representative](#)

[Occupational Health](#)

[Reasonable Adjustment Disability Passport](#)

[Risk Assessment](#)

[Special Leave](#)

[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](#).



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