

Health and Wellbeing Framework Alcohol and Substance Misuse Policy and Procedure

1 Introduction

This Policy is part of the Role and Grading Framework which is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to Role and Grading Framework in Abertay University.

If you would like this document in a different format (e.g. large print, braille) or need any assistance to access or understand the policy/procedure please contact your School/Service designated HR Partner.

This procedure does not form part of any employee's contract of employment and it may be amended at any time. The University may also vary any parts of this procedure, including any time limits, as appropriate in any case. This procedure applies to all employees.

2 Purpose and Scope

This policy is concerned with the effects of alcohol, drugs and substance misuse in the workplace and applies to all employees. Others undertaking work for or on behalf of the University, but not employed by the University, e.g. casual worker's/agency workers, are required to adhere to the policy guidelines but may not be covered by procedural details. The policy does not apply to employees who, because of excessive indulgence in alcohol or substances on random occasions behave in a manner contrary to acceptable standards of conduct and safety; such instances will be dealt with in accordance with the University Discipline Procedure.

The University recognises that it has a duty to provide a safe and healthy work environment to all of its employees, students, other stakeholders and visitors to the campus and will take appropriate action to safeguard their wellbeing. All individual employees also have a responsibility to ensure that their performance at work is not adversely affected by alcohol or drugs and they must ensure they safeguard their safety and that of those around them.

The obligation to comply with the Health & Safety at Work Act 1974 and the Misuse of Drugs Act 1971 is acknowledged and the University will aim to provide a supportive and rehabilitative approach towards alcohol, drugs and substance misuse problems.

This policy recognises that alcohol and drug related problems are primarily matters of health and social concern and that employees affected require help, advice, support and in some circumstances treatment programmes. In addition, this policy provides a clear framework for dealing with the inappropriate use of alcohol or other drugs at work, so that a fair and consistent approach is taken when dealing with issues that may arise.

2.1 Policy Aims

The Alcohol and Substance Misuse Policy aims to:

- Promote the general health and wellbeing of all employees;
- Provide a safe and healthy working environment;
- Meet its legal obligation to ensure the health and safety of its employees, students and others in the workplace;
- Support employees in dealing with alcohol drugs and substance misuse problems by encouraging them to seek help voluntarily;
- Provide support and practical assistance for those with alcohol and drug problems with the assurance of upholding confidentiality and privacy;
- Encourage early recognition and intervention where someone has an alcohol or substance problem;
- Provide fair and consistent procedures for dealing with employees whose conduct, attendance and/or performance are adversely affected by alcohol consumption/substances abuse;
- Ensure that substances/alcohol use does not compromise the safe, efficient and productive business of the University;
- Assist line managers in dealing with employees who are affected by alcohol & substance misuse and work related incidents;
- Raise awareness, through relevant health promotion campaigns, of the effects of alcohol, drugs and substances and the impact of their use in the workplace.

2.2 Definitions

Alcohol, drugs and substance misuse is defined as *“the intermittent or continual use of alcohol or substances which cause detriment to the member of employee’s health, social functioning or work performance, and which affects efficiency, productivity, safety, attendance, timekeeping or conduct in the workplace”*

Drugs and substances are defined as illegal drugs, prescribed and non-prescribed medication and solvents. Drugs and substances covered in this policy are those that come under the Misuse of Drugs Act 1971, and regulations thereunder.

2.3 Prescribed Medication

Regardless of whether employees has an alcohol or substance misuse problem, where drugs are prescribed by a GP, employees should seek advice from the GP or pharmacist as to whether these drugs might affect their ability to fully undertake their work duties.

2.4 Responsibilities

As a conscientious employer, the University is aware of its responsibility for the health, safety and welfare of its employees and recognises that their wellbeing impacts on and is significant to performance. In view of this it is important that the responsibilities for the management of alcohol and/or substance misuse within the workplace are explicit and clearly defined.

2.4.1 Line managers

Line managers are responsible, so far as is reasonably practicable, for ensuring the health, safety and welfare at work of employees in their respective area of authority. In relation to workplace alcohol and/or substance misuse these responsibilities include:

- Actively seeking to maintain a good level of communication with all their employees;
- Treating those who may have a problem with alcohol and/or substance misuse in an empathetic, sensitive, objective and non-judgmental approach, ensuring confidentiality at all times;
- Encouraging employees to seek counselling and supporting employees to attend relevant treatment programmes;
- Maintaining an appropriate level of awareness of the signs of alcohol and/or substance misuse (see Appendix 2) and the internal and external support available for employees who may have a problem;
 - For internal support refer to the Occupational Health pages of the HR Web/Portal.
 - For external support refer to Appendix 1
- Bringing this policy and procedure to the attention of all employees within their respective area of authority;
- Where it is evident that illegal drug use has taken place, or where a strong suspicion exists of illegal drug use and/or related activity, or behaviour has been witnessed over which there are serious concerns as to its legality, the line manager should immediately inform the Head of School/Service and Head of Human Resources. The situation should then be discussed and any appropriate action(s) identified.

2.4.2 Individual members of employees

All individual members of employees have a duty to:

- Co-operate with line managers, HR and the OH Advisor in dealing with alcohol and/or substance misuse issues;
- Declare any alcohol or substance misuse problem at an early stage when being managed under any of the University's policies and procedures for managing work performance, conduct or attendance;

- Co-operate with any support and assistance provided by or accessed through the University to address alcohol or substance misuse;
- Encourage colleagues to seek help voluntarily;
- Be responsible for their own behaviour and ensure that, whilst at work, they are free of the effects of alcohol and/or substances. This includes corporate or celebratory events during working hours (and formal University events outside normal working hours) taking into account the knowledge that intoxicating substances may remain in the system for some time and even small amounts can impair performance and jeopardise safety;

All employees must take responsibility for adhering to this policy and procedure. Colleagues, who have concerns that a fellow employee is involved in alcohol or substance misuse, should in the first instance notify their line manager. If a line manager feels unsatisfactory performance or conduct of an employee may be related to alcohol or substance misuse they should raise the matter with their School/Service designated HR Partner. The HR Partner will be responsible for arranging a meeting with the employee and where appropriate a referral to the OH Advisor. The OH Advisor will arrange for assessment and counselling with an external agency if and when appropriate.

2.4.3 Occupational Health Advisor

Following referral by line manager/HR, the OH Advisor will make an assessment of the employee's condition and advise him/her of the support and/or treatment that is most likely to be effective. The OH Advisor will make the necessary referral to the relevant external agencies and monitor and review the member of employee's progress.

The OH Advisor will (with written consent of the employee concerned) advise the HR Partner designated to the School/Service in which the employee works of the aspects of the conditions that should be taken into account in the work situation. The HR Partner will as a consequence advise the Head of School/Service and/or line manager. Where consent is not obtained the OH Advisor will advise the School/Service designated HR Partner accordingly.

2.5 Alcohol & Drugs at Work

Excessive drinking, misuse of alcohol and substance misuse can impair both mental and physical performance, and may lead to occupational problems. The University wishes, therefore, to discourage the misuse of drugs and alcohol. It is the responsibility of each employee to ensure that they are in a fit state to work.

It is recognised that alcohol may be available at some University organised events; however employees must be fit for work when conducting their duties and are always expected to maintain and be responsible for their own standards of behaviour and performance. Cultural sensitivities and the good reputation of the University should also be considered in these circumstances.

Employees who will be driving, using machinery, working at heights, or working in laboratories or workshops should not drink any alcohol or take drugs during the working day. This applies to all employees, they should refrain from drinking alcohol for at least 8 hours before driving or undertaking such activities mentioned above, and should be aware that drugs and a high intake of alcohol may affect performance and perception for a longer period.

If an employee attends work and there are significant and reasonable suspicions that they may be under the influence of alcohol or drugs, and they are in such a condition that it is felt they are incapable of working safely, a danger to themselves or others or are considered by

their line manager to be unable to carry out their duties satisfactorily and safely, then it will be deemed appropriate to carry out a precautionary suspension from work.

In such circumstances the line manager must inform their Head of School/Service immediately, and seek the advice and support from the Head of Human Resources prior to any action being taken. Consideration should then be given as to whether a preliminary investigation should be conducted to establish the facts and circumstances.

Each case will be considered on its merits and an individual course of action will be agreed. Where appropriate the matter will be dealt with under the University Discipline Procedure. If an individual is found in possession of illegal drugs or is found to be trafficking in drugs, or acted violently, or caused criminal damages to University property all while under the influence of drugs or alcohol, it will be considered gross misconduct and dealt with under the University Discipline Procedure

The University is legally required to inform the police where it has been found that a member of employees has been involved in the use, supply (or offer to supply), or production of controlled drugs on University premises.

2.6 Procedure

An alcohol or substance misuse problem can come to light in various ways, either by line manager identification or as a result of a formal procedure (e.g. discipline, capability or absence management, etc.) or through the member of employees raising the matter themselves. A Head of School/Service or line manager who believes that an employee has or may have an alcohol or drug related problem should encourage the employee to seek help and refer them to the School/Service designated HR Partner and/or the OH Advisor. If the problem is deemed to be impacting on the employee's ability to carry out their job then the line manager has a responsibility to consult with their School/Service designated HR Partner.

It is the responsibility of the employee's line manager, in conjunction with advice from the OH Advisor, to determine a time frame for the individual to achieve a sustained improvement. A period of 6 months is often appropriate but is dependent on the individual circumstances. Employees will be required to comply with an agreed programme of support during this time.

2.6.1 Referral for appropriate support

Initiated by the individual

An employee with an alcohol or substance misuse problem which has not been identified by their line manager and which has not yet had an adverse effect on their work performance or behaviour at work, is encouraged to voluntarily seek help and assistance to address their problem. An employee should approach either, their line manager, Head of School/Service and/or the School/Service designated HR Partner, or their recognised trades union or a employees representative to clarify how to access support that is available from or through the University.

An employee can also make a direct approach for help to the OH Advisor. Referral to any specialist alcohol and counselling services can be made by the OH Advisor. Details of some of the external advice and support agencies in the Tayside area in relation to alcohol, drugs and substance misuse are listed in Appendix 1.

Initiated by line manager or School/Service designated HR Partner

If an employee's work performance, attendance or behaviour is regarded as unsatisfactory by their line manager and the line manager's belief is that alcohol or substance misuse may be the cause or a contributing factor, the line manager should raise their concerns with the

employee, and seek advice from their School/Service designated HR Partner. Where required the employee can be referred to the OH Advisor for assessment and advice on appropriate support options.

If an employee suffering from drug or alcohol dependency informs of such dependency, the University will treat absence for rehabilitation and/or treatment as any other sickness absence.

2.6.2 Discipline Procedure

Having an alcohol or drug problem will not excuse any disciplinary action from being taken as a result of implementation of the Discipline Procedure. However, implementation of the Discipline Procedure may take into account time required to enable a problem to be assessed and for treatment and rehabilitation to be offered (except in the case of apparent gross misconduct or where it is not reasonable to accept that the employee's conduct was directly caused by their alcohol or substance misuse).

Once a reasonable period of treatment and rehabilitation has been completed, then consideration regarding the continuation of the Discipline Procedure can be given and to what actions are required, if any.

Where it is determined that an individual is no longer capable of continuing in the post, declines the offer of help or discontinues a course of treatment and does not make improvements in performance and/or conduct then the University Discipline Procedure may be implemented. In appropriate cases a requirement to undertake treatment and/or a relevant support programme will form part of any action taken as a result of the Discipline Procedure.

If no underlying problem is identified through a management referral, the Discipline Procedure will continue.

2.7 Relapse

Where an employee, having received treatment, suffers a relapse the University will consider the case on its individual merits. In these circumstances the line manager should immediately seek guidance from the School/Service designated HR Partner and notify the OH Advisor.

The employee will be aware at the start of their treatment that if they fail to adhere to their treatment programme or have failed to achieve the required improvement in their performance/conduct/attendance by relapsing, the situation will be managed under the University's Discipline procedure.

2.8 Monitoring

Line managers will be responsible for monitoring work performance and undertaking regular planned reviews to make sure the employee is still receiving appropriate support while at work. The OH Advisor will be responsible for monitoring the employee's progress with treatment, counselling and/or any other support put in place for the employee. The School/Service designated HR Partner is responsible for the monitoring the implementation of this policy/procedure and reporting any non-adherence to the Head of Human Resources.

The employee is expected to:

- Attend and engage with recommended treatment;
- Co-operate with a specified treatment regime;
- Benefit from treatment including resolution of the alcohol or drug problem and if work performance has been a factor in the referral improvements would be expected;
- Be free from the effects of alcohol at work;
- Be free from the effects of illegal drugs.

2.9 Confidentiality

Members of University management, i.e. Head of School/Service, line manager, etc., must treat all dealings with any individual that fall in scope of this policy with the strictest of confidence. All records and reports associated with referral to any external agency and/or the OH Advisor will be classed as strictly confidential. Sensitive data will be held in accordance with the Data Protection Act.

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