



## **Drugs and Alcohol Policy**

**Adopted 16<sup>th</sup> April 2024 Minute 238.23d**

## **1. Introduction**

- 1.1 The subject of alcohol and drug misuse and how it can impair performance, safety or interpersonal work relations is a matter for employers. All employers have a duty to ensure the health and safety of their employees and they may fail in their duty if they permit employees to knowingly work under the influence of alcohol or drugs.
- 1.2 The purpose of this policy is to help protect workers from the dangers of alcohol or drug misuse and to encourage those with a problem to seek help. In addition, the policy sets out a procedure to ensure that all alcohol and drug problems are dealt with sympathetically, fairly and consistently.
- 1.3 This policy applies to employees of Tisbury Parish Council including any volunteers and contractors.

## **2. The Legal Framework**

- Health and Safety at Work Act 1974 - section 2 - places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of its employees. Employees also have a personal responsibility to take reasonable care of themselves and others.
- Management of Health and Safety at Work Regulations 1999 places a duty on an employer to assess the risks to the health and safety of employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or drugs and their behaviour places the employee or others at risk.
- Misuse of Drugs Act 1971 - makes it an offence for someone to knowingly permit the production, supply or use of controlled drugs on their premises except in specified circumstances (for example drugs prescribed by a doctor).
- Road Traffic Act 1988 - states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.

## **3. Policy**

- 3.1 Employees must not consume alcohol or take unprescribed drugs (except drugs which may be bought over the counter for minor ailments) at any time before reporting for duty when their use may impair work performance when on duty.
- 3.2 Employees may not consume alcohol or unprescribed drugs (except drugs which may be bought over the counter for minor ailments) during their working day, including meal or rest breaks.
- 3.3 Alcoholic drinks must not be brought onto Tisbury Parish Council premises unless permitted at the discretion of the Chair. The possession, use or distribution of drugs for non-medical purposes on Tisbury Parish Council premises is forbidden.

- 3.4 Employees should inform their Line Manager of any prescribed medication that could have side effects and impact on their ability to work safely. Employees are responsible for keeping their prescribed medication in a safe place.
- 3.5 Possession of or dealing in drugs at work will be reported immediately to the police.

Tisbury Parish Council recognises that an alcohol or drug addiction may be an illness to be treated in the same way as any other illness. However, where appropriate, action will be taken under Tisbury Parish Council's Disciplinary Policy and Procedure.

Any matters arising under this Policy will be dealt with in the strictest confidence.

#### **4. Dealing with Alcohol and Drug Misuse at Work**

- 4.1 Problems with alcohol at work usually fall into two main categories: the individual who drinks inappropriately on occasions and the individual who consistently engages in inappropriate drinking.
- 4.2 Problems arising from the first category are likely to be straightforward cases of misconduct, whereas drinkers in the second category are likely to have associated health, absence and long-term performance problems. However, even occasional drinking may be a response to an underlying problem such as stress.
- 4.3 It is not always easy for Line Managers to distinguish between the two types of drinker or if an individual is taking unprescribed drugs or prescribed medicines.
- 4.4 In addition, some of the symptoms of excessive alcohol intake and drug misuse can be similar to the effects of a range of medical conditions including diabetes and epilepsy. Consequently, when dealing with problems caused by suspected alcohol or drug misuse, Line Managers should arrange an appropriate assessment by the Council's Occupational Health Adviser and carry out a full investigation of all the circumstances before deciding upon the appropriate action.
- 4.5 Line managers should intervene at an early stage to avoid the need for later disciplinary action.
- 4.6 If a Line Manager identifies or has good reason to suspect alcohol or drug misuse as the cause of a performance or conduct problem, then the individual may require help to overcome the problem. The Line Manager should speak to the individual in private about their concerns and seek advice. Line Managers should ask the individual's reasons for the poor performance and/or conduct and ask whether it could be due to a health or any other problem.

- 4.7 If the individual is inebriated or may be under the influence of drugs, then the Line Manager will need to wait until the individual is no longer under the influence before taking any action.
- 4.8 Any employee who it is believed on reasonable grounds may be under the influence of alcohol and/or drugs whilst on duty may be suspended from work whilst the matter is investigated.
- 4.9 Where an individual admits to a dependency problem then this will be regarded as an illness and assistance should be given to overcome this.
- 4.10 The Line Manager (with advice from the Chair of the Staffing Committee) should set the individual reasonable objectives and review performance in line with these. The individual should be informed that continued employment will depend on reaching the agreed objectives and doing their best to overcome the problem as quickly as possible.
- 4.11 If an employee refuses to undertake or continue treatment, or the treatment fails, then the matter becomes one of performance and/or conduct and should be dealt with in accordance with Tisbury Parish Council's Capability Policy and Procedure or its Disciplinary Policy and Procedure.

## **5. Criminal Convictions**

Employees must inform their Line Manager if they are convicted of any criminal charge regarding the use or supply of drugs. It will be for the Line Manager in liaison with the Chair of the Staffing Committee to determine if any further action is required. Any information will be treated in the strictest confidence.

## **6. Confidentiality**

Every employee can be assured that any matters arising under this policy will be dealt with in the strictest confidence.

## **7. Monitoring**

The Parish Clerk is responsible for monitoring the number of alcohol/drug related matters referred to the Chair of the Staffing Committee and the actions taken where alcohol and/or drugs were involved.

## **8. Communication**

Tisbury Parish Council will communicate this Policy effectively to all employees and will ensure that all employees and line managers are aware of their responsibilities.

## **9. Responsibilities**

All employees have responsibility to divulge any concerns which could affect the service provided or their performance at work. Employees should also inform the Parish Clerk or Chair of the Staffing Committee if they have concerns that a colleague may be misusing alcohol or drugs as this could impact on the service provided and/or the welfare of employees. All information will be kept in the strictest confidence.