

## Substance Misuse Policy

### 1. Introduction

1.1 This policy sets out the University's position with regard to substances within the workplace and the approach it will take when the consumption of drugs, alcohol or substances that affect staff performance at work. The associated procedures cover the courses of action which will be taken in one-off situations of staff being under the influence of substances whilst at work, as well as the action to be taken when a member of staff has an underlying substance related problem.

1.2 The aims of this policy are to:

- provide a healthy and safe working environment for all members of staff, students and visitors.
- help those with a substance problem to be restored to health quickly to the benefit of themselves, their colleagues and the University, and to return to an acceptable pattern of working.

### 2. Scope

2.1 This policy applies to all members of staff.

2.2 This policy does not form part of the contract of employment and may be amended at any time.

2.3 Where substance misuse is suspected in relation to any agency worker or contractor, this should be raised with their agency supplier.

### 3. Definitions

'Substance' includes all chemical substances listed as a controlled substance, prescription medicines where the prescription medicines have not been prescribed for the person possessing or using them

and/or such prescription medicines which are not taken in accordance with a physician's direction. It also includes substances (other than alcohol and drugs) that produce physical, mental, emotional or behavioural changes in the user.

'Substance misuse' includes drinking alcohol, taking drugs or a controlled substance, either intermittent or continuous which interferes with an individual's health, work capabilities or conduct, or which affects the work performance and/or safety of themselves and others.

'Drugs' means and includes any substance (other than alcohol) that produces physical, mental, emotional or behavioral change in the user, the sale, possession or consumption of which is illegal. This term includes prescription drugs where such prescription drugs have not been prescribed for the person possessing or using such drugs and/or such prescription drugs are not taken in accordance with a physician's direction.

'Controlled Substance' means and includes all chemical substances or drugs listed in any controlled substances acts or regulations applicable under the law.

#### **4. Roles and Responsibilities**

##### 4.1 Members of staff have personal responsibility to:

- not attend work under the influence of substances and notify management immediately if use of any substance may impair work performance
- not consume alcohol during work time, other than at work events where alcohol may be provided by the University, or with the prior knowledge/agreement of management
- not bring or use illegal substances on University premises under any circumstances
- seek professional help if they have a substance misuse problem and undertake and complete a substance abuse rehabilitation programme as recommended by a professional body and reasonably comply with the management of their condition
- report to management if they suspect that another member of staff in the workplace is under the influence of substances
- notify their manager if they are taking medication that could affect their ability to work safely.

##### 4.2 Managers have a responsibility to:

- make the Substance Misuse Policy available to staff
- ensure that risk assessments, where appropriate, are carried out for work under their control
- discuss with staff as soon as possible if behaviour, performance or absence indicates a

problem with substance misuse

- refer to occupational health a member of staff who declare or who they suspect may have a substance problem
- seek further guidance from Human Resources where required
- provide support to members of staff who undertake a treatment programme
- remove from the workplace staff who they suspect are under the influence of any substance
- record absence related to substance misuse in accordance with attendance reporting procedures
- refer members of staff to Occupational Health for advice on health and safety at work if they are taking medication that could affect their ability to work safely.

4.3 Human Resources have a responsibility to provide consistent advice to management and staff in accordance with the University policy and employment legislation.

4.4 Occupational Health has a responsibility to:

- provide education to staff on the harmful effects associated with substance abuse and its effects on health and safety.
- provide managers with advice on the early detection, recognition and management of substance abuse
- provide confidential health advice and facilitate referral for treatment
- monitor progress and provide support to members of staff with substance abuse issues.

## 5 General Principles

5.1 The University recognises that addiction to alcohol, drugs or other substances may in some cases be considered a medical condition / health problem, and should be treated as such. Staff who may have a problem will be encouraged to seek help and treatment voluntarily and at an early stage.

5.2 Medical advice, treatment and monitoring will be offered by the Occupational Health Service in the strictest confidence and with the informed consent of the staff member. Details of a confidential nature will normally only be discussed with the individual's own doctor, other medical specialist, or manager with the prior agreement of the individual.

5.3 Whilst substance misuse does not excuse poor work performance or misconduct, it may be treated as a mitigating factor, and disciplinary procedures may be suspended whilst the

opportunity is taken to identify potential substance problems and, if necessary, to seek treatment.

5.4 Risk assessments will be used to identify any activities or work environments where for safety critical reasons staff are not permitted to consume alcohol immediately before or at any time during the working day, including during unpaid breaks, and should at no time report for work with a blood alcohol level exceeding the current UK limit for safe driving. Examples of such areas of work may include:

- using dangerous machinery or equipment (eg. gravity food slicers, knives, machine tools)
- working with hazardous chemicals where spillages could be highly dangerous by virtue of their toxicity, flammability, carcinogenicity, etc.
- working in locations or environments where an unimpaired sense of balance is essential (ladders, work on roofs, working at height),
- driving a vehicle of any description.

This list is for illustration, and is not exhaustive.

## **6. Conduct when alcohol is available at University related events**

6.1 It is recognised that alcohol may be available at some University related events (whether held on the premises or not), such as parties, entertaining visitors or other work related events such as training courses. However, members of staff must be fit for work when conducting duties and are always expected to maintain and be responsible for their own standards of behaviour, with the emphasis on avoiding any actions that could lead to a complaint of misconduct or could harm the reputation of the University. Such complaints will be fully investigated and may lead to disciplinary action being taken. Non-alcoholic beverages will always be available as an alternative.

## **7 Compliance**

7.1 Contravention of this policy may result in disciplinary action being taken in accordance with the University's Discipline and Dismissal Policy.

## **8 Dealing with a member of staff who appears to be under the influence of substances**

8.1 The Health and Safety Executive guidance states that if you knowingly allow a member of staff under the influence of excess alcohol / other substances to continue working and this places them or others at risk, you could be prosecuted. Therefore, where suspected consumption of alcohol, drugs or other substances is judged to affect work performance or conduct, management will need to take immediate action. The manager should normally send the member of staff home to remove them from potential risks. Consideration should be given to their ability to return home safely. The matter should be investigated as soon as possible. In some circumstances following investigation it may be appropriate to take disciplinary action and /or to deduct payment for the period of absence. Contact HR for advice if necessary.

## **9 Dealing with a member of staff who appears to have a substance misuse related problem**

9.1 Staff who are identified as possibly experiencing substance related problems, whether by observation, poor performance or conduct or by their own voluntary action, will be given the following assistance:

- Initial discussion to examine the possible causes of deterioration in work performance or conduct. This discussion will normally be carried out by the manager who may be accompanied by Human Resources and the member of staff may be accompanied by a workplace colleague or Trade Union representative.
- The offer of help, advice and referral for treatment, support or monitoring through the Occupational Health Service, on the clear understanding that an individual wishes to receive such assistance and gives their informed consent. Confidentiality will be ensured at all times, as far as possible.
- Any necessary time off will be granted for treatment or support in accordance with normal sickness leave, and employment and pension rights will be protected whilst treatment is in progress.
- Staff will be returned, as far as possible, to their normal duties during and after treatment, depending on their ability to perform those duties, and taking into account the risk of relapse.

If a return to normal duties is not considered to be appropriate, every effort will be made to redeploy the member of staff. Each case will be treated on its merits and decisions will be made only after the fullest advice is sought.

## **10 Dealing with disciplinary situations**

- 10.1 If a possible alcohol or drug related problem comes to light through behaviour which could result in disciplinary action, the above procedures will still apply.

## **11 If the member of staff refuses help**

- 11.1 The member of staff has the right to refuse the offer of help and such a refusal will not, in itself, be a matter for disciplinary action. However, staff refusing to undertake treatment, when appropriate, will be advised that unacceptable performance or behaviour will be dealt with in accordance with normal disciplinary procedures.

## **12 If the member of staff accepts help**

- 12.1 If a problem comes to light through performance or behaviour which is subject to disciplinary action and the individual chooses to accept referral for assessment and possible treatment, the University may suspend such action for the time being dependent on the member of staff:
- complying with the referral and attending the Occupational Health Centre for assessment of the problem
  - co-operating with any programme of support/treatment which will help them to overcome the problem
  - agreeing to the treatment agency liaising with the Occupational Health Service with regard to the level of attendance for and co-operation with treatment
  - improving work performance/behaviour to an acceptable level within a time scale agreed to by the individual and management.

If however the behaviour appears to constitute gross misconduct, the disciplinary procedure will be followed.

- Where a member of staff who agrees to accept treatment subsequently fails to achieve a satisfactory level of performance/behaviour or relapses, the suspension of action may be revoked and they may be subject to disciplinary action. Exceptionally, it may be considered appropriate to offer further medical help.
- Where a member of staff referred for assessment is subsequently shown not to have an substance related problem or does not comply with the above conditions, the suspension of action will be revoked and the disciplinary procedure will be followed.
- Each case will be fully reviewed and a suitable course of action followed which may include management action or advice in relation to qualification for retirement on grounds of ill-health. Alcohol or drug dependency is not in itself grounds for ill health retirement; the assessment is based on the amount of physical or mental ill health resulting from such action.
- All agreements entered into under this policy will be confirmed in writing as soon as is practicable and reasonable. Members of staff have the right to be accompanied by a work colleague or Trade Union representative at all stages.

**Appendix One**

**Example Substance Misuse Rehabilitation Agreement – to be used on the advice of Occupational Health and Human Resources**

I am about to undergo treatment for a substance misuse problem. As a condition of my continuing employment, I agree to the following:

1. I agree to follow the prescribed treatment / rehabilitation programme outlined by the treatment facility selected.
  
2. Upon entry into the treatment / rehabilitation programme, I will sign a consent form permitting the treatment centre personnel to discuss my progress with the University’s Occupational Health staff. This information will continue to be otherwise confidential and will be used by the University only in assessing my progress, in conjunction with Human Resources and Management.
  
3. I understand that the University’s Substance Misuse Policy and my signing this Agreement does not constitute a waiver of responsibilities to maintain discipline and good conduct. I understand that any unacceptable form of behaviour or poor performance may be dealt with under the normal disciplinary procedure and that such unacceptable form of behaviour or poor performance may lead to disciplinary action up to and including my dismissal.
  
4. I understand that I need to improve my work performance/behaviour to an acceptable level within the agreed time scale.

Date .....Signed.....

Name (printed) ..... Witness .....

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Related procedures:	
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