

# Misuse of Alcohol and Drugs in the Workplace (Staff)

## OHS Policy Document: OHS 1/06

The University recognises that the misuse of alcohol or drugs can result in adverse effects on a person's health, safety and job performance. In turn, there may be associated effects upon family, friends and the workplace. Misuse refers to the use of illegal drugs and the misuse, whether deliberate or unintentional, of other drugs and alcohol<sup>1</sup>. Misuse covers three major areas:

1. Where use may aggravate an existing condition or situation or is undertaken in potentially dangerous or inappropriate circumstances;
2. Habitual use, where the individual becomes dependent on the effects of the substance to the extent that the desire for these effects becomes a dominant concern in their lives, to the detriment of other aspects of their lives; and
3. Excessive use, which can lead to physical and mental illness, and / or antisocial behaviour.

The reasons for alcohol or drug misuse are not fully understood, but are likely to vary from person to person. Although not in itself a medical condition, alcohol or drug misuse and any medical consequences are preferably managed as a health issue; with an emphasis on prevention or, failing that, harm minimisation. However, this must be managed in the context of University health and safety and personnel policies and the requirements of legislation.

In order to comply with good employment practice and legislation<sup>2</sup> it is therefore University policy to:

1. Support a healthy and safe working environment.
2. Reduce the impact of alcohol and drugs misuse in the workplace.

Each of these is considered in turn below:

### Supporting a healthy and safe working environment

The University is committed to a range of personnel and occupational health and safety services including counselling of staff for workplace issues. The University has policies and procedures, which collectively promote healthy, productive, and equitable work environments and encourage appropriate work-life balances. Further information can be found from the following University Department websites: <http://www.admin.ox.ac.uk/ps/>, <http://www.admin.ox.ac.uk/uohs/>, and <http://www.admin.ox.ac.uk/safety/>.

Departments need to assess the necessity / desirability of providing alcohol at official functions during the working day.

### Where alcohol is served at functions or licensed premises

There should be a coordinator for the function and premises who would be responsible for dealing with any problems which may arise.

Non-alcoholic drinks and water should be readily available.

Incidents resulting from provision of alcohol at official University organised functions, even if outside normal working hours, are likely to be regarded as happening 'in the course of employment', and could therefore potentially result in disciplinary processes.

Information on minimising the harm caused by alcohol and drugs and rehabilitation services is available to staff and departments from the University Occupational Health Service and is also available via the [Occupational Health Service web page](#).

### Reducing the impact of alcohol and drugs misuse in the workplace and compliance with legislation<sup>2</sup>

All employees are expected to exercise responsibility for their own behaviour. Some jobs may involve special responsibilities, such as where an employee is undertaking technical procedures, driving, working at height, handling loads, responsible for the safety of others, or dealing directly with the public or students. Local policies may be required for special circumstances.

Members of staff who consider that they have a problem with alcohol or drugs are encouraged to seek confidential advice. Internal sources of advice include the Occupational Health Service, staff representatives, departmental administrators or personnel officers. External sources include general practitioners and drug and alcohol advisory and support agencies.<sup>3</sup>

Line managers and supervisors who consider that a member of their staff may have a drug or alcohol problem should refer to the Occupational Health Service using the

Alcohol and drug problems are not normally considered a disability under the Equality Act,<sup>4</sup> although illnesses caused by these substances may be recognised as disabilities. Absence for treatment and rehabilitation will be regarded by the University as normal sickness absence. The University will support staff who seek help with these problems, provided that the person is receiving appropriate help and / or treatment. It is recognised that relapses can occur. In such cases, line managers should seek advice

from the Occupational Health Service and Personnel Services for appropriate action to be taken in individual circumstances.

Members of staff who are concerned that a colleague may have a drug or alcohol problem may encourage him or her to seek advice in relation to it or may themselves seek advice from the professionals mentioned above on a confidential basis.

Staff are not obliged to work with someone who has consumed drugs and/or alcohol if they perceive that by doing so they put themselves at risk. If a staff member has such concerns, they should immediately report those concerns to their line manager or a person in authority.<sup>5</sup>

It is not the role of the Occupational Health Service to assess work capability of an individual experiencing the acute effects of drugs and / or alcohol. This should be performed by the affected person's line manager and confirmed by another senior member of staff wherever possible before arranging for safe transportation of the employee to home, if required. If the employee refuses to leave the workplace then they should be advised that the next step will be to contact Security Services. The line manager is then advised to contact Personnel Services to discuss what action to take.

Where a member of staff is noticeably affected by alcohol and / or drugs whilst at work this has the potential to be a disciplinary matter. In these circumstances an investigation would occur and if the person admitted to a drug or alcohol problem this would normally be handled under the capability or sickness procedure. Accurate records must be maintained of the process. Confidentiality will be maintained, subject to the provision of the law. Managers may also seek advice from the Occupational Health Service or from Personnel Services and/or with the employee's consent, refer the individual to the Occupational Health Service.

If a department has already identified problems with an employee's capability, and it is suspected that the employee may have a drug or alcohol problem, it may be necessary to defer action while therapeutic solutions are sought. Personnel Services guidance on dealing with capability issues states that what constitutes an appropriate timescale will vary according to the circumstances of each case and Personnel Services will provide advice on timescales on request. In cases of ill-health or disability, or a drug or alcohol problem, such advice will take account of advice from the OHS on the likely timescale for change in the member of staff's condition. If assistance is declined or inappropriately discontinued, or impaired performance continues, then matters will normally be dealt with according to [capability or sickness procedures](#).

Where an act of misconduct which falls short of serious misconduct has occurred at work in association with alcohol and drug misuse, disciplinary action short of dismissal may follow. Where such an act comprises serious misconduct, dismissal may follow.

Suspected criminal offences, such as dealing in illegal drugs, using illegal drugs or being in possession of illegal drugs, will be immediately reported to the police and the University Marshal. This would lead to disciplinary action where appropriate, following due investigation if this occurred on University Premises.

This policy will be reviewed after 2 years following introduction and thereafter 5 yearly or when necessary.

#### **<sup>1</sup>The Misuse of Drugs Act 1971**

lists the drugs that are subject to control and classifies them in three categories according to their relative harm for this when misused:

- Class A – includes Ecstasy, Cocaine, Heroin, LSD, Mescaline, Methadone, Morphine, Opium and the injectable forms of Class B drugs.
- Class B – includes oral preparations of amphetamines, barbiturates, codeine and methaqualone (Mandrax).
- Class C – includes most benzodiazepines, (e.g. Valium), cannabis, cannabis resin, other less harmful drugs of the amphetamine group and anabolic steroids.

#### **<sup>2</sup> The University and its employees are required to comply with:**

- Health and Safety at Work Act (1974)
- Management of Health and Safety at Work Regulations (1999)
- Road Traffic Act (1988)
- Misuse of Drugs Act (1971)

It is also an offence for anyone who occupies, or is involved in the management of premises, to knowingly allow certain activity to take place in those premises. Possession or supply of any controlled drugs is a criminal offence.

### <sup>3</sup>Link to External Sources of Help

Visit the [NHS Choices website](#) for a list of organisations who provide information and advice.

### <sup>4</sup>The Equality Act, 2010

Certain conditions are not to be regarded as impairments for the purposes of the Act. These include: addiction to or dependency on alcohol, nicotine or any other substance (other than in consequence of the substance being medically prescribed).

### <sup>5</sup>Non-specific workplace indicators of a potential alcohol or drug misuse problem may include:

- Periods of unexplained or frequently taken absence
- Poor time-keeping
- Behavioural, or sudden mood changes
- Deterioration in relationships with colleagues, students or the public
- Reduction in performance or productivity
- Dishonesty and theft
- Accidents or near misses
- Smelling of alcohol
- Confusion

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