

Report

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Report to:	Corporate Resources Committee
Date of Meeting:	21 September 2005
Report by:	Executive Director (Corporate Resources)

Subject:	Addiction Policy
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ advise the Committee of the revisions to the Addiction Policy

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the revisions to the Addiction Policy be approved.

3. Background

3.1. The Council currently has a policy that identifies what support will be offered to employees experiencing addiction related problems such as alcohol or drug misuse and gambling. The Council has committed to periodically review its policies and revise as appropriate.

4. Current Position

4.1. The Addiction Policy was reviewed and revisions have been agreed with the Trade Unions. The main revisions are as follows:

- ♦ the policy complements the Maximising Attendance Policy by taking a preventative stance, identifying the responsibilities of all concerned when dealing with addiction problems at work and outlining confidential support available
- ♦ expands the Council's commitment to the policy by raising awareness of addiction-related problems through education and training
- ♦ includes the provision that when an addiction problem comes to the attention of management via a disciplinary procedure, the Council's Medical Adviser will assess/confirm the nature and extent of the problem and arrange, if indicated, a suitable program of help and treatment

4.2 A copy of the policy is attached as Appendix 1 for your consideration.

5. Employee Implications

5.1. None.

6. Financial Implications

6.1. None.

7. Other Implications

7.1. None.

8. Consultation

8.1. This policy has been discussed with Resources and agreed with Trade Unions.

Alan Cuthbertson
Executive Director (Corporate Resources)

21 September 2005

Link(s) to Council Objectives
Supporting Our Communities

Previous References
None

List of Background Papers
None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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SOUTH LANARKSHIRE COUNCIL - ADDICTION POLICY

1. INTRODUCTION

- 1.1. South Lanarkshire Council is committed to a pro-active approach to ensuring the health, safety and well being of all of its employees. The Addiction Policy has been created to support this commitment and in recognition of the growing problem of substance abuse and addiction in society. South Lanarkshire Council will act to prevent and eliminate, in so far as it is reasonably possible, any such abuse which will increase the potential for ill health, absence, accidents, poor performance or which will otherwise adversely affect the Council, its employees or the members of the public.
- 1.2. The Council recognises that addiction is an illness and the effects it can have on the individual, co-workers and family members. This Policy complements the Council's Maximising Attendance Policy by taking a preventative stance and outlining the confidential support available to employees.
- 1.3. While it is the intention of this policy to assist those with addiction problems, it does not replace a manager's responsibility to maintain discipline and a safe working environment or to respond to poor work performance, misconduct or unsatisfactory levels of absence. Therefore, support programmes for employees with drug, alcohol or other addiction problems can run concurrently with the disciplinary procedure.

2. SCOPE

- 2.1. The Addiction Policy applies to all South Lanarkshire Council employees.

3. OBJECTIVES

- 3.1. This Policy has been created in consultation with recognised trade unions and has been produced to meet the following objectives:
 - i. To address the misuse and/or possession of alcohol/drugs in and around the working day in order to ensure a safe working environment in line with the Health and Safety at Work Act 1974.
 - ii. To recognise that alcohol or drug misuse and addiction are both a health problem and a safety problem.
 - iii. To provide confidential access to support and assistance for employees who are experiencing alcohol, drug or other addiction related problems at the earliest opportunity.
 - iv. To identify the responsibilities of all concerned when dealing with addiction problems at work.

- v. To expand the Council's commitment to this policy by raising awareness of addiction-related problems through education and training.

4. DEFINITIONS

- 4.1. For the purpose of this policy, the following definitions apply:

Addiction: An abnormal tolerance to and dependence on something that is psychologically or physically habit-forming (especially alcohol, drugs or gambling).

Alcohol misuse: An alcohol-related problem is defined as any drinking, either intermittent or continual, which interferes with a person's health and social functioning and/or work capability or conduct.

Drug: Refers to any psychoactive drug whether illegal, over the counter from pharmacies and other retail outlets, or legal substances such as solvents. In the case of prescribed drugs, their possession and proper use is acknowledged as legitimate.

Drug Misuse: Use of illegal drugs and the misuse whether deliberate or unintentional of prescribed medicines or solvents.

5. RESPONSIBILITY

- 5.1 While the Executive Director is responsible for enforcing this Policy, all managers and employees in the workplace have a duty to ensure a safe and healthy work environment.

- 5.2. **Management:**

- i. Demonstrate the Council's commitment to a pro-active approach to ensuring the health, safety and well being of all of its employees by knowing and enforcing the Addiction Policy.
- ii. Ensure effective communication of the policy to employees.
- iii. Promote / participate in Council-wide Addiction Awareness Campaigns.
- iv. Support the Council's position where an employee's poor attendance levels, deterioration of performance or even misconduct at work, is due to alcohol or drug use/misuse or other addiction, the problem should be treated as an illness and an offer of confidential support should be made to the employee.
- v. SLC will offer support and referral to the Council's Medical Adviser or Employee Counselling Services, as appropriate.
- vi. Be aware of support available and employee entitlements while receiving support so that the employee may be advised.
- vii. Be conscious of management responsibility under the Health and Safety at Work Act 1974 to provide a safe working environment and identify risks associated with alcohol or drug misuse in the workplace.
- viii. Work with the Personnel Adviser (Employee Services) to assess the risk of the employee remaining at work while receiving addiction support and develop an action plan.
- ix. Implement and monitor the action plan.

5.3. Trade Unions:

- i. Demonstrate the Council's and Union's commitment to a pro-active approach to ensuring the health, safety and well being of all of employees by assisting in the implementation of the Addiction Policy.
- ii. Help communicate information to employees.
- iii. Encourage employees to seek help voluntarily.
- iv. Be aware of support available and employee entitlements while receiving support so that the employee may be advised.
- v. Assist employees in rehabilitation where appropriate.
- vi. Support implementation of action plans to sustain employees at work while receiving addiction support.

5.4. Employees:

- i. Be aware of the Addiction Policy and understand its objectives.
- ii. Recognise that employees also have a duty under the Health and Safety at Work Act to protect their own and others' health and safety.
- iii. Avoid colluding or covering up a colleague's addiction.
- iv. Encourage colleagues to voluntarily seek assistance.
- v. Seek help if you suspect you have an addiction problem.
- vi. Support management actions in implementing policy.

6. POLICY STATEMENT

- 6.1. Employees should be aware that the way they behave during working hours also reflects the image of the Council and employees must not attend work under the influence either of alcohol or illegal drugs, as these may affect their ability to undertake their duties safely and effectively and may damage the public image of the Council.
- 6.2. The use of Council vehicles is prohibited under the influence of alcohol, illegal drugs or prescribed medication that may affect an employee's ability to operate machinery safely.
- 6.3. Employees must not be in possession of illegal drugs while at work or misuse drugs while on duty. However, South Lanarkshire Council recognises the controlled use and possession of medicines for personal use as an exception.
- 6.4. South Lanarkshire Council recognises that addiction problems are an illness to be treated in the same way as any other illness and employees with drug misuse or other addiction problems will be encouraged to seek help, advice and treatment.
- 6.5. The Council will provide confidential and voluntary counselling and support services for anyone with an addiction related problem. Referral to counselling will not affect job promotion prospects.
- 6.6. South Lanarkshire Council recognises the possibility of relapse. If this occurs, the same procedures of support will be offered to the employee at management discretion depending on the circumstances.
- 6.7. The Council recognises the potential danger to the health

and safety of alcohol or drugs misusers and their colleagues if a problem is left untreated.

- 6.8. Infringements of this policy will be dealt with under the Council's disciplinary procedures.
- 6.9. It is the responsibility of managers and supervisors to apply this policy. To assist with this, they will receive specific guidelines and training outlining procedures for early recognition, discipline and referral.
- 6.10. The Addiction Policy will be communicated to all employees of South Lanarkshire Council.
- 6.11. Training will be provided for key personnel involved in the implementation of the Addiction Policy.

7. THE POLICY

- 7.1 The Addiction Policy will address three ways in which an employee's addiction related problem might come to the attention of management.
 - i. Voluntary Referral;
 - ii. Informal Intervention;
 - iii. Formal Intervention.
- 7.2 For the purpose of this policy, the term 'manager' includes any employee of the Council with supervisory responsibility for example: Chargehands, Supervisors, Duty Officers and Administrators who have responsibility for other employees.
- 7.3. The following procedures outlined apply equally to alcohol related problems, drug related problems, solvent abuse, gambling and other recognised addictions, which interfere with an employee's health and/or work capability.
- 7.4. **Voluntary Referral**
When an employee comes forward to request support/assistance either through their Resource Personnel Section, Manager or Personnel Adviser (Employee Services), this is a voluntary referral and will be treated confidentially.
 - 7.4.1. Employees who suspect or know they have such a problem should contact the Personnel Adviser (Employee Services) either directly or through their immediate supervisor. The Personnel Adviser (Employee Services) will meet with the employee and, if appropriate, arrange an appointment with the Employee Counselling Service.
 - 7.4.2. The Employee Counselling Service will confirm whether or not an addiction related problem exists. Where an addiction related problem exists, a program of help will be arranged in consultation with the employee and Personnel Adviser (Employee Services).
 - 7.4.3. The Personnel Adviser (Employee Services) will provide guidance and support to the employee as he enters into the treatment programme and will discuss any work-related issues or obligations.
- 7.5. **Informal Intervention**
When management becomes aware of a change in an employee's behaviour or job

performance which they feel may be attributed to an addiction-related problem, they will meet with the employee to discuss their work performance and, if appropriate, an offer of support/assistance will be made. With the employee's permission, an appointment will be scheduled with the Personnel Adviser (Employee Services).

- 7.5.1. The Personnel Adviser (Employee Services) will meet with the employee and, if appropriate, arrange an appointment with the Employee Counselling Service.
- 7.5.2. The Personnel Adviser (Employee Services) will discuss the treatment programme available and employee entitlements while receiving treatment. In addition, the Personnel Adviser will discuss any workplace safety concerns with the employee.
- 7.5.3. The Employee Counselling Service will confirm whether or not an addiction related problem exists. Where an addiction related problem exists, a program of help will be arranged in consultation with the employee.
- 7.5.4. Where an alcohol/drug related addiction is confirmed, Occupational Health or the Personnel Adviser (Employee Services) will provide relevant advice and guidance to the employee.
- 7.5.5. Where an employee has entered into a treatment programme, the Personnel Adviser (Employee Services) will monitor the employee's progress and advise the line manager and union representative, as appropriate. Union representatives will be provided with information only with the employee's permission to do so.

7.6. Formal Intervention

When it comes to the attention of management that an employee may have an addiction-related problem, through the disciplinary process, the Council will formally intervene.

- 7.6.1. Should an incident occur at work where an employee is considered to be creating a situation whereby they are in personal danger or are a danger to other employees/the general public due to the influence of alcohol or drugs, an immediate supervisor shall have the necessary delegated powers to remove the employee from the workplace as a precaution. The removal from the workplace shall be with pay and will normally be for no more than one day.
- 7.6.2. When the decision is taken to remove an employee from the workplace, the employee should be provided with transportation from the workplace (if alcohol/drug related) and report to their line manager immediately upon return to work.
- 7.6.3. As part of disciplinary procedures, a manager will interview the employee, intimate any proposed disciplinary action but holds same in abeyance on receiving request for referral; or
- 7.6.4. As part of the disciplinary procedure, the manager interviews employee, takes disciplinary action and confirms it in writing using standard letter. On receiving request for referral, refers to Personnel Adviser (Employee Services).
- 7.6.5. The manager will arrange an immediate interview with the Personnel Adviser (Employee Services).
- 7.6.6. If an employee rejects the offer of referral, the next stage of the disciplinary

procedures will be applied, if held in abeyance.

- 7.6.7. If the employee accepts the offer of referral, the Personnel Adviser (Employee Services) will interview the employee and arrange an immediate appointment with the Council's Medical Adviser.
- 7.6.8. The Medical Adviser will assess the nature and extent of the problem and arrange, if indicated, a suitable program of help and treatment.
- 7.6.9. The Medical Adviser will notify the Personnel Adviser (Employee Services) whether or not an addiction problem is confirmed.
- 7.6.10 If confirmed, the Personnel Adviser (Employee Services) will obtain the co-operation and agreement of the Resource concerned regarding any absence from work, if necessary, and any other assistance required.
- 7.6.11 If not confirmed, the employee will be referred back to the manager and the next appropriate stage of the disciplinary procedures applied, if discipline held in abeyance.
- 7.6.12 If confirmed and the employee co-operates and accepts the help and treatment prescribed and returns to an acceptable level of conduct, attendance and work performance, the problem is then resolved.
- 7.6.13 If confirmed and the employee does not co-operate, the Personnel Adviser (Employee Services) will refer the employee back to the manager.
- 7.6.14 The manager will then apply the disciplinary procedures.
- 7.6.15 If work performance problems continue or recur, a decision will be taken as to whether the employee should be sent for further treatment or if the next stage of the disciplinary procedures should be applied.

8. EMPLOYEE ENTITLEMENTS

- 8.1. If the employee accepts assistance through the policy, he/she will be entitled to:
 - i. Confidentiality, in respect of their addiction, between the Medical Adviser or Employee Counselling Service, Resource Personnel Section and the employee.
 - ii. Paid time off to attend counselling session(s).
 - iii. Granted leave, if necessary, to undergo treatment and such leave will be treated as sick leave within the terms of the Council's sick pay scheme.
 - iv. On their return to work, the employee will be entitled to return to the same job unless the Council decides that the effect of the addiction renders them unsuitable for the same job. In such cases alternative employment should be sought for employees.

- v. Where help has been accepted and the problem resolved, the employee's normal promotional prospects will not be affected.
- vi. Where following return to work after, or during treatment, work performance/conduct suffers as a result of continued addiction related problems, each case will be considered on its merits. Where appropriate, a further opportunity to accept support/counselling may be offered.

9. RELEVANT LEGISLATION

- 9.1. **The Health and Safety at Work Act 1974** states that employers have to ensure the health, safety and welfare of their employees as far as reasonably practical. Employees also have a duty to protect their own and others health and safety. The Management of Health and Safety at Work Regulations say employers must conduct a risk assessment. This means that employers have a legal duty to ensure that their employees are not put at risk as a result of the actions of other employees, and if they are aware of any problems relating to drink or drugs have a responsibility to address them. It should be stressed that this duty does not only apply when a worker is over the legal limit for alcohol when driving, but when a worker's performance is likely to be affected by the use of alcohol or drugs.
- 9.2. **The Misuse of Drugs Act 1971** makes it an offence to supply or possess specified drugs. In addition it is an offence to knowingly allow premises to be used for the use of illegal drugs.
- 9.3. **The Road Traffic Act 1991** makes it an offence to drive on a public road under the influence of drink or drugs and the Transport and Works Act make it a separate offence for certain transport workers to be unfit through drink and drugs while working.

SUPPORT AGENCIES

SOUTH LANARKSHIRE COUNCIL

Ronnie Nelson, Personnel Adviser (Employee Services) **01698 454 668**

Confidential advice and referral for all employees.

EMPLOYEE COUNSELLING SERVICE (Referral by SLC only)

77 Renfrew Street, 8 th FLOOR, G2 3BZ

A confidential service for employees who are having problems at work due to alcohol, drugs, gambling or stress.

Alcoholics Anonymous

0845 769 7555

DRUGS HELPLINE Tel: 0800 776600 Website: www.talktofrank.com

Offers a confidential telephone information and advice service for anyone who has a drug problem or is worried about someone who may be using drugs. Arranges referral to appropriate agencies. All calls are free.

Gamblers Anonymous 0141 630 1033

South Lanarkshire Council - Social Work

Team Leader – Substance Misuse 01698 453916

Substance Misuse Teams are located in

Lanark

Blantyre

Hamilton

Rutherglen

Larkhall

East Kilbride