



UNIT-11 Drugs and Alcohol Issues

Learning Outcomes

By the end of this unit the learner will be able to:

- ✓ Understand the severity of drug and alcohol issues for employers
- ✓ Create a policy to safeguard a business and its workforce
- ✓ Identify the signs and symptoms of potential drug or alcohol abuse

Unit 11

Drugs and Alcohol Issues

Introduction

Alcohol and drug abuse has been on the rise in the United Kingdom for several years. If the level of use has an impact on employee attendance or performance, or if it could increase the risk of workplace accidents or have an impact on the general public's health and safety, an employer should be concerned.

Another reason why businesses should take the issue of alcohol and drug abuse at work seriously is health and safety legislation.

Employers in England have a general duty under the Health and Safety at Work etc Act to “ensure, so far as reasonably practicable, the health, safety and welfare of your employees. Employees must also take reasonable care of themselves and anyone who could be affected by their work.” The Misuse of Drugs Act 1971 and The Road Traffic Act 1988 also apply to drug and alcohol misuse, and should therefore be consulted by employers.

The Health and Safety at Work (NI) Order 1978 requires both employers and employees to maintain a safe working environment, and if an alcohol or drug-related accident occurs at work, the employer, the employee, or both may be held liable.

Employers must strike a balance between using the disciplinary procedure for conduct-related incidents and providing support where individuals have admitted they have a problem when dealing with alcohol or drug misuse at work.

Creating a Policy

Creating a drug and alcohol misuse policy can provide a framework for businesses to:

- Enhance health and safety regulations;
- Reduce the number of employees who are absent;
- Boost productivity;
- Keep key personnel on board.

It is critical for each company to identify its own unique requirements and incorporate them into the policy. A company in the leisure and tourism sector that operates in a safety-critical industrial sector, such as construction, chemicals, or nuclear energy, will most likely require a more complex and punitive policy with strict and specific rules than a company that operates in the leisure and tourism sector.

What information must be conveyed?

There are three major issues that must be communicated:

- The reasons why alcohol and drugs should not be allowed in the workplace, as well as the potential negative consequences for employees, customers, and the general public;
- The existence of the company's policy and how it is implemented;
- The benefits of seeking help and receiving support and treatment.

Training

Training for directors, senior managers, line managers, supervisors, and union employee representatives would be beneficial.

- Data on the consequences of drug and alcohol abuse at work;
- Assistance and support for employees;
- Interviewing and advising skills at a basic level.

Sample Policy

See Appendix 20A for a Sample Workplace Alcohol and Drug Policy.

Support or Discipline?

Misconduct, performance, health and safety, and dishonesty are all issues that managers and supervisors must deal with when it comes to drug and alcohol abuse.

Employers must examine the specifics of each case and determine the best course of action. Employers should be aware of their responsibilities under disability legislation and seek additional guidance if necessary.

If the facts do not allow for an obvious and immediate assessment of inappropriate behaviour, it is best to approach these issues from a supportive perspective.

In cases of serious drunkenness at work or an employee taking, storing, or dealing drugs on the premises, disciplinary action would be appropriate.

The Misuse of Drugs Act of 1971 governs issues involving illegal drugs and the articles associated with them on the premises, and they must be reported to the police immediately.

When disciplinary actions are taken, they must be proportionate and perceived as fair by employees.

After a performance issue has been identified, the root causes can be investigated. Whether or not an answer is available at this point in the process, it is possible to follow standard

performance management procedures, such as setting goals, providing training if necessary, and monitoring for a set period of time. Managing the Performance of Employees.

The person may eventually admit they have an alcohol or drug problem during this process, especially if it moves toward the possibility of dismissal.

Different types of problems and job diversity inherently lead to a variety of performance issues that require a different approach to tackle, such as:

- Safety-critical work;
- Alcohol abuse;
- Recreational use of illegal drugs;
- Illegal drugs brought into the workplace for personal use or to sell;
- Medicines on prescription;
- Solvents (issues include young people at work and solvent storage/use health and safety procedures);
- A one-time occurrence;
- A pattern of occurrences
- Dependency;
- A relapse or a recurrence of problems

Performance and Behaviour

Whether or not the person recognises alcohol or drugs as the cause of a performance problem, conduct and performance issues can be addressed. Recognizing this allows managers and supervisors to move forward with greater confidence on these issues. Any allegations of drug or alcohol abuse should be thoroughly investigated by employers.

The key question will be whether the incident indicates that the employee has an addiction or if the misbehaviour is sporadic. If it occurs on a regular basis, it is more likely to be considered misconduct. Misconduct can manifest itself in a variety of ways, such as:

- Violation of a specific contract or policy term (for example, a provision prohibiting employees from reporting to work while under the influence of alcohol or drugs);
- Absence without permission;
- Instability, fighting, or insubordination;
- Inability to carry out responsibilities;
- Putting the employer's reputation in jeopardy.

Misuse of alcohol and other drugs impairs one's judgement, concentration, and coordination (among other problems). The following are signs of possible alcohol or drug abuse (it's important to note that these symptoms can also be caused by other factors like stress, physical illness,

mental health issues, or the side effects of prescription drugs; each case should be evaluated on its own merits): depression or fatigue from lack of sleep that lasts two to three days;

- Erratic performance;
- irritability or aggression that is out of the ordinary;
- Overconfidence;
- Unacceptable conduct;
- Sudden mood swings from extreme elation to deep depression;
- Faster response times
- A proclivity for becoming perplexed;
- A decrease in productivity;
- Absenteeism;
- Inaccurate timekeeping
- A lack of self-control;
- Relationships with coworkers, customers, or management are deteriorating;
- Theft and dishonesty;
- Inconsistencies in finances.

The Initial Performance Interview

When a performance or conduct issue arises, there should be an initial meeting between the line manager and the employee to discuss the issue and the actions that all parties must take to correct the situation.

All meetings should be documented, including the time, date, attendees, and actions taken. It is critical that the tone of this initial meeting be supportive rather than confrontational, as this will allow the employee to request assistance in the future. The problem(s) with performance or conduct should be defined, and possible reasons or causes should be discussed (not assumed).

Once a problem has been identified, the company's policy on health support should be made clear, and the employee should be assured of confidentiality, job security, and that help will be provided within certain parameters. The actions that each party could take should be discussed. Employees may be offered training or counselling, for example.

It is necessary to agree on and implement a plan, as well as to set goals for improving performance issues. After that, the arrangements and performance are monitored for a set period of time. If no progress is made within the agreed-upon time frame, refer to sections 14 – Managing Employee Performance and section 18 – Disciplinary Issues and Dismissal, as applicable, for more information.

Disciplinary Procedures

Unacceptable behaviour, which may be related to alcohol or drugs, should be dealt with according to standard disciplinary procedures. If the person refuses to accept help and support for their performance problems, disciplinary action may be taken. Dismissal should only be considered as a last resort. If the person admits to the cause of the problem and asks for help, disciplinary action can be suspended at any time.

In the vast majority of cases, best practise would be to offer them assistance and support, but with the caveat that disciplinary proceedings would be reinstated if the agreed-upon course of treatment was not completed or the problems recurred.

Health and Safety

In terms of health and safety, employers have legal obligations to both employees and third parties. If an employee's actions may endanger coworkers, it is the employer's responsibility to mitigate the risk. This could mean stepping up supervision or, in the worst-case scenario, suspending or dismissing the employee (preceded, of course, by any appropriate warnings).

If an employee's behaviour consistently results in them being a danger to themselves, the employer may need to take steps to remove them from the workplace, either temporarily or permanently.

Employees are legally responsible for their own health and safety, as well as the health and safety of their coworkers. In theory, they could be held liable for negligence if, while under the influence of alcohol or drugs, they fail to perform their duties with reasonable care and cause damage or injury as a result. Employers in safety-critical work environments, such as construction, chemicals, nuclear energy, and so on, must be extra vigilant.

Treatment Considerations

Substance abuse treatment options are numerous. They can take place in a variety of settings, including in-patient and out-patient. Medical advice should be sought, with supportive counselling and treatment likely to follow.

Drinkaware provides anonymous and advice support for individuals struggling with alcohol dependencies in England, while **SupportLine** offers access to a wide variety of helpful resources for individuals with drug problems.

The National Health Service (NHS) can and should also be contacted for help and support. In Northern Ireland, **NICAS** (Northern Ireland Alcohol and Drug Treatment Charity) provides a confidential, professional counselling service to those who have developed an alcohol, drug, or both problem, and can provide the following services for employers (at a cost):

- Drug and alcohol awareness training;
- Assisting with policy development for dealing with workplace alcohol and drug abuse;
- Individual treatment programmes for employees who are addicted to alcohol or drugs;
- Confidential written progress reports to your company's designated person (the person in charge of overseeing your Alcohol and Drug Policy);
- Contributing to workplace health and lifestyle events by using screening tools to detect the risk of alcohol and/or drug misuse.

Workplace Testing for Drug and Alcohol Abuse

Before implementing a policy for drug and alcohol testing at work, employers should think twice. Companies that implement testing regimes that are out of proportion to the risks to health and safety or the business they are attempting to manage may find themselves in legal trouble.

The Data Protection Act of 1998 establishes guidelines for the proper management of personal information about employees held by employers. This includes any information obtained from drug and alcohol testing of employees.

Points to Remember

- Testing must be justified and relevant to the business's needs;
- Personal data gathered during testing should be kept to a bare minimum;
- Workers in safety-critical roles should be subjected to random testing;
- Testing policies must be clearly communicated to all employees.

When can You Test?

Pre-Employment

When a job offer is conditional on passing a medical exam, which includes a drug test.

Pre-Promotion

As in the case of the applicant. Unlike an applicant, however, the employee who is being considered for promotion has demonstrated that he or she is a good employee. As a result, an employer would be expected to help an employee who had a positive test result during the vetting process. The employer's response would depend on the facts, but at the very least, the employee should be given the opportunity to receive treatment, with continued employment contingent on successful completion of the recovery programme.

Testing on a regular basis

Testing takes place at specific times, such as during routine medical examinations.

Reasonable Justification

Following the testing of applicants as part of the pre-screening, the most common time for an employer to test is for reasonable cause. It's also the simplest to defend because an employee under the influence of drugs or alcohol poses a risk to the workplace's safety.

Random

A random number generator computer programme selects employees for testing using a coded employee identification system. The specimen to be tested is collected shortly after the employee begins work and shortly before the end of the day. This is the method of selecting employees for testing that receives the most vehement opposition.

Tests to Monitor Progress after Treatment

Periodic testing on an unpredictably random basis may be required to encourage and ensure compliance with the recovery programme. Consent to testing during the recovery period is usually not an issue because employment should be conditional on successful completion of the treatment programme.

Confidentiality

Of course, any information about an employee's health must be kept strictly confidential. Employees must give explicit consent to their employer's processing of any "sensitive personal data" under the Data Protection Act of 1998.

Further Reading:

- ✓ *Drug and Alcohol Abuse: A Clinical Guide to Diagnosis and Treatment* by Marc A. Schuckit
- ✓ *Encyclopedia of Drugs, Alcohol and Addictive Behavior* by Pamela Korsmeyer, 2008