

# Policy on Alcohol and Substance Abuse

## 1. Introduction

European Waste Solutions (EWS) as an employer has developed this policy as a positive strategy to tackling alcohol and substance related problems at work. Substances are defined as drugs, both prescribed and non-prescribed, and solvents. At all times EWS wishes to maintain high standards of professional conduct amongst its employees. This policy is not intended to intrude upon the privacy of individuals, particularly in health matters, were their condition does not affect their conduct or performance at work. EWS is however concerned where health or behaviour impairs the conduct, safety or work performance of its staff and it recognises that the misuse of alcohol or substance abuse may be a cause of such impairment.

Whilst this is a joint policy on alcohol and substance abuse, the situation regarding substance abuse will be distinguished from that of alcohol where appropriate, due to the legal position on their possession and supply. There is also the issue that potential problems do not solely arise from the use of prohibited and other controlled substances. Certain prescribed drugs, such as tranquillisers etc. Can cause difficulties with performance at work and can themselves create dependency problems and care in their use is essential. Recurrent substance abuse will be treated as a medical/social problem. EWS will endeavour to ensure that an employee's use of either alcohol or substance does not impair the safe and efficient running of the Company or the health and safety of its employees. It is fundamental that this policy is based primarily upon prevention.

The abuse of alcohol, drugs and other substances respects no boundaries of sex, status and occupation and the Policy applies equally to all EWS staff without discrimination.

## 2. Aims

The Policy aims to:

Clarify EWS's position on drinking/substance abuse at work and to minimise problems at work arising from alcohol and substances.

Help those affected with alcohol and substance related problems by encouraging treatment where possible.

Support the appropriate level of Management in dealing with alcohol and substance misuse problems by providing a clear procedure.

Identify the circumstances in which disciplinary action is instituted for alcohol and substance misuse.

Meet EWS'S legal obligations to ensure the health and safety of its employees and others at work.

### **3. Legal Issues in Relation to Employment**

There are various legal implications for EWS were staff misuse alcohol or substances.

#### **HEALTH AND SAFETY AT WORK ACT 1974**

EWS could be committing a criminal offence under the Health and Safety at Work Act 1974 by “turning a blind eye” to an employee’s drink or substance abuse problem. Under S.2 of this Act, EWS has a duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work to all employees.

The attention of all employees should be drawn towards their own responsibilities to themselves and their colleagues under S.7 of the Act. It is an employee’s legal duty to take reasonable care for the health and safety of himself/herself and of others who may be affected by his/her acts or omissions at work.

#### **Misuse of Drugs Act 1971**

Under the Misuse of Drugs Act 1971 it is an offence for an employer to knowingly allow substances to be used, kept or supplied on their premises. It is also illegal under the Act for an employer to ignore such occurrences. Possession, use or supply of illegal substances, or being complicit in such behaviour by others, is strictly forbidden in the workplace and will result in disciplinary procedures being instigated. EWS may be made aware of such behaviour through outside sources as well as through an employee’s actions at work.

#### **Disability Discrimination Act 1995**

Dependency on alcohol or any other substance does not, of itself, amount to a disability for the purpose of the Disability Discrimination Act, however impairments that are the result of an addiction or dependency are covered by the Act.

#### **Police Involvement**

Certain cases that occur during employment may give rise to criminal proceedings/prosecutions against an employee by the police. In some cases it is still possible to proceed with the disciplinary process on the basis of the known facts. Where there is concern that an employee may have acted out with the law. A Director will be advised and a decision will be taken on the appropriateness of police involvement. Sometimes an employee’s actions outside of employment may lead to criminal proceedings/prosecution. Each case must be carefully considered. A Director will be advised before any decision is taken to initiate formal disciplinary procedures. The fact that an employee is subject to criminal proceedings does not automatically mean the disciplinary process should be invoked.

### **4. Drinking at Work**

The consumption of alcohol at work is not condoned. Those staff performing safety-critical roles, such as using potentially dangerous substances, dealing with specialised equipment, driving company vehicles, are not permitted to drink at work. Staff should take responsibility for ensuring they are fit to carry out their duties at all times.

## **5. Managing Alcohol & Drugs Misuse**

The Policy and procedures distinguish between:

Over indulgence which results in socially unacceptable or even dangerous behaviour but which is not related to a physical or psychological dependence.

Where a person's dependency continually or repeatedly interferes with his/her work

The former type of behaviour will be treated as a conduct problem, which may merit disciplinary action or dismissal, while the latter will initially be seen as an ill-health issue and treated as such.

### **Non-Dependent Misuse of Alcohol or Substances**

If it is established that an employee's misconduct in the form of drinking or being drunk at work or substance abuse is not due to a dependency, recourse to the disciplinary procedures may be appropriate.

The Nature and appropriateness of disciplinary action will depend on such considerations as:

The serious of the misconduct;

Clear rules warning employees what will happen if an offence is committed;

Consistency in applying rules;

Type of work done by the employee e.g. the safety risks of an employee being under the influence of alcohol will be considered.

EWS will consider each case individually and endeavour to act reasonably. Off-duty drink or drug misuse may lead to disciplinary procedures if they affect job performance.

### **Alcohol or Substance Dependency**

As well as obtaining medical advice EWS will normally discuss the matter with the employee before deciding whether rehabilitation is feasible and only then decide a reasonable time frame for the employee to recover. All practicable steps will be taken to establish the true position.

The length of time which is acceptable before taking action will vary. EWS must show that, bearing in mind all the circumstances, the timescale allowed was reasonable.

### **Relevant Considerations Will Include**

The employee's willingness and commitment to obtaining treatment;

The urgency to have the employee's work done;

The ease of providing cover or reassigning duties;

The availability of support agencies;

The detail of the treatment plan.

## **6. Procedure**

Establishing the problem – The following characteristics, especially in combinations, may indicate the presence of an alcohol or substance related problem:

**Absenteeism:** Instances of unauthorised leave, frequent Friday and /or Monday absences, leaving work early, lateness (especially returning from lunch), excessive leave or sickness absence, strange and increasingly suspicious reasons for absence, unusually high level of sickness for colds, flu, stomach upsets, unscheduled short-term absences, with or without explanation.

**High Accident Level:** At work or elsewhere, i.e. driving, at home.

**Work Performance:** difficulty in concentration, work requires increased effort, individual tasks take more time, problems with remembering instructions or own mistakes.

**Mood Swings:** Irritability, depression, general confusion.

**Self-Referral:** In some instances, employees may seek help and advice themselves.

### **Intervention**

EWS will offer support to individuals who recognise they have an alcohol or substance abuse problem and also sanction action by colleagues and managers who wish to help those individuals.

Employees work performance may also be adversely affected if they have a close friend or relative who has a drink or substance abuse problem. If this is the case, professional advice may be sought through the initial approach to a Company Representative or the individuals GP.

### **Action by the Individual**

Employees who know or suspect that they have an alcohol or substance problem are encouraged to seek help voluntarily. His/her first contact may be their GP, or one of the local voluntary services listed in Appendix 1. Within EWS help should be sought from an appropriate line manager.

### **Action by Colleagues**

It is likely that an employee with an alcohol or substances problem will come to notice of a company employee at any level through the observation of colleagues or through inadequate or deteriorating work performance. It is in the interest of the employee with such a problem to be offered help as soon as possible, as prompt action carries the best hope of successful treatment to be effective.

Staff are encouraged to address the issue directly, and not to cover up for colleagues with a drink or substance problem, as collusion represents a false sense of loyalty and may, in the longer term, impact on other employees. The first approach should normally be for colleagues to encourage the employee to recognise his/her problem and to seek advice, either through his/her GP or the agencies listed in Appendix 1. If this fails, colleagues are encouraged to alert a line manager to the situation so that more formal action may be taken. If this is done in time it is far more likely that the treatment will be effective.

### Action by EWS Line Management

An EWS line manager who feels that an employee's unsatisfactory performance may be substance or alcohol-related, should keep accurate confidential records of poor performance and should initially interview the employee on a confidential basis. At the meeting the employee should have his/her unsatisfactory performance/conduct and behaviour, which is believed to be related to substance/alcohol misuse, discussed. The required work performance standards should be made clear, making sure the employee understands what is expected of him/her. The line manager should try to establish the cause of the problem (although it must be pointed out that the individuals with a substance or alcohol problem will often go to great lengths to conceal the situation).

The employee should be informed that EWS requires his/her performance to be improved to an acceptable standard and that failure to achieve this will result in the activation of the disciplinary procedures. The line manager should agree with the employee what follow-up action is to be taken, including recourse to treatment for their problem, and set regular meetings to monitor the progress.

If, after sustained and supportive intervention, the employee denies that either alcohol or substances are the cause of the problem and the employee refuses to respond to advice, he/she should be treated as for any other disciplinary/capability problem, whichever is judged as appropriate by the line manager. As with all EWS policies on disciplinary or capability matters, an employee is entitled to be accompanied by a work colleague or representative to a formal meeting at this stage.

If the disciplinary procedure is activated and there are strong signs that the employee's unsatisfactory performance is substance or alcohol-related and he/she will not admit or acknowledge this, further encouragement should be given at all stages of the disciplinary procedure to face up to the true underlying problem. The opportunity should also be taken to record concern for the health and possible predicament of the employee, to highlight the support available, and to request the employee to seek help as soon as possible.

### Treatment

The condition of individuals with alcohol or substance abuse problems may be capable of treatment to achieve the restoration of acceptable standards at work. Where appropriate advice is sought and followed, EWS is willing to encourage and support individuals in following this course. While it is satisfied that the individual is supporting this action, they will be introduced to the provisions of the sick pay scheme and withhold disciplinary action if practicable. If appropriate, individuals may be suspended on full pay while undergoing treatment. However, EWS's responsibilities to others and the general performance of its functions, will occasionally give cause for an individual's case to be considered under the relevant disciplinary procedures. This latter case is



most likely when the individual will not co-operate with appropriate treatment agencies, or comply with recommended treatment regimes.

Where an employee acknowledges that he/she has a problem and is given help and treatment, this will be on the understanding that:

Whilst he/she undergoing treatment he/she may be on sick leave and will be entitled to the usual EWS sick pay benefits.

Every effort should be made to ensure that on completion of the recovery programme the employee is able to return to the same or equivalent work.

However, where such a return would jeopardise either a satisfactory level of job performance or the employee's recovery, a Director will review the full circumstances surrounding the case and agree a course of action to be taken. This may include the offer of suitable alternative employment, the consideration of retirement on the rounds of ill health through the relevant Sickness Absence Policy or dismissal through the relevant Disciplinary Policy. (Before a decision on dismissal is made, it should be discussed with the employee and an up-to-date medical report obtained, with the permission of the member of staff in line with the requirements of the Access to Medical Reports Act 1988.

### Relapse

Where an employee having received treatment, suffers a relapse, EWS will consider the case of its individual merits. Further medical reports (with the permission of the member of staff) may be sought in an attempt to ascertain how much more treatment/rehabilitation time is likely to be required for a full recovery. At EWS's discretion, more treatment or rehabilitation time may be given in order to help the employee to recover fully.

### Recovery Unlikely

If, after an employee has received treatment, recovery seems unlikely, EWS will have to consider the most appropriate course of action to resolve the situation. In such cases, dismissal may result but in most cases a clear warning will be given to the employee beforehand, and a full medical investigation will have been undertaken.

## **7. Other Serious Misconduct Caused by Alcohol or Substances**

### Intoxication on the Premises

If an employee is known to be, or strongly suspected of being intoxicated by alcohol or substance during working hours a senior manager should be consulted. Arrangements will be made for the employee to be escorted from EWS premises immediately.

Disciplinary action will be considered when the employee has had time to become sober. Consideration will be as described in paragraph 5 as appropriate, though intoxication, whether resulting from a dependency problem or not, is considered a serious breach of discipline.

## Substance Abuse on the Premises

Employees who take substances on EWS premises which have been prescribed on medical grounds, will, in the absence of mitigating circumstances, be deemed to be committing an act of gross misconduct and may be the subject to the disciplinary process as will any employee believed to be buying or selling substances.

## Review

This policy will be regularly reviewed and evaluated.  
Next review and evaluation: January 2022

## APPENDIX 1

Agencies willing to help with Alcohol/Substance Problems

ALCOHOLICS ANONYMOUS

Signed: *C. Cooney*

Title: Managing Director

Date: 7th January 2021