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INTRODUCTION

The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have far-reaching effects on their personal and working lives. At work, alcohol or drug misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks not only for the individual concerned but also for others, for example work colleagues, members of the public, contractors, service users. Furthermore, the effects of alcohol or drug misuse are likely to be detrimental to the organisation’s reputation and image and its ability to deliver high-quality services.

Medisort is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. The Drug and Alcohol Policy is designed to ensure that employees are aware of the risks associated with alcohol/drug misuse and the consequences, including the legal consequences, of their actions.

OBJECTIVES

The policy aims to:

- raise staff awareness of the risks and potential harm to health associated with the use of intoxicating substances
- set out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences for their employment of misusing them
- create a climate that encourages employees who may be misusing drugs or alcohol to come forward and seek help
- provide a framework to enable instances of substance misuse by employees to be handled in an appropriate, fair and consistent manner
- achieve a balance between supporting employees who come forward with a problem and the overriding need to preserve:
 - the health, safety and welfare of employees and others* with whom they come into contact
 - the organisation’s reputation
 - the delivery of high-quality, effective services.

* section 2 of the Health and Safety at Work etc Act 1974

SCOPE

This policy covers the use and misuse of intoxicating substances, which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.

This policy applies to ALL employees.

The organisation also expects agency and casual workers, contractors, volunteers and others working on its behalf to comply with this policy. Failure to do so is likely to result in the working arrangements being terminated. Managing drug and alcohol misuse at work

MANAGERS' RESPONSIBILITIES

Managers are required to:

- be aware of the signs of alcohol and substance misuse and the effects on performance, attendance and health of employees (see guidance notes)
- ensure the health, safety and welfare of employees and others with whom they come into contact
- ensure that staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances
- ensure that staff are aware of the support that is available to them should they have a problem
- monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship
- intervene at an early stage where changes in performance, behaviour, sickness levels, attendance patterns are identified to establish whether alcohol or drug misuse is an underlying cause
- provide support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery
- instigate capability & conduct measures where appropriate to do so.

Such matters will be treated confidentially as far as is legitimately and legally possible. For example, it may be necessary in order to provide effective support for information to be shared with others, for example occupational health, other agencies.

EMPLOYEES' RESPONSIBILITIES

Employees are required to familiarise themselves with this policy and comply with its provisions.

They are expected to present a professional, courteous and efficient image to those with whom they come into contact at all times. They therefore have a personal obligation to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs.

Employees are not permitted to possess, store, trade or sell controlled drugs on organisation premises or bring the organisation into disrepute by engaging in such activities outside of work. The only exception would be where an employee has a prescription.

Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they approach either their line manager or HR in the first instance so that the organisation can assist in the provision of appropriate support to help speedy rehabilitation, for example referral to your GP, medical professionals, professional drug/alcohol treatment agencies, and so on.

Employees are expected to co-operate with any support and assistance offered by the organisation to address an alcohol or drug misuse problem.

Employees should not, even with the best of motives, 'cover up' for, or collude with, a colleague with an alcohol- or drug-related problem but instead should encourage the individual to seek help.

Where the individual concerned does not wish to come forward to seek help, and their colleague(s) genuinely suspect that the individual may be misusing drugs or alcohol, they have a responsibility to raise their concerns with the employee's line manager.

AT WORK

Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties and not be under the influence of alcohol or drugs.

Employees must not consume alcohol or drugs at any time while working, including during rest or meal breaks spent at or away from work premises. Exceptions apply to drugs prescribed for the individual or over-the-counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer) and where the safety of the individual or others with whom they come into contact is not compromised. This restriction does not apply to work-related functions or activities that take place at the end of an individual's working day, or any other time, after which they are not returning to work.

Employees must notify their manager immediately should they be prescribed medication or plan to take over-the-counter medicines that may cause side effects and impair their ability to undertake their duties safely and effectively. This is particularly important if they occupy a post where it is not only their own personal safety but those of others that could be jeopardised. Similarly, employees who experience side effects as a result of taking prescribed or over-the-counter medicines that impair their ability to perform their duties safely and satisfactorily must notify their line manager immediately. Employees are not obliged to disclose the actual medical condition being treated nor the medication – simply the impact/side effects.

CONDUCT OF EMPLOYEES OUTSIDE THE OFFICE POLICY

As a general rule, what employees do outside normal working hours and off Medisort's business premises is of no concern to Medisort. However, there are some exceptions to this rule.

Medisort will become involved where incidents occur:

- At office parties, office drinks or other work-related social occasions or gatherings, whether organised by Medisort or by the employees themselves.
- At social occasions, lunches or gatherings organised by Medisort's customers, clients or suppliers where the employee has been invited in their capacity as an employee of Medisort.
- Whilst the employee is working away on business on behalf of Medisort.
- Whilst the employee is attending external training courses or conferences in their capacity as an employee of Medisort.
- At unofficial work events such as impromptu drinks after work – how the matter will be dealt with depends on all the circumstances of the case; there is a difference between a few colleagues going for a drink and a director inviting people for a drink.

On these occasions, employees are required to adhere to the following rules:

- Alcohol must be consumed only in moderation, regardless of whether Medisort has provided or paid for the drinks.
- It is strictly forbidden for any employee to use illegal drugs.
- Employees must behave in an appropriate, mature and responsible manner, taking into account that they are representing Medisort.

- Employees must not use abusive, offensive or inappropriate language.
- Employees must not behave in any way that could bring Medisort's name into disrepute.
- Employees must take specific action to ensure they are well within the legal limits if they are driving and, if driving a company vehicle, they must not drink and drive at all.

Employees must also comply with the provisions of the Equal Opportunities Policy and the Anti-Harassment Policy at such events. The purpose behind this section is to enable Medisort to provide protection for any team member that might need it while in these situations. We do not intend to be killjoys, merely to foster respect.

Unacceptable behaviour will not be tolerated. This includes excessive drunkenness, the use of illegal drugs, unlawful or inappropriate discrimination or harassment, violence such as fighting or aggressive behaviour and serious verbal abuse or the use of other offensive or inappropriate language. Any employee who is found to have breached these rules, or who otherwise brings the reputation of the Company into disrepute, at such an event will be subject to action under Medisort's capability & conduct procedure. Depending on the seriousness of the offence, such behaviour may be treated as potential gross misconduct and could render the employee liable to summary dismissal.

Finally, where the employee's off-duty conduct seriously undermines the trust and confidence that Medisort has in them, whether at a work-related social occasion or otherwise, this could result in the employee's dismissal. For example, if the employee commits a criminal offence outside employment, Medisort will examine whether there is an adverse connection between the offence and the employee's employment. Medisort will then consider whether the offence is one that makes the individual unsuitable for their type of work or unacceptable to other employees, taking into account the employee's length of service, status, relations with fellow workers and the effect on Medisort's business and reputation subsequent to a charge or conviction.

Medisort will process the personal data collected in connection with the operation of this policy in accordance with its data protection policy and any internal privacy notices in force at the relevant time. Inappropriate access or disclosure of the personal data collected will constitute a data breach and should be reported immediately to Medisort's Data Protection Officer [Data representative] in accordance with Medisort's data protection policy. Reported data breaches will be investigated and may lead to sanctions under Medisort's capability & conduct procedure.

OUTSIDE WORKING HOURS

Employees must not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call. Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work.

BREACHES OF THE POLICY

Medisort will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction. This means that employees seeking assistance for a substance misuse problem will not have their employment terminated simply because of their dependence/addiction. However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.

Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a capability & conduct matter and may result in the summary dismissal of the employee. Examples of issues that will be subject to capability or conduct action, including the possibility of dismissal, are:

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- deliberate disregard for personal safety and that of others associated with the use of intoxicating substances
- unacceptable behaviour in the workplace associated with the use of intoxicating substances
- being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs
- consuming intoxicating substances during the working day including rest and lunch breaks or when rostered on call and liable to be called upon to work at short notice
- possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on work premises or engaging in such activities outside of work
- being disqualified from driving as a result of alcohol- or drug-related offences (employees required under their contract of employment to drive a vehicle)
- making malicious or vexatious allegations that a colleague is misusing intoxicating substances.

This list is illustrative only and should not be regarded as exclusive or exhaustive. Corrective action will be in all cases proportionate to the circumstances of the breach of the policy.

Where evidence warrants, the organisation will inform the police of illegal drug use or any activity or behaviour over which there are concerns as to its legality. For example, it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a work vehicle.

TESTING

Medisort does not support the use of drug or alcohol test kits because there is little evidence that they are reliable at detecting certain substances, some of which may be present in prescription medicines (for example, ibuprofen and naproxen have been documented to cause false-positive barbiturate and cannabinoid levels), so this alone is not proof of incapability, staff do not have to consent to taking such tests, but refusal could be a capability & conduct matter on its own and research by HSE in 2004 found “the evidence base for the effectiveness of testing in improving workplace safety is at best tenuous”.

No part of this policy will override the organisation’s capability & conduct procedure, Code of Conduct for Employees or any employment-related professional code of conduct.

DEFINITIONS

Intoxicating substance – a substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquillisers, anti-depressants, over-the-counter medicines), solvents, glue, lighter fuel.

Controlled drugs – these are drugs covered by the Misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.

Harmful/problematic use or misuse – use of an intoxicating substance or substances that harms health, physical, psychological, social or work performance but without dependency being present.

Dependency – a compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).

Addiction – a state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.