

Alcohol and Drugs

Level 3 Health and Safety in the Workplace

Introduction

Alongside workplace violence and conflict, the impact that alcohol and drugs can have on employees and their work activities is another important area that you need to ensure you have procedures in place for.

This section of the course explains the importance of having procedures in place to deal with alcohol and drugs, including the legislation available and how to introduce screening into your workplace.

Topics to be Covered

The topics covered in this section are:

- Alcohol at work
- Alcohol policy
- Alcohol screening
- Drug misuse
- Legislation
- Signs of drug misuse
- Drug policy
- Drug screening

Alcohol at Work

The misuse of alcohol can create a variety of problems for your business and your employees, including reduced productivity, higher absence rates, and an increase in accidents at work.

The HSE estimates that alcohol misuse causes 3-5% of all absences from work, and between 8-14 million lost working days in the UK each year.

As a result, employers are advised to adopt an alcohol policy in consultation with their staff. The policy should include:

- How the organisation expects employees to limit their drinking.
- How problem drinking will be recognised and how help will be offered.
- At what point, and in what circumstances, an employee's drinking will be treated as a matter for discipline rather than as a health problem.

Employees should never drink alcohol:

- Before driving a vehicle.
- When driving a vehicle.
- Before operating machinery or electrical equipment.
- Before using a ladder.
- Before beginning work.
- In the workplace, if the alcohol will adversely affect appropriate functioning.

Alcohol Policy

When you are creating your workplace alcohol policy, you will need to consider four key steps.

1. Find out if there is a problem.
2. Decide what to do.
3. Take action.
4. Monitor and audit.

Step 1: Find out if there is a problem.

Problems may come from employees who drink during working hours, during breaks or before coming on shift, or employees who are regular heavy drinkers outside working hours.

To find out if there is a problem, analyse any information that you hold on sickness absence, productivity, accident records and disciplinary problems.

Step 2: Decide what to do.

Consider when, and under which circumstances, employees are allowed to drink alcohol. Is it during working hours and breaks, or only on special occasions and when entertaining clients? Or not at all?

Furthermore, are the same standards applied to people in both safety-sensitive and non safety-sensitive jobs?

Consider what the current process is for dealing with an employee who has found it difficult to control their drinking, and whose work is suffering as a result. Similarly, what is the process for dealing with an employee who turns up for work drunk, or who ignores known restrictions on drinking alcohol?

In deciding what to do a consultation is required, such as with an occupational health practitioner, managers, supervisors, staff representatives and employees, to ensure you make the right decisions.

Step 3: Take action.

To implement your alcohol policy, communication and training are essential. This means:

- Ensuring rules are known and understood by everyone.
- Ensuring managers and supervisors know what to do if they suspect someone of breaking the rules.

Step 4: Monitor and audit.

You need to check regularly whether the implemented procedures are working and identify whether any further changes need to be made.

Alcohol at Work

Employees who have problems with alcohol have the same rights to confidentiality and support as they would if they had any other physical or mental health condition.

An employment tribunal may find a dismissal unfair if an employer has made no attempt to help an employee whose work problems are related to drinking alcohol.

Many people with an alcohol problem are, in time, able to regain full control over their drinking and return to their previous work performance.

If an employee's drinking is a matter of concern, they should be encouraged to seek help from their GP or specialist alcohol support.

Alcohol Screening

Some companies, especially those in safety-sensitive industries, use screening and testing as a way of controlling alcohol consumption.

Alcohol screening will typically happen:

- As part of a selection process for job applicants.
- Routinely, occasionally or on an as-and-when basis for all or parts of the workforce.
- In specific circumstances, such as after an accident or incident where there is evidence of drinking that contravenes the company's regulations.
- As part of an aftercare rehabilitation programme.
- To monitor a particular problem, for example, if employees are reporting for work with alcohol in their bloodstream from the previous evening's drinking.

Alcohol screening is a sensitive issue, and securing the agreement of the workforce to the principle of screening is essential.

Screening is only likely to be acceptable if it's seen to be part of the company's occupational health policy and is clearly designed to prevent risks.

Agreement to the principle of screening must be incorporated in each member of staff's contract of employment. You should also obtain the written consent of the individual for each test.

Drug Misuse

Drug misuse refers to the use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs and substances such as solvents. Drug misuse can harm the user both physically and mentally and, through the user's actions, can harm other people and the environment.

Furthermore, you could be breaking the law if you knowingly allow drug-related activities in your workplace and fail to act.

Drugs can affect the brain and the body in a number of ways. They can alter the way a person thinks, perceives and feels, and this can lead to either impaired judgement or concentration.

Drug misuse can also bring about the neglect of general health and wellbeing. This may adversely influence performance at work, even if the misuse takes place outside the workplace.

Between 2007 and 2011, a laboratory conducted a study into drug testing and found that 3.23% of workers had positive results for either illicit drugs, prescription drugs or over-the-counter drugs that they had failed to report as part of their company's drug testing programme.

The study estimated that this equates to over 29 million working people - or one in 30 employees - having drugs in their system at any one time.

The most prevalent drugs used by UK employees were cannabis, over-the-counter opiates, such as codeine, and cocaine. Under 25s were the most likely to test positive for drugs.

Successfully tackling drug misuse can benefit both the business and employees. This includes:

- Reducing the cost of absenteeism and impaired productivity.
- Creating a more productive environment by offering support to those employees who declare a drug-related problem.
- Improving employee morale.
- Reducing the risk of accidents caused by impaired judgement.
- Enhancing the public perception of the organisation as a responsible employer.
- Contributing to society's efforts to combat drug misuse.
- Saving on the costs of recruitment and training new employees to replace those whose employment might be terminated because of untreated drug misuse.

Legislation

The Misuse of Drugs Act 1971 lists which drugs are subject to control and places them into three categories according to their relative harmfulness when misused. These classes are:

1. CLASS A - includes ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of Class B drugs.
2. CLASS B - includes oral preparations of amphetamines, barbiturates, cannabis, cannabis resin, codeine and methaqualone (Mandrax).
3. CLASS C - includes most benzodiazepines (e.g. Temazepam and Valium), other less harmful drugs of the amphetamine group and anabolic steroids.

The penalties for offences involving controlled drugs depend on the classification of the drug. Penalties for misuse of Class A drugs are more severe than those for Class B drugs, which in turn are more severe than the penalties for Class C drugs.

Signs of Drug Misuse

Signs of drug misuse amongst your workers might include:

- Sudden mood changes.
- Unusual irritability or aggression.
- A tendency to become confused.
- Abnormal fluctuations in concentration and energy.
- Impaired job performance.
- Poor time-keeping.
- Increased short-term sickness absence.
- A deterioration in relationships with colleagues, customers or management.
- Dishonesty and theft.

Bear in mind that these indicators do not categorically mean an employee is misusing drugs, as they can also be caused by other factors such as stress and anxiety.

Drug Policy

As with alcohol, all organisations can benefit from an agreed drug policy that applies to all staff.

This policy should form part of your organisation's overall health and safety policy.

A written policy will ensure that there is less chance of a misunderstanding.

To create a workplace drug policy:

Step 1: Undertake an analysis.

You may want to carefully explore some key areas of your organisation to help you find out if drug misuse is harming your business. For example:

- Are there any periods of unexplained or frequently taken absence in your sickness record?
- Have you noticed behavioural changes in any employees?
- Are there any unexplained dips in productivity?
- Have the number of accidents or near misses increased or involved particular employees?
- Have you noticed particular performance or conduct problems with any employees?

Step 2: Decide what to do.

You may wish to create a programme of awareness for all staff featuring the results of the analysis in step one and an explanation of the drugs policy.

You should incorporate the drugs policy into the induction process for new employees, and create a programme of training for managers and supervisors on recognising the signs of drug misuse and the processes and rules to apply.

You should also encourage those with a drugs problem to seek help, and let staff know how to deal with the information confidentiality if an employee admits to a drugs problem. This may persuade people to come forward if they are assured that their problem will be dealt with discreetly.

You should also consider the type of work done in your workplace. For example, are there any aspects of the work that are safety-critical, such as using machinery, electrical equipment or ladders? Are workers required to drive or operate vehicles? If so, drug misuse is likely to have serious health and safety consequences.

When looking for external advice, you should consult safety representatives appointed by recognised trade unions under the Safety Representatives and Safety Committees Regulations 1977.

If employees are not covered by such representatives, you should consult them either directly or indirectly through elected representatives of employee safety, according to the Health and Safety (Consultation with Employees) Regulations 1996.

Step 3: Take action.

If you suspect that an employee has a drug problem, the worker should have the same rights to confidentiality and support as they would if they had any other physical or mental health condition.

It may be very difficult for people to admit to themselves or others that they have a drug problem. They may feel that there is a stigma attached to drug misuse and they may well fear reprisals if they admit to taking illegal drugs.

Whilst the employer's freedom to act may be limited if it becomes clear that an employee has broken the law at work, they should let staff know that they will, as far as possible, treat drug misuse as a health issue rather than an immediate cause for dismissal or disciplinary action.

Disciplinary action can be taken as a last resort. However, this should be done with caution, as employers could be judged by an employment tribunal to have unfairly dismissed employees whose work problems are related to drug misuse if the employer has made no attempt to help them.

There may be a need to temporarily move the person to another job role if their normal work is safety-critical. Also consider whether they should be allowed time off work to get help. If an employee is misusing drugs, they should be encouraged to seek help from the organisation's occupational physician or nurse (if available), their GP or a specialist drug agency.

Keep in mind that the cost of recruiting and training a replacement worker may be greater than the cost of allowing someone time off to get expert help.

In taking action, it is essential to ensure that you have the support of other managers and employees. When information has been gathered and a consultation has taken place, then you can take action.

Drug Screening and Testing

Drug screening and testing can be used in various ways, including:

- As part of a selection process for job applicants.
- As routine, occasional or random testing for all or part of the workforce.
- In specific circumstances, such as after an accident or incident, or as part of an aftercare rehabilitation programme.

There may be a case for considering the introduction of screening, particularly in certain safety-critical jobs. For example, staff who have responsibility for making safety-critical decisions, such as drivers, pilots and some machinery operators. In these roles, impairment due to drugs could have disastrous effects for the individual, colleagues, members of the public and the environment.

As with alcohol, drug screening is a sensitive issue and the workforce must agree to the principle. Screening is likely to only be accepted if it's seen to be part of your overall occupational health policy, and if it's explicitly written into workers' contracts.

Step 4: Monitor and audit.

You should check regularly to ensure that the policy is working and to see whether any changes need to be made.

You may need to look again at the questions from step one and see if the situation has changed. For example, has sickness absence or the number of accidents increased or decreased?

You may also want to check whether your employees are still sufficiently aware of the issue of drug misuse and its consequences.

Exercise

If an employee discloses a drug or alcohol problem, what should you do?

- Dismiss the employee as soon as possible
- Advise that the employee seeks help from their GP
- Reprimand the employee for breaking the rules
- Inform everyone else in the company of the employee's problem

Summary

In this module, you've seen how the misuse of alcohol and drugs can lead to a drop in productivity and an increase in workplace accidents.

To prevent this, your workplace should consider developing an alcohol and drugs policy which details what is appropriate employee behaviour, and what the consequences will be if employees don't adhere to the rules.

If an employee discloses an alcohol or drugs problem, they should be offered support and confidentiality and encouraged to visit a GP or specialist for further help. You may need to temporarily move the person to a new job role if their current position is safety-critical.

Some organisations, particularly those in safety-sensitive industries, use screening and testing as a way of controlling drug and alcohol use. Remember that screening can only be done with the consent of the employee, must be part of your company's occupational health policy, and must be done in order to prevent risks.