

POLICY ON THE MISUSE OF ALCOHOL, DRUGS AND OTHER SUBSTANCES

FREQUENTLY ASKED QUESTIONS

- **What is Alcohol and Drug Misuse?**

The Policy on the Misuse of Alcohol, Drugs and Other Substances defines alcohol misuse as any drinking of alcohol, either intermittent or continual, which interferes with an individual's work capacity/performance, safety, conduct, health or attendance.

Drug Misuse is defined as use of illegal drugs or misuse (whether deliberate or unintentional) of prescribed drugs, over the counter medication, solvents or psychoactive substances which interferes with an individual's work capacity/performance, safety, conduct, health or attendance.

- **The Policy on the Misuse of Alcohol, Drugs, and Other Substances states that the authority operates a 'zero tolerance' approach to misuse. What does that mean?**

Zero tolerance means that the council does not tolerate the misuse of alcohol, drugs, or other substances at work. Employees who are found to be under the influence of alcohol or drugs in the workplace will be considered to be a potential risk to the health and safety of themselves and others and will be subject to disciplinary investigation. The action taken will depend on the individual circumstances in each case.

- **Will I be tested for drugs and/or alcohol?**

The council's policy provides for both 'random' and 'with cause' drug and alcohol testing.

Random testing will apply only to employees who are in posts that have been designated as safety critical. If you are in a post that involves one or other of the following activities you may be randomly selected for testing:

- the use of Heavy (or dangerous) machinery;
- an occupational requirement to drive HGVs or PCVs; or
- transporting council clients

Additionally however, any employee may be asked to consent to a drug and alcohol test if, at any time, your manager has reasonable cause to suspect that you are under the influence of alcohol or drugs at work.

- **How often will those in Safety Critical posts be called for Random Testing?**

The Test Provider will randomly select a maximum of 6 employees (identified by employee number only) each month from the List of Safety Critical Posts apportioned as follows:

- Operational Services: 2 employees
- Housing Customer & Building Services: 2 employees
- Social Policy & Education Services: 2 employees

It should be noted however, the nature of random selection means that you could be selected multiple times over the course of the year.

- **What might be 'reasonable cause' for carrying out a drug or alcohol test?**

Reasonable cause might include:

- observation of reduced work performance, personality changes, physical signs such as smelling of alcohol or of other drugs;
- an incident/accident in the workplace where a manager has reason to suspect that an employee involved has been under the influence of alcohol or drugs;
- a complaint or whistleblowing disclosure alleging that an employee or group of employees have been under the influence of alcohol or drugs at work

- **What do the alcohol and drug tests involve?**

Alcohol tests will be conducted using a breathalyser that will measure the number of micrograms of alcohol present per 100 millilitres of breath. Results are available instantly.

Drug tests will be conducted using an oral fluid test, which will detect the presence of the following substances:

- Amphetamine
- Methamphetamine
- Benzodiazepines
- Cannabis
- Cocaine
- Opiates

Where one or more of the six substances above is detected, the oral fluid sample will be sent for further laboratory testing.

- **What happens to my oral fluid sample following a negative test?**

Following a negative test result your sample will be destroyed by the test provider within 5 days from the date of the test.

- **What happens to my oral fluid sample when it is sent to laboratory?**

Your sample will only be sent for further laboratory testing if one or more of the substances listed previously are detected in the oral sample (a non-negative result). In this instance, your sealed sample is sent by a strict chain of custody (tamper proof process) to a secure laboratory where additional analysis is conducted.

The initial results will be available within 2 working days. Following this initial result, a Medical Review Officer will contact you to discuss the findings of the analysis before a final report is released (within 5-7 working days) to the council.

All laboratory-tested samples are kept frozen for one year from the date of receipt at laboratory prior to being destroyed. This is to allow for additional testing if required. You can gain access to this sample to perform your own additional testing should you wish. Further details can be obtained from the test provider.

- **What happens if I fail an alcohol or drugs test?**

If alcohol is detected that is above 22 micrograms per 100 millilitres of breath (the legal drink drive limit) or one of the 6 identified substances is detected in your oral fluid test, you will be asked to remain at the test location to discuss the matter with your line manager.

Your line manager will conduct a risk assessment to determine the most appropriate immediate course of action to be taken pending a disciplinary investigation and the receipt of further laboratory test results. This could include;

- Returning you to your normal duties;
- Allocating you alternative duties for a specified period; or
- Sending you home on precautionary suspension

- **What happens if my prescription medication causes me to fail a drugs test?**

You should advise your line manager if you think the outcome of your test has been affected by prescription medication that you are taking.

Further laboratory testing will identify if a non-negative drugs test is as a result of prescription medication or illegal drugs. You will not be subject to disciplinary action if your non-negative drug test has been caused by your prescribed medication.

You should remember however that you are required to notify your line manager if you are prescribed medication, which may make you drowsy, impair your judgement, or otherwise affect your performance at work. This is especially important if you are in a post designated as safety critical.

- **What will happen if I refuse to undertake a drug and/or alcohol test?**

The aim of the policy, including testing of employees, is to safeguard the interests of the council, its employees and other parties whom may be affected by an employee's impairment at work therefore it is vitally important that you comply with policy procedures including consent to being tested.

Your consent is required prior to being tested, releasing of results, and following laboratory analysis where appropriate and can be withdrawn at any stage of the process.

Failure to provide consent to being tested or release of results means that your line manager has to make a decision based solely on what information available at that time and take appropriate action, which could include commencement of the disciplinary policy and procedures.

- **What will happen if I disclose that I have an alcohol and/or drug dependency issue?**

If you think you have an alcohol and/or drug dependency issue, you are encouraged to disclose this to your line manager at the earliest opportunity so that appropriate help can be sourced to support you and to ensure your safety in the workplace. In these circumstances, any such disclosure will be addressed as a health issue.

However such a declaration will not prevent or stall a disciplinary investigation or potential disciplinary action, if the declaration is made **only after**;

- You have been randomly selected for testing, or
- Your behaviour/conduct/appearance has prompted your manager to request that you consent to testing or
- You have failed a drug and alcohol test

- **If I disclose an alcohol and/or drug dependency issue, will this be kept confidential?**

In all situations where an employee has a potential or confirmed alcohol/drug misuse problem, confidentiality will be strictly preserved and only necessary information shared with those managing the situation. However, the council is obliged under the Misuse of Drugs Act 1971 to inform the police where illegal drugs are found

- **Will I still be disciplined if I have a drug and/or alcohol dependency problem?**

If you disclose a drug and/or alcohol problem only after being selected for testing or recording a positive test result, that will not prevent or stall a disciplinary investigation or potential disciplinary action. Your disclosure will however be taken into account as a potential mitigating factor in determining the level of disciplinary sanction, if any, to be applied.

Depending on the nature of the misconduct and confirmation that a drug and/or alcohol dependency exists following specialist medical assessment, disciplinary action may be suspended on condition that you complete any recommended recovery programme and you demonstrate a significant improvement in conduct/ over a monitoring period.

If you successfully complete a recommended recovery programme and there are no further instances of unacceptable behaviour, the proposed disciplinary action may be withdrawn or a lesser disciplinary sanction being applied.

- **How will the council support me to overcome a drug and/or alcohol dependency problem?**

Where an alcohol or drug dependency problem is confirmed, appropriate time off with pay will be granted to employees to attend the relevant agency to undergo a recovery programme. In addition you will be provided with access to confidential counselling and information on other support available in West Lothian.

Your line manager will meet with you to discuss any impact on working arrangements during your recovery and the council's expectations in terms of cooperation with and commitment to any recommended recovery programme.

- **Is consumption of alcohol/drugs allowed during working hours and in council buildings?**

The consumption of alcohol or drugs as defined in this policy is prohibited on council premises during working hours. This excludes prescribed and/or over the counter medication taken for genuine medical reasons and in accordance with directions for use subject to the need to observe health and safety rules.

In terms of the consumption of alcohol on council premises during working hours, an exception may be made where specific events are formally approved by the council, Chief Executive, Depute Chief Executive, or Head of Service at which the consumption of alcohol is expressly permitted in the particular circumstances. In these circumstances, you are required to adhere to the standards of behaviour as set out in this policy, in the council's Health and Safety Policy and as contained in any other relevant workplace rules.

- **Can I consume alcohol before work or during my lunch hour?**

You have a responsibility to ensure that any consumption of alcohol before starting work or during lunch breaks does not:

- Breach any specific requirements or controls regarding alcohol or drugs as determined as a result of workplace risk assessments; or
- Impair your ability to work safely and effectively or to deal with customers or clients to the required standards.

The council reserves the right to impose a ban on the consumption of alcohol during the working day for certain categories of employee on safety, legal and/or operational grounds.