

# Policy 27 – Drugs and Alcohol at Work



**Excellence in Learning, Development and Training**

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## PURPOSE OF POLICY

The aim of this statement is to clarify the position of LD Training on alcohol and drug use in the workplace. It is part of LD Training's positive approach to healthcare and is consistent with the Government's national policy on the Health of the Nation.



## INTRODUCTION

There are many different views on alcohol and drug use. This statement is seeking to convey that LD Training will be supportive towards its employees who have a drink or drugs related problem, to ensure a reasonable line for all employees/associates taking into account, in particular, employees/associates who drive and those who are in personal contact with learners.

This statement represents minimum conditions. In all circumstances, individual employees/ associates must be aware of the rules under which they are working.

This statement includes objectives, workplace practices and rules, assistance to those with an alcohol or drug related problem, the link to the disciplinary code, training and publicity and the way the policy will be monitored.

Alcohol or drug problems are defined as any drinking or taking of drugs, either intermittent or continual, which interferes with an employees /associates work performance in the areas of efficiency, productivity, safety or attendance.

This policy is limited to the effect of alcohol or drug related problems on the health and/or work performance or conduct of employees. It does not apply to employees/associates who, because of over indulgence in alcohol, or the use of drugs, on random occasions, behave in a manner contrary to the standard of safety and conduct required by LD Training. Such instances will be dealt with in accordance with the Disciplinary Procedure.



## STATEMENT OF OBJECTIVES

The objective is to act as a responsible employer in acknowledging the dangers of alcohol and drug misuse and to encourage those employees with an alcohol or drugs problem to seek help. It aims to ensure fairness and consistency in the treatment of employees/associates in relation to alcohol and drugs through the promotion of good employment practices.



## WHO THE STATEMENT COVERS

This statement covers all LD Training employees/associates at all levels within the Company.



## WORKPLACE PRACTICE / RULES RE: ALCOHOL

The consumption of alcohol is recognised as a part of social life and is normally a personal matter for individuals to consider. This section considers the position for employees/associates whilst at work.

Employees/associates must not consume alcohol whilst at work nor be under the influence when they come into work. All parts of this policy are applicable whilst at LD Training Centre(s), with employers, at any location where learners are present, at all agreed sites, and at any location where employees/associates are representing or conducting any sort of business or training on behalf of LD Training.

Any LD Training employee/associate who is driving (for example to and from work), is under a legal obligation to remain within the statutory limits of alcohol consumption. In addition, it is recognised that small amounts of alcohol may also impair driving ability.

An employee/associate who is a regular driver on LD Training business, who loses their license due to a conviction for driving whilst over the legal alcohol limit, will have their individual circumstances assessed and a decision taken according to the requirements of their job. Where the employees' contract stipulates the need to maintain a driving license as a fundamental part of their job, termination of employment if banned from driving could not be ruled out. However, LD Training would give consideration to offering an alternative role which does not require an employee/associate to drive. This, however, could not be guaranteed and terms of employment would not necessarily be protected.



## WORKPLACE PRACTICE / RULES RE: DRUGS

The note below outlines the position on drugs and the law. Certain medicinal preparations containing low concentrations of controlled drugs and many prescription-only tranquillisers are exempt from the offence of unlawful possession.

### DRUGS & THE LAW

In the UK, illegal drugs are classified into three main categories, Class A, B or C. Class A drugs attract the most serious punishments and fines. Drugs are classified under the Misuse of Drugs Act 1971.

Maximum sentences are two years for possession and five years for trafficking. Under the Misuse of Drugs Act, it is an offence:

- to unlawfully possess a controlled drug
- to possess a controlled drug with intent to supply it
- to unlawfully supply (sell/give/share) a controlled drug
- to allow premises you occupy or manage to be used for the smoking or use of drugs

An employee/associate must not take, supply, be in the possession of or under the influence of any controlled drug during working hours except under medical supervision.

### Class A

Drugs such as heroin, methadone, cocaine, crack and Ecstasy, LSD, methamphetamine (crystal meth) and amphetamines (speed) if prepared for injection fall into Class A.

Conviction for possession, in a Crown Court, can lead to a maximum seven year prison sentence and a fine.

The maximum penalty for trafficking is life imprisonment plus a fine.

### Class B

Class B drugs include amphetamines (speed), and barbiturates.

The maximum penalty for possession of a Class B drug, if the case reaches Crown Court, is five years, plus a fine.

For trafficking, the sentence can be up to 14 years, plus a fine.

### Class C

Class C, the lowest class of drugs, includes mild amphetamines (such as slimming tablets), tranquillisers, anabolic steroids and (since January 2004) cannabis.

Benzodiazepine drugs such as Temazepam and Valium are also categorised as Class C drugs.



## PROVISIONS OF ASSISTANCE TO EMPLOYEES WITH AN ALCOHOL OR DRUG DEPENDENCY PROBLEM

LD Training recognises the potential dangers to the health and safety of drug or alcohol misusers and their colleagues if the problem is not acknowledged and goes untreated. When dealing with problems caused by suspected alcohol or drug misuse LD Training will make a full investigation of all the circumstances before deciding the appropriate action. It may be appropriate for an assessment to be made by an occupational health adviser. Wherever possible, LD Training will seek to intervene at an early stage. Often, the person may not wish to acknowledge that he/she has a problem and it will be colleagues who notice the signs and decide whether they feel able to talk about it. It is a sensitive area and one which requires careful handling. Staff are able to talk about any concerns they may have with the DSO if they think there is a possibility that a member of their staff has an alcohol or drug problem.

Employees/associates are able to speak confidentially to Sara Green (DSO) and/or Linda Johnson where they wish to discuss an issue relating to drug or alcohol use. This may be about a problem relating to themselves or to a colleague/associate. At all times employees/associates must be assured that the situation will be handled sensitively.

Where there is habitual, excessive or inappropriate use of alcohol or drugs leading to absence, deterioration in performance or misconduct, LD Training undertakes to work with the employee/associate (and their GP if appropriate) to establish whether external confidential counselling and professional support would be of assistance. It may be, for example, Drug Advisory Service or Alcoholics Anonymous could be approached for assistance. These organisations are able to offer counselling and advice free of charge. The employee must feel he/she is being supported in an atmosphere of trust. At all times, the employee/associates must be assured of confidentiality. Where it is necessary to involve others, for example, the occupational health adviser, this must be with the consent of the employee/associates concerned.

Where there is a concern regarding an employee's/associates well-being, work performance or conduct believed to be caused by alcohol or drugs, the employee/associates will be referred to the DSO and LD Training's Director. Where treatment is considered appropriate by medical advisers and refused by the employee/associates or treatment is unsuccessful, LD Training will consider other options open. This may, for example, include suspension of sick pay and/or dismissal. In some circumstances where misconduct is suspected, disciplinary steps will be considered. Each individual set of circumstances will be given full consideration before any action is taken.

Where there are concerns that a member of staff/associate may have a problem with alcohol or drug misuse which is affecting conduct at work or work performance and where disciplinary action is considered inappropriate at that time, the Director or DSO should arrange to meet the employee/associate, informally, to discuss his/her concerns

In cases of misconduct, LD Training may agree to suspend disciplinary action where an alcohol or drug problem is identified, on condition that the employee/associate follows an agreed course of action. Where gross misconduct is involved an alcohol or drug problem may be taken into account in determining disciplinary action. In each case, the individual circumstances will be considered carefully.

Where the problem is denied, the employee/associate should be reminded of the standards expected within the LD Training Centre and should be advised that, if behaviour which gave rise to the concern is repeated, appropriate action, which may include disciplinary action, will be taken.

Where an employee/associate persistently:

- refuses to acknowledge that there is a problem affecting work;
- refuses the opportunity to receive help; or
- discontinues a course of treatment with no legitimate reason, and the problem continues; the matter will be referred to the Disciplinary Procedure.

A record of the meeting should be kept and preferably signed by those present at the meeting. A copy should be given to all parties. Records of interviews must be stored in a strictly confidential manner.



## COMMUNICATION OF THIS STATEMENT

All staff/associates are to be aware of the contents of this policy and will brief new staff/associates as part of the normal induction process. Awareness training and information giving guidance will be offered to relevant managers. Leaflets and posters on the effects and risks of alcohol and drugs will form part LD Training's strategy to educate and reinforce national campaigns.



## MONITORING AND EVALUATION

The policy is aiming to ensure fairness and consistency in relation to alcohol and the use of drugs at work.



## FURTHER ADVICE

Linda Johnson and Sara Green are available to offer advice and assistance on the implementation of this policy.

