

# DRUG, ALCOHOL AND SMOKING POLICIES

## DRUG & ALCOHOL POLICY

### 1. INTRODUCTION

The purpose of this policy is to ensure a safe, healthy, and productive working environment by preventing accidents and other dangerous incidents which may result from drug or alcohol use. Alcohol and intoxicating drugs, including some prescription and over the counter drugs, impair coordination, judgement, and decision making. Irresponsible behaviour resulting from the misuse of drugs and/or alcohol may therefore endanger lives and damage our reputation and/or business, and as such, will not be tolerated. This policy relates to all employees, contractors, volunteers, trainees, participants and other visitors or members of the public involved in our operations.

This policy sets out our aims in reducing and managing alcohol and drug problems in the workplace. Alcohol and drug problems are associated with a wide variety of costs for employers and employees. These costs include ill-health sickness absence, reduced work performance, and accidents.

### 2. POLICY OBJECTIVES

- To state our position on alcohol and drugs within the workplace
- To ensure we comply with appropriate legislation
- To minimise the creation of risks caused by or associated with alcohol and drugs at work
- To have clear rules regarding substance misuse in the workplace
- To provide employees with training on the adverse health effects of alcohol and drugs
- To encourage the early identification of substance misuse
- To support employees experiencing alcohol and drug problems
- To provide sufficient training and support to line managers to make sure they feel able to support employees experiencing problems

### 3. DEFINITIONS

**Alcohol abuse** – we define alcohol abuse as any drinking, either intermittent or continual, which interferes with health and/or social functioning and/or work capability or conduct.

**Drugs** – we define drugs as illegal, prescribed and over the counter medicines and solvents. In the case of prescribed and over the counter drugs, we recognise that their possession and use by the employee is legitimate.

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**Drug abuse** – we define drug abuse as the use of illegal drugs, the deliberate misuse of prescribed or over the counter drugs, and the use of solvents, either intermittent or continuous, which interfere with health and/or social functioning and/or work capability or conduct.

### 4. LEGAL CONTEXT

Under the Health and Safety at Work Act 1974, we recognise the duty to protect the health, safety and welfare of employees and others who are (or may be) affected by their activities, as far as is reasonably practicable, and we are committed to taking measures to ensuring this safety. As directed by the Management of Health and Safety at Work Regulations 1999, we will carry out a risk assessment to identify workplace hazards and put measures in place to minimise these risks. Under the Misuse of Drugs Act (1971), it is illegal for anyone to produce, supply or be in possession of illegal drugs. Employers may be liable if they knowingly allow an employee, customer or service user to dispense, manufacture, possess, use or sell drugs on their premises.

### 5. POLICY RULES

We require all employees, volunteers and participants to come to work/training/activities free from the effects of alcohol and drugs. Working under the influence of alcohol or drugs, or consuming alcohol or drugs during hours of work, including paid and unpaid breaks, is unacceptable behaviour. Employees found in possession of illegal drugs or using illegal drugs while at work will normally be reported to the police. If the legitimate use of prescribed drugs is likely to affect job performance and safety, employees, volunteers and participants should inform their line manager immediately.

### 6. EDUCATION

We are committed to promoting health and welfare at work. Where appropriate, we will provide employees, volunteers and participants with information on safe and sensible drinking and the risks associated with drug use. We will disseminate this information via written materials and email communication. We are committed to providing suitable and sufficient training to help managers enforce this substance misuse policy and support any employees, volunteers and participants with a problem. Additional support can also be sought from the Tir Coed management team, or external support agencies. New managers will be made aware of their responsibilities in relation to this policy via the company induction programme. New staff, volunteers and participants will be made aware of this policy during the induction and employees will be provided with a copy during their induction period. It will thereafter be available on local drives.

## **7. IDENTIFYING A PROBLEM**

Substance misuse may become apparent through a number of signs. The following behaviours (particularly in combination) could indicate an issue. This list is not exhaustive.

- Persistent short-term absence
- Frequent unauthorised absence
- Recurrent small accidents
- Poor time-keeping
- Inconsistency in work performance
- A breakdown in working relations
- Paranoia/aggression
- Deterioration in physical appearance, such as dental problems/weight loss

These behaviours can have a number of other causes, and we encourage managerial staff to use all the information at their disposal together with intellectual discretion to identify a potential problem. Colleagues may be the first to notice when an employee, volunteer or participant is misusing substances. If a member of staff suspects an alcohol or drug problem in a colleague they should either:

- Encourage the person to seek help from support agencies
- Report the matter to a manager (particularly if the person is involved in a safety-critical job)

## **8. DEALING WITH THE PROBLEM**

For employees: if the problem has become apparent because of a decline in work performance, line managers will place the employee on a performance improvement plan where the employee will be required to demonstrate improvement and satisfactory completion of the support programme. If performance does not improve, disciplinary action will be taken. We will give employees the opportunity to attend treatment within work time. If an employee is absent, normal sick pay arrangements will apply.

For volunteers and participants: at the discretion of staff, they may attend the project or place of work whilst undertaking treatment, providing there is no evidence of relapse or issues relating to drug and alcohol misuse in the work place.

## **9. MISCONDUCT**

Our policy is also concerned with ongoing issues of substance misuse. We class these as 'capability issues' as the problem will primarily impact how the individual performs their activities. In circumstances where an employee, volunteer or participant breaches the policy on an individual case, such as reporting for work drunk or being under the influence of drugs at work, we will class this behaviour as a conduct issue and handle it via the normal disciplinary procedures.

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If an employee, volunteer or participant is violent at work while under the influence of any substance or sells/shares illicit substances at work, or is involved in any other serious drug or alcohol-related incident; we will consider this serious misconduct and are justified in summary dismissal from employment or participation in activities. If an employee, volunteer or participant admits to having a substance misuse problem, the disciplinary process may be held in abeyance. This will be subject to the successful outcome of treatment and improvement of performance/job capability. If the employee subsequently admits to a substance misuse problem following an instance of serious misconduct, we may carry out the support route and the disciplinary route in tandem.

### **10. VOLUNTARY SELF-REFERRAL**

Employees, volunteers and participants who suspect or know they have a drug or alcohol problem are encouraged to seek support at an early stage. In such instances, we recognise that it is up to their discretion whether they inform their line managers, tutors or supervisors. If managers are informed, they will offer support to employees, volunteers or participants. If the problem has become apparent because of a decline in work performance, management will place the employee on a performance improvement plan where the employee will be required to demonstrate improvement and satisfactory completion of the support programme. If performance does not improve, disciplinary action will be taken. We will give employees the opportunity to attend treatment within work time. If an employee is absent, normal sick pay arrangements will apply. For volunteers and participants they may attend the project or place of work whilst undertaking treatment providing there is no evidence of relapse or issues relating to drug and alcohol misuse in the workplace.

### **11. CONFIDENTIALITY**

Line managers and those who manage trainees and volunteers should create an atmosphere where people feel able to discuss a drug, alcohol or substance misuse problem with them and should be especially careful of confidentiality. If a drug, alcohol or substance misuse problem is disclosed, the manager should offer to discuss it, and this Policy and its provisions should be fully explained. The person disclosing should be treated as supportively and sensitively as possible. If the manager does not feel confident to deal with the problem or if the person disclosing wishes to seek outside help, the manager should get consent from the person disclosing to obtain support and advice from her/his manager or from a professional service. This can and should be done anonymously if the person disclosing so wishes. Information should otherwise only be divulged in cases where safety would be compromised by not doing so.

### **12. RELAPSE**

We acknowledge that relapse is common with alcohol and drug problems and, in normal circumstances, we will support employees, volunteers or participants through two

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relapses after treatment. We will treat subsequent relapses on a case-by-case basis. During any review, we will take into account the needs of the department and the business needs of the organisation. Managers should make sure that employees', volunteers or participants are aware that disciplinary procedures may begin following subsequent relapses.

### **13. RETURN TO WORK**

After the successful completion of treatment, the company will try to make sure that the employee, volunteer or participant returns to their existing role or place on a project where possible. However, if the employee, volunteer or participant is unable to fulfil their required duties, we will consider alternative duties. The completion of treatment will not affect promotional prospects or opportunities to attend future Tir Coed projects/courses.

### **14. EQUAL OPPORTUNITIES**

This policy applies equally to all staff, volunteers and participants regardless of grade, experience, or role within the company.

### **15. MONITORING AND REVIEW**

This policy will be subject to monitoring to review how the policy works in practice. We will review this policy in 24 months. In compliance with the Employment Protection (Consolidation) Act (1998), we will give all staff twelve weeks' notice of any changes to this policy. Equally all volunteers and participants will be informed of any changes to this policy following review.

## **SMOKING/VAPING POLICY**

UK Government's Scientific Committee on Tobacco and Health reported that the increased risk to non-smokers of lung cancer from exposure to second hand smoke was 24% and the increased risk of heart disease 25%. In provisions made under the Health Act 2006, all enclosed and substantially enclosed workplaces and public places are legally required to be smoke free. The following policy has been adopted by Tir Coed to take all possible steps to protect employees, volunteers and participants from second hand smoke exposure and to comply with legislative requirements.

### **1. THE POLICY**

- 1.1 Smoking and the use of vaping products is prohibited in Tir Coed's premises and on the surrounding grounds, including the car park. Smoking and vaping is also prohibited in company vehicles used by more than one person, and in private vehicles if a passenger or client is carried. This applies to employees whether employed directly by Tir Coed through an agency, by a contractor or other organisation, and volunteers, participants and visitors attending Tir Coed's

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premises, or any of their working project sites. Designated smoking/vaping areas will be made available and must be adhered to at all times.

- 1.2 Employees who wish to smoke/vape may do so in their own time during lunch or other breaks. Employees will not be permitted to smoke whilst carrying out their normal duties and responsibilities for Tir Coed.
- 1.3 The sale or trade of tobacco/vape products will be prohibited in all Tir Coed's premises and working sites.
- 1.4 As the majority of Tir Coed's working sites are based in or close to woodland it is essential that all cigarettes and sources of ignition are properly extinguished and any cigarette butts or packaging are properly disposed of for environmental reasons (i.e. non-biodegradable filters placed in designated bin).

## **2. THE POLICY FOR THIRD PARTY PREMISES**

- 2.1 Employees required to visit other premises (i.e. mentors) not covered by smoke free legislation as part of their duties (i.e. domestic premises) should advise the person to be visited, when arranging the visit, of Tir Coed's smoking policy. Although Tir Coed has a duty of care to protect its employees it cannot control the smoking policy on these premises. Employees should agree that the arrange for a non-smoking area to be provided for the duration of the visit. Where this is not possible, employees should ask the person visited to refrain from smoking inside the premises or in the meeting area for one hour before the visit and that the person visited refrains from smoking/vaping for the duration of the visit.
- 2.2 In circumstances where it is not possible to arrange a visit beforehand, employees should seek advice from their line manager, who should take all reasonable steps to protect them from exposure to second hand smoke.

## **3. IMPLEMENTATION AND ENFORCEMENT OF THE POLICY**

- 3.1 Managers and tutors will be responsible for the promotion and maintenance of the policy by staff, volunteers and participants. Managers will receive training and guidance regarding their responsibilities in relation to the policy and enforcement of it.
- 3.2 Employees should inform the appropriate manager of anyone who fails to comply with the policy.
- 3.3 Employees, volunteers and participants not complying with the policy will be referred to their manager for support subject to the usual disciplinary procedure.
- 3.4 Volunteers, participants and visitors not adhering to the policy will be asked to comply or leave the premises or site.

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- 3.5 All job applicants will be made aware of the policy via application packs, where a requirement to abide by it will be part of the person specification. Applicants will be reminded of the policy at interview stage.
- 3.6 A copy of the policy will form part of new employees' induction packs. Training and guidance on enforcing the policy will form part of new managers' induction process.

### **4. SUPPORT FOR THOSE WHO SMOKE**

- 4.1 Tir Coed recognises that smoking is an addiction and that the smoking policy will impact on smokers' working lives. Tir Coed wishes to support employees, volunteers and participants who want to stop and help individuals adjust to this change. Tir Coed will give each employee who smokes, and wishes to stop, four hours paid time off to seek professional help from the local NHS Stop Smoking Service, their GP or other recognised method of smoking cessation.
- 4.2 Tir Coed managers will provide smoking cessation support/information on free local NHS stop smoking services.

### **5. REVIEW OF THE POLICY**

The policy will be reviewed by Tir Coed Managers 24 months from the date of implementation. All staff (employed and freelance), trustees, volunteers and participants will be informed of any changes to the policy following review.

POLICY ADOPTED: 13<sup>TH</sup> FEBRUARY 2019

DATE: 07/05/19

SIGNED: 

POSITION: Chair

SIGNED: 

POSITION: Trustee

on behalf of Tir Coed Board of Trustees