

Employment Committee

Meeting to be held on Monday, 6 December 2021

Electoral Division affected: None;

Revised Alcohol and Drug Use Policy and Procedure

(Appendix 'A' refers)

Contact for further information:

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Executive Summary

The council's Alcohol and Drug Use Policy has been reviewed to ensure that it continues to meet the needs of the council to have procedures in place to manage the impacts of alcohol and drug use in the workplace, whilst supporting staff with alcohol and drug-related problems to access information to enable them to seek advice and support. A revised draft has been produced, which is modernised, streamlined, continues to be legally compliant and supportive, and introduces the facility for the council to test in prescribed cases in order to have an evidence base to address workplace issues that are believed to be as a result of alcohol or drug use.

Recommendation

The committee is asked to approve the revised Alcohol and Drug Policy and Procedure, as set out at Appendix 'A'.

Background and Advice

As an employer, the council has a duty to ensure, in so far as reasonably practicable, that employees' use of alcohol, non-medically prescribed drugs and medically prescribed and over-the-counter drugs does not impair the safe and efficient running of the organisation or the health of its employees.

The council has a longstanding drug and alcohol policy. However, this does not give the council the capability to establish, or support, a testing regime for staff and this has been an issue for some front-line services who feel that the inability to have an evidence base, where it is believed that alcohol or drug use is the cause of workplace issues, hinders their ability to deal with these staffing issues. This has been the subject of discussion with the Corporate Management Team who have acknowledged that this lack of a testing regime, alongside the mechanism to support this, reduces the ability of managers to deal with the suspected use and abuse of drugs and alcohol in the workplace, which could lead to unsafe practices. It also fails

to provide an evidence base for both the manager and the employee to discuss supportive and remedial actions.

The revised policy and procedure sets out the formal arrangements for managing the impacts of alcohol and drug use on the ability of employees to undertake their role, by providing this capability to test for drugs and alcohol use where it is considered appropriate.

It applies to all council employees, including agency and casual workers, contractors, volunteers and others working on the council's behalf where failure to adhere to the policy is likely to result in these working arrangements being terminated.

It covers the use of intoxicating substances, which includes 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.

The key objectives of the revised policy are to:

- Set out the council's procedures for managing the impacts of alcohol and drug use on the ability of employees to undertake their role.
- Encourage early recognition of alcohol and drug-related use in order to provide support to resolve issues where possible.
- Have the capability to test employees with cause (for example, post-accident), for drug and alcohol use in the workplace
- Help any employee with an alcohol or drug-related problem to obtain skilled, confidential assistance to address the underlying causes and overcome them.
- Support employees with an alcohol or drug-related problem in restoring their performance and capability to an acceptable level within a reasonable timescale.
- Ensure that alcohol and drug use and its consequences do not occur on council premises or impact on the work of the council.
- Protect others from illness or injury caused by council employees (or those undertaking work on the council's behalf) who are unfit to work through the consumption of alcohol or drugs.

Following approval of the policy and procedure, procurement of a testing capability will take place and, once a system is agreed, the practical procedures to support this will be developed. These practical procedures will be developed in consultation with the key service areas expected to use them and, where appropriate, shared with the recognised trade unions.

Consultations

The revised Alcohol and Drug Use Policy has been shared with the recognised trade unions, through the Joint Negotiating and Consultative Forum, who have noted the proposed changes.

Implications:

This item has the following implications, as indicated:

Risk management

The council is legally required to ensure that its policies and procedures comply with current legislation.

The Health & Safety at Work Act, 1974 and other Health & Safety legislation places an obligation on the council as an employer to ensure, as far as is reasonably practicable, the health, safety and welfare of employees whilst at work. This includes protecting employees and others from the risk posed by an employee continuing to work whilst under the influence of alcohol or drugs. Similarly, employees are required to take reasonable care of themselves and others who could be affected by the employee's acts or omissions.

The Road Traffic Act 1988 (as amended in Road Traffic Act, 1991) makes it a criminal offence to drive or be in charge of a motor vehicle on a road or other public place when unfit through alcohol or drugs.

The Misuse of Drugs Act 1971 makes the production, supply and possession of controlled drugs unlawful in all but certain specified circumstances. Knowingly permitting these activities to take place on their premises could mean an employer is committing an offence.

Financial

The revised policy and procedure will have direct financial implications in terms of the establishment of a testing regime, which will be corporately managed, along with the potential for additional costs relating to Occupational Health referrals that are costed to service budgets.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A