

# DEALING WITH ALCOHOL & DRUGS POLICY

TO:	Governance Sub-Committee
PREPARED BY:	Linda Sichi (Deputy CEO)
SUBJECT:	REVIEW OF ALCOHOL & DRUGS POLICY
DATE OF MEETING:	20 November 2023
APPROVED BY:	Paul Martin (CEO)

LS/NOVEMBER.2023/REF: P69

## **1. INTRODUCTION**

The Health & Safety Act imposes a duty on employers to keep employees free from risk of harm to their health, safety, and welfare so far as reasonably practicable. MHA recognises that, for several reasons, employees could develop alcohol or drug related problems. This policy applies to those drugs that are unlawful under the criminal law and not to prescribed medication and it aims to promote a responsible attitude to drink and drugs and to aid employees who may need it.

## **2) ADVICE AND COUNSELLING**

It is MHA's intention to deal constructively and sympathetically with an employee's alcohol or drug related problems. When it is known that an employee has a problem, line managers will be able to provide advice and guidance on how to seek suitable treatment. The primary objective of any discussions will be to assist with the problem in a compassionate and constructive way. Any discussions and written records will be strictly confidential unless the employee agrees otherwise.

Any employee with an alcohol or drug problem is asked to seek appropriate help. If the above problem affects the employees conduct or performance at work and the employee refuses the opportunity to receive help, the matter may be referred for action under MHA's disciplinary procedure as appropriate.

MHA endeavours to provide competent assistance and support to employees with problems. However, it is recognised that relapses may occur (e.g., the employee agrees to attend counselling but misses appointments), therefore, each case will be assessed individually. All cases will be subject to on-going monitoring with the aim being to gradually decrease this over an agreed period (this will be dependent on the frequency and nature of the relapses).

Likewise, if after accepting counselling and assistance, and following review and evaluation, the employees conduct or work performance fails to improve or reverts to the problem level, the matter may also be dealt with through the disciplinary procedure.

## **3) PROHIBITION ON ALCOHOL & DRUG CONSUMPTION IN THE WORKPLACE**

No alcohol or drugs must be brought onto or consumed on MHA premises at any time or whilst attending any training courses, and for these purposes this includes performance-enhancing drugs used for "doping" purposes, even if they are not unlawful under the criminal law, unless they have been medically prescribed by a doctor. Employees must never drink alcohol or take drugs if they are required to drive private or company vehicles on MHA business. Employees using prescription or over-the-counter drugs which may affect their behaviour and/or work, have a responsibility to inform their line manager immediately.

Employees are expected to refrain from drinking alcohol during work breaks, e.g., lunchtimes.

Employees representing MHA at business functions, conferences or attending social events, outside normal working hours, are expected to be moderate if drinking alcohol and to take specific action to ensure they are well within the legal limits if they are driving. They are prohibited from taking drugs on these occasions.

Social drinking after normal working hours and away from MHA's premises generally does not directly concern MHA. MHA's concern only arises when, because of the pattern or amount of drink involved, the employee's attendance, work performance or conduct at work deteriorates. Employees should refrain from socialising or drinking whilst wearing MHA's uniform.

A breach of these provisions is a disciplinary offence and will be dealt with in accordance with the disciplinary procedure. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in the employee's summary dismissal.

#### **4) ALCOHOL & DRUGS RELATED MISCONDUCT**

Whilst this policy is aimed at assisting employees with alcohol or drug problems, action will nevertheless be taken under MHA's disciplinary procedure if misconduct takes place at work because of drinking or taking drugs, or if an employee is found to be under the influence of alcohol or drugs whilst at work. Even a small amount of alcohol or drugs can affect work performance and, if an employee is found under the influence of either alcohol whilst at work, there could be serious H&S consequences. Incapacity or misconduct caused by being under the influence of alcohol or drugs at work is a potential gross misconduct offence and the employee is therefore liable to be summarily dismissed. This also applies to any employee believed to be buying, selling, or in possession of or taking drugs on MHA's premises.

MHA reserves the right in any of these circumstances to arrange for the employee to be escorted from the premises immediately and sent home and to suspend the employee on full pay while carrying out an investigation.

#### **5) ALCOHOL & DRUG TESTING**

On the grounds of protecting H&S and only where necessary to achieve a legitimate business aim, MHA reserves the right to carry out random alcohol and drug screening tests on those employees in the workplace whose activities and job duties have a significant impact on the H&S of others and on any employees who MHA reasonably believes are under the influence or have misused drugs or alcohol. MHA will use an accredited organisation to carry out any tests. A positive test result will be viewed as potential gross misconduct and renders the employee liable to summary dismissal in accordance with the disciplinary procedure. Unreasonable refusal to submit to an alcohol or drug-screening test will also be dealt with through the disciplinary procedure and will be viewed as potential gross misconduct.

#### **6) POLICY REVIEW**

The above Policy is under the remit of the Governance Sub-Committee. It will be monitored on an on-going basis and formally reviewed every 3 years or as otherwise deemed necessary.

#### **7) DATA PROTECTION**

MHA will manage personal information collected and stored in accordance with General Data Protection Regulations (GDPR).