



# LEIA Safety Information Sheet

## Template for a Company Drug and Alcohol Policy

*Prepared by the LEIA Safety and Environment Committee*

## Contents

PREAMBLE.....	3
INTRODUCTION.....	3
Background .....	3
Preparing the Policy .....	3
Relevant Legislation .....	4
REFERENCES:.....	5

## PREAMBLE

This Information Sheet is one of a series produced by the LEIA Safety and Environment Committee on topics relevant to the Lift and Escalator Industry. Whilst every effort has been taken in the production of these sheets, it must be acknowledged that they should be read in conjunction with the relevant legislation, codes of practice etc. They should not be taken as an authoritative interpretation of the law but guidance to it.

## INTRODUCTION

Considerate employers now treat drug and alcohol dependence as an illness and frame policies aimed at rehabilitation. This approach encourages employees to seek treatment. However, drugs differ from alcohol as use is generally not socially acceptable and is often illegal. Some drugs can more rapidly affect physical and mental health than alcohol, so the earlier the problem can be dealt with, the greater chance there is of rehabilitation.

Any alcohol or drugs policy should be used to ensure problems are dealt with effectively, and consistently and early on in the process. It should protect workers and encourage sufferers to seek help. Employers should consider an education programme for managers, which could include details of signs to look for, how to deal with workers who seek help, and where expert advice and help may be obtained.

Being able to direct your workers to help is an important step. This may help them to recognise the dangers of alcohol, drug and other substance misuse and encourage them to seek help. It may also persuade your management and staff that covering up for someone with a drugs problem is not in that person's long-term interests.

### Background

Under the Misuse of Drugs Act, drugs are classified according to their perceived danger. Class A drugs include ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of class B drugs. Class B includes cannabis, cannabis resin, oral preparations of amphetamines, barbiturates, codeine and methaqualone (Mandrax). Class C includes most benzodiazepine (for example, Temazepam, Valium), other less harmful drugs of the amphetamine group, and anabolic steroids.

### Preparing the Policy

Checklist of items to consider when drawing up a policy on drugs and alcohol at work:

- the purpose of the policy – for example: 'This policy is designed to help protect workers from the dangers of drug, alcohol and other substance misuse and to encourage those with a drug or alcohol problem to seek help'
- the rules on alcohol at work
  - *it is suggested that an outright ban is not applied, but that rules are put in place for reasonable consumption, hence allowing occasional use, eg retirement functions in works time.*
  - *Some clients have strict policies on their premises and these must be complied with.*
- the rules on the use of drugs and other substances at work
- a statement that the policy applies to everyone in the organisation
- a statement that the organisation recognises that a drug or alcohol problem may be an illness to be treated in the same way as any other illness

- a statement that the rules on drugs and alcohol at work will apply to any contractors visiting the organisation
- the potential dangers to the health and safety of workers and their colleagues if a drug or alcohol problem is untreated
- the importance of early identification and treatment
- the help available – for example, from managers, supervisors, company doctor, occupational health service or outside agency
- the disciplinary position – for instance, an organisation may agree to suspend disciplinary action, where a drug or alcohol problem is a factor, on condition that the worker follows a suitable course of action. Where gross misconduct is involved, a drug or alcohol problem may be considered in determining disciplinary action
- the provision of paid sick leave for agreed treatment
- the individual's right to return to the same job after effective treatment and any conditions that may apply or, where this is not advisable, to suitable alternative employment wherever possible.
- an assurance of confidentiality
- whether or not an individual will be allowed a second course of treatment if he or she relapses
- the provision for education on drug and alcohol misuse
- termination of employment on grounds of ill health where treatment is unsuccessful
- a statement that the policy will be regularly reviewed, has the support of top management and that, where appropriate, worker representatives have been consulted.

#### Relevant Legislation

- Health and Safety at Work etc. Act 1974 - section 2 - places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees. By contrast, Section 7 places a duty on employees to take reasonable care for the health and safety of himself and others who may be affected by his actions or omissions.
- Management of Health and Safety at Work Regulations 1999 - places a duty on an employer to assess the risks to the health and safety of employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or drugs and their behaviour places the employee themselves or others at risk.
- Misuse of Drugs Act 1971 - makes it an offence for someone to knowingly permit the production, supply or use of controlled drugs on their premises except in specified circumstances (for example drugs prescribed by a doctor).

Although not applicable to all workplaces, these two Acts also put obligations on employers and workers:

- Road Traffic Act 1988 - states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.
- Transport and Works Act 1992 - makes it a criminal offence for certain workers to be unfit through drugs or drink while working on railways, tramways and other guided transport systems.

#### Signed the Policy

The policy should be signed by top management.

For any clarification of this information sheet contact your company Safety Advisor or the LEIA Safety and Training Manager.

## REFERENCES:

ACAS Health, work and wellbeing March 2012

<http://www.acas.org.uk/index.aspx?articleid=693>