



**OPEN REPORT
GOVERNANCE AND RESOURCES COMMITTEE**

Governance and Resources Committee – 8 March 2023

PROPOSED NEW EMPLOYMENT POLICY – SUBSTANCE MISUSE

Report of the Chief Executive

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

To seek Committee approval to adopt the proposed new employment policy on Substance Misuse.

Recommendations

That the proposed new employment Policy on Substance Misuse be adopted.

List of Appendices

Appendix 1 Proposed Substance Misuse Policy
Appendix 2 Equality impact assessment

Background Papers

None

Consideration of report by Council or other committee

None

Council Approval Required

No

Exempt from Press or Public

No

Proposed new employment policy- Substance Misuse

1. Background

- 1.1 Many neighbouring authorities have a Substance Misuse Policy, so it was felt time to have one for the District Council. A recent disciplinary case highlighted the benefit of having a policy so as to be clear on our standards.

2. Key Issues

- 2.1 Managing substance misuse in the work place is to enable a safe and healthy working environment. If an employee misuses a substance which alters mood and/ or consciousness, this can have serious implications for health and safety, performance and/or attendance in the workplace. It can also have implications for the professional image and reputation of the District Council. It could affect the public/ service users, contractors and visitors. In addition there are a number of legal requirements relevant in the implementation of this policy within laws covering health and safety, misuse of drugs, road safety, disability discrimination and common law liability.
- 2.2 Employees have a responsibility to ensure that they are physically and mentally capable of undertaking their duties whilst at work. Employees have a responsibility to know their personal responses to substances and ensure that any effect of any alcohol, drugs or other substances that they may have taken before they attend work, have worn off. This includes any work place including when employees are working from home. It also includes any lunchtime consumption and periods when an employee is 'on-call' or 'on standby'. Employees adjusting to new prescription medication are advised to seek reasonable adjustments through discussion with their manager.
- 2.3 It is not the intention to interfere in employees' private lives. Managers and colleagues will be primarily concerned where there is an impact on an employee's conduct, work relationships and/or work performance in the work place.
- 2.4 It is therefore appropriate to have a policy and guidance for managers and colleagues with signs of possible substance misuse (appendix 1 of the guidance notes) so that risks can be mitigated and investigation undertaken when misuse of substances is suspected. It is important however to note that such signs may however be due to other health issues so sensitivity and enquiry is initially required.
- 2.5 As with all matters where there is an allegation of a breach of discipline, allegations under this proposed policy will be subject to investigation by an independent officer. Determination of disciplinary matters will be made by an appropriate manager on grounds of reasonable belief that misuse has taken place and has implications for health and safety, performance and/ or attendance. It is not the intention to have work place testing to give reasonable doubt as to misuse. Work place testing could be reconsidered in the future, when the policy is reviewed, dependent on the learning from implementing the policy.
- 2.6 As with all disciplinary matters, managers must also act reasonably, fairly and free from discrimination, with advice from Human Resources. If discipline is

warranted then, dependent on the individual case, the disciplining manager may determine the outcome from the range of penalties in the disciplinary policy.

- 2.7 Where an employee has developed a dependency, they are encouraged to come forward to speak to their manager and/or Human Resources, in confidence, so that they can be given help and support through Occupational Health and our local counselling provider. Appointments for treatment/counselling should be taken outside work hours wherever possible.
- 2.8 Where the employee is committed to treatment, they will be given support, guidance and reasonable time to seek help. The manager will advise (and confirm in writing) that disciplinary procedures are suspended whilst the employee is seeking help and cooperating with appropriate treatment or counselling during the agreed period (usually between 3 and 6 months). Where the employee does not comply with the course of treatment or counselling and where workplace issues are not resolved within the agreed timescales, the disciplinary procedure will be implemented.
- 2.9 The policy therefore acknowledges that some employees will be disciplined for substance misuse affecting the work place. Other employees seeking help before work place issues arise will be given appropriate support. At the launch of the policy these 2 processes will be briefed to staff and managers together with the list of possible sources of help.

3. Options Considered and Recommended Proposal

- 3.1 Consideration was given to the option of work place testing was discussed. Only one neighbouring authority has a contract for testing for drugs and alcohol levels in the work place, but they have not yet called upon the contractor to do testing, not least because of the time lag between requesting a test and one being able to be done. It is therefore recommended not to propose routine or case by case testing in this proposed policy. This could be reconsidered in the future if needs change
- 3.2 Consideration was also given to the possibility of 'Zero Tolerance' was discussed whereby no employee would have a trace of substances in their system before attending work. This would mean that employees would have to refrain from substances for several hours before attending work such that the effects of any substances it totally metabolised. To be sure if this was the case, testing would have to be in place to see if there are any traces of substances more than judging if substances are effecting mood or behaviour which could lead to a safety or reputational risk.
- 3.3 Consideration was also given to the option of having no lunchtime consumption of alcohol. Lunch time consumption was not felt to be an issue. However there was a concern that if employees were to have lunch at an establishment where alcohol was served that others might perceive that alcohol was consumed when it was not.

4. Consultation

- 4.1 The Council's Chief Executive and Directors Corporate were consulted on the draft policy on 20 December before it went to wider consultation and again on 21 February after all staff consultation closed.
- 4.2 Members, Officers and Trade Union representatives on Joint Consultative Committee were consulted at their meeting on 11 January. JCG resolved to recommend that Governance & Resources Committee adopt the proposed policy.
- 4.3 All staff consultation was concluded at Employee Group on 16 February. Employee Group discussed that naturally the proposed policy could affect Clean & Green and Agricultural Business Centre employees more than those based at the Town Hall. This is accepted given the Clean & Green and the ABC working environments is a higher risk working environments than the town hall. However it was also accepted that all town hall employees have to be free from substance abuse also given the need to drive safely but also to make safe business decisions and responds to public enquiries appropriately. Employee Group asked that home working be acknowledged as a place of work (substance abuse will therefore be included in the policy and the home working risk assessment). Finally they wanted inclusion of refraining to take substances whilst wearing District Council uniform, including ID badges/ lanyards.

5. Timetable for Implementation

- 5.1 Subject to adoption by the Governance & Resources Committee, the policy will be implemented immediately by all staff email and cascading briefings.

6. Policy Implications

- 6.1 Subject to approval from the Governance & Resources Committee, the policy will become an employment policy applicable to all staff.

7. Financial and Resource Implications

- 7.1 There are no financial risks arising from the recommendations in this report.

8. Legal Advice and Implications

- 8.1 The policy provides guidance and a procedure for the Council, as the Employer, and the Employee to follow in cases of substance misuse. A failure to follow a fair process can potentially result in the Employee being able to claim unfair dismissal or discrimination in the workplace. The Policy has taken in to account relevant legislation including, Health and Safety at Work Act 1974, Human Rights Act 1998, Misuse of Drugs Act 1971, Drugs Act 2005, Road Traffic Act 1988 and the Data Protection Act 1998.
- 8.2 Under the Equality Act 2010 some secondary illnesses arising from the misuse of alcohol or drugs may fall within the definition of 'disability' under the Act, to be considered when making allowances or adjustments.
- 8.3 The legal risk associated with the proposed policy is assessed as low.

9. Equalities Implications

- 9.1 An Equality Impact Assessment has been completed and the outcomes have been taken into account in the final draft of the policy. The proposed employment policy will apply to all staff with contract hours, plus casual and agency workers. Substance misuse will be managed fairly and free from discrimination, direct or indirect.

10. Climate Change Implications

- 10.1 This proposed employment policy has no direct climate change implications.

11. Risk Management

- 11.1 If the policy is adopted, we will be able to mitigate against health and safety risks due to substance misuse in the work place.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	24/02/23
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	24/02/23
Monitoring Officer (or Legal Services Manager)	James McLaughlin	24/02/23

SUBSTANCE MISUSE POLICY

DRAFT March 2023

Document Version	3
First draft	November 22
First draft to CLT, then out to all staff consultation	December 22
Consultation at JCG	11 January 23
Consultation ends at Employee Group	15 February 23
Any final updates- Review at CLT	28 February 23
To Governance & Resources Committee for approval	8 March 23
Subject to approval to be implemented	9 March 23
Date for Review	March 26

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Guidance Notes

Substance Misuse Policy 2023

1 Policy Statement

- 1.1 The District Council is fully committed to providing a safe and healthy working environment.
- 1.2 The District Council recognises that an employees' misuse of substances which alter mood and/or consciousness can have serious implications for health and safety, performance and attendance in the workplace. This can also have implications for the professional image and reputation of the District Council. It could affect the public/ service users, contractors and visitors. In addition there are a number of legal requirements relevant in the implementation of this policy within laws covering health and safety, misuse of drugs, road safety, disability discrimination and common law liability.
- 1.3 For the purposes of this policy, 'Substances' include of alcohol, drugs, solvents or inappropriate use of prescription drugs.
- 1.4 It is essential that all employees are physically and mentally capable of undertaking their duties whilst at work. This is important in terms of their relationships with colleagues, service users and anyone else who could be affected by what they do. Employees have a responsibility to ensure that the effects of any alcohol, drugs or other substances that they may have taken before they attend work, have worn off. This includes any lunchtime consumption and periods when an employee is 'on-call' or 'on standby'.
- 1.5 Employees must not
 - Misuse drugs or other substances or consume alcohol whilst at work
 - Buy, sell or share drugs, other substances or alcohol whilst at work
 - Drive any council vehicle or a personal vehicle on council business, or operate tools/ machinery/ computers or take decisions whilst under the influence of alcohol, drugs or other substances.

All these activities would be considered a disciplinary offences and potentially considered gross misconduct which could lead to dismissal. In some cases the Police may have to be informed.

- 1.6 The District Council also recognises that misuse of drugs, alcohol and other substances is primarily a health issue and is committed to providing information to employees regarding the dangers of misuse and to the support and rehabilitation of employees who seek to overcome problems of misuse.

- 1.7 The aim is to achieve a balance between supporting employees who seek help for recovery and maintaining health and safety of all employees (and others with whom they come into contact), the District Council's reputation and delivery of high quality, effective services. The District Council therefore reserves the right to implement the disciplinary procedure where a manager identifies misuse as a safety issue or the Management of Sickness Absence policy where the employee seeks help.
- 1.8 Before misuse is suspected, an employee who is experiencing difficulty with the use of drugs, alcohol or other substances is encouraged, in confidence, to talk to their line manager or Human Resources in order to access appropriate professional support. Employees will not be penalised for disclosing any difficulties they may be experiencing whilst they undertake treatment for those issues but the Management of Sickness Absence policy will apply. However if the employee does not follow the advice given, there may come a point where the Disciplinary procedure would be appropriate but this will be as a last resort for employees as the intention is to support whilst they achieve recovery.
- 1.9 Employees prescribed medication by a health professional must ensure they read the patient information leaflet, supplied with all prescribed medication, to ensure they are aware of any potential side effects. Employees experiencing side effects which impact their role or adjusting to newly prescribed medication must inform their manager so that temporary reasonable adjustments and support may be given.

2 Scope

- 2.1 This policy applies to all employees with contract hours, casual and agency workers.
- 2.2 This policy covers the misuse of illegal drugs, misuse of alcohol, prescription drugs, solvents and other substances that could adversely affect work performance and/or health and safety.

3 Equality

- 3.1 Substance misuse will be managed fairly and be free from discrimination, direct or indirect.

4 Manager Responsibilities

- 4.1 Managers are responsible for the health and safety of their teams and other colleagues; for upholding the law in the work place; for safeguarding the reputation of the District Council, for maintaining appropriate standards of service and for implementing this policy.

- 4.2 Managers must take action (detailed in the guidance notes) where they observe unusual behaviour or changes in behaviour or unacceptable performance that they suspect is related to misuse of alcohol, drugs or other substances.
- 4.3 Where a manager suspects that the law has been broken at work or where serious harm may result to the individual or another person or the reputation or credibility of the District Council, advice on an independent investigation under the Disciplinary Procedure must be taken immediately with advice from Human Resources.
- 4.4 Managers will recognise that an employee coming forward with admission of a drink, drug or substance dependency may be difficult for an individual to make and such a disclosure should be treated in the strictest confidence, with advice from Human Resources, in order to seek appropriate support and treatment.
- 4.5 Managers must consider temporary reasonable adjustments during support/ treatment and for any employees adjusting to prescription medication.

5 Employee Responsibilities

- 5.1 Employees are responsible for their own health and safety, and that of others, in the work place. The 'work place' includes when on District Council premises, whilst working on the district, at other premises whilst working (e.g. customers/ other employers) and whilst working from home. They must adhere to this policy and the guidance in order to avoid being a risk to themselves and others. Employees are required to co-operate with the District Council as employer in matters of health and safety and comply with health and safety related policies.
- 5.2 Employees must present themselves for work fit and capable i.e. not under the influence of any substances at the start of the working day and after any meal breaks and if they are on call or standby. They must not consume alcohol, misuse drugs or other substances whilst at work. Employees must not consume alcohol, misuse drugs or other substances whilst wearing District Council uniform or logoed clothing, identity badges or lanyards even if this is outside working hours/ the workplace.
- 5.3 Employees must not buy, sell or share alcohol, drugs, or other substances whilst at work. Employees must not drive any council vehicle or a personal vehicle on council business, or operate tools/ machinery/ computers or take decisions whilst under the influence of alcohol, drugs or other substances.
- 5.4 Employees experiencing side effects, whilst adjusting to newly prescribed medication, must inform their manager immediately if there is any impact on

their ability to safely and effectively undertake their role, so that temporary reasonable adjustments and support may be given.

- 5.5 Employees who are experiencing difficulty with the use of alcohol, drugs or other substances are encouraged, in confidence, to talk to their line manager or Human Resources in order to access appropriate professional support, treatment and temporary reasonable adjustments.
- 5.6 Employees must inform their manager or Human Resources immediately if they believe a colleague/s are misusing substances in the workplace, including the buying/ selling/ sharing of substances, driving or operating tools/equipment/ taking decisions whilst under the influence of substances.

6 Human Resource & Payroll responsibilities

- 6.1 Human Resources will provide information and resources to managers and employees regarding the impact of substance misuse on the workplace.
- 6.2 For employees seeking support, Human Resources will make a referral to professional help and support via Occupational Health.
- 6.3 Human Resources will liaise with and advise managers when action needs to be taken through the Management of Sickness Absence Policy or the Disciplinary Procedure.
- 6.4 To maintain confidentiality of information and ensure that Data Protection principles are followed.
- 6.5 To undertake a periodic review of this policy. The guidance notes will be updated through Corporate Leadership Team in line with changes in legislation, best practice or learning from implementing the policy and guidance.

7 Key legislation and related District Council policies

Data Protection Act 1998 & 2018
General Data Protection Regulations Act 2018
Employment Act 2002 (Dispute Resolution) Regulations 2004
Equality Act
Misuse of Drugs Act 1971
Road Traffic Act 1988
S17 Crime and Disorder Act 1998
Health and Safety at Work Act 1974
Management of Health and Safety at Work Regulations 1999
Provision and Use of Work Equipment Regulations 1998
Health & Safety Policy 2019
Management of Sickness Absence Policy 2016
Employee Performance Management Policy 2017
Disciplinary Procedure 2018

Substance Misuse Policy 2023

Guidance notes

1. These guidance notes are not part of the policy statement. They are written to support it and describe how it will be implemented. These notes may be changed with approval of Corporate Leadership Team dependent on best practice and learning from implementing the policy.
2. For the purposes of the policy and guidance notes, 'Substance misuse' means the use of illegal drugs and the problematic or inappropriate use of prescribed drugs or alcohol. In addition, the use of solvents or "over the counter" medications are included when they are used in such a way that attitude, behaviour or performance at work are negatively affected.
3. As stated in the policy, a safe and healthy working environment is a paramount concern for all employees. An employees' misuse of alcohol, drugs or other substances can have serious implications for health and safety, performance and attendance in the workplace. Misuse can also have implications for the professional image and reputation of the District Council and could affect the public/ service users, contractors and visitors. In addition there are a number of legal requirements relevant in the implementation of this policy within health and safety, misuse of drugs, road safety, disability discrimination and common law liability.
4. The 'work place' includes when on District Council premises, whilst working on the district, at other premises whilst working (e.g. customers/ other employers) and whilst working from home.
5. **Legislative Background**

a) Health & Safety legislation

The Health and Safety at Work Act and the Management of Health and Safety at Work Regulations place a general duty on the District Council to maintain a safe and healthy working environment. It requires the District Council to assess the risks to employees and others who may be affected by work activity and eliminate/reduce these risks so far as is reasonably practicable. The Act and Regulations also place a duty on employees to take reasonable care for the health and safety of themselves and others who may be affected by their actions and to co-operate with the District Council in matters of health and safety.

b) Misuse of Drugs Act

Illegal substances are those controlled by the Misuse of Drugs Act. This law relates to the use, possession, production and supply of illegal substances. It is however also an offence if someone allows premises which they manage to be used for drug

use, supply or offering to supply drugs. The Act makes it an offence to allow, whether by a positive act or by ignoring the fact, premises to be used to produce or supply controlled drugs or to smoke cannabis, cannabis resin or prepared opium. So as not to commit an offence, an employer is obliged to take immediate action, e.g. by requiring that the person involved immediately remove the drugs from the premises.

c) Road Traffic Act

This states that drivers must not drive under the influence of alcohol or drugs or drive with a breath alcohol level higher than 35 µg/100 ml (equivalent to a blood alcohol level of 80 mg/100 ml).

d) Equality Act

Although the Equality Act does not cover addiction to substances specifically, the physical or mental effects of an addiction, e.g. severe liver disease, can fall within the provisions of the Act. Should an employee fall within the provisions of the Act caution should be exercised when considering support and reasonable adjustments, disciplinary procedures.

e) Common Law liability

An employer is responsible for the acts of its employees during the performance of their duties, through the principle of vicarious liability. Failure to respond to substance misuse, or to respond appropriately in the circumstances, may render the employer liable for injury or loss suffered by a third party as a result of the employee's actions.

f) Section 17 of the Crime and Disorder Act

Requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce these problems.

6. In order to ensure personal safety and that of colleagues and the general public/ service users, it is essential that all employees are physically and mentally capable of undertaking their duties whilst at work, whatever their role or work pattern. Employees have a responsibility to know their personal responses to substances and ensure that the effects of any alcohol or substances they may have taken before they attend work have worn off. This includes any consumption at lunchtime/ breaks and periods when an employee is 'on-call' or 'on standby'. In addition, given the variety of working patterns, staff consuming alcohol outside their working hours must ensure that they are not easily identifiable as District Council employees by not wearing uniform, logoed clothing, lanyards or ID badges
7. It is not the intention to interfere in employees' private lives. Managers and colleagues will be primarily concerned where there is an impact on an employee's conduct, work relationships or work performance in the work place. It is also essential that if managers or other employees are concerned, or suspect substance misuse by a colleague, that they seek help from their manager or Human Resources. A list of signs of misuse is included in appendix 1. Such signs may however be due to other health issues so sensitivity is initially required.

8. There may be many reasons for issues with an employee's conduct or performance. If the employee does not acknowledge that they have a substance misuse problem (does not want assistance or may try to resolve the issue but show no signs of improvement) even if the manager suspects that alcohol or drugs may be involved – the manager will have to proceed by implementing the District Council's disciplinary procedure with advice from Human Resources.
9. As with all disciplinary matters, any allegation of a breach of discipline under this policy will be subject to investigation by an independent officer. Determination of disciplinary matters will be made by an appropriate manager on grounds of reasonable belief that misuse affecting mood and consciousness has taken place and has implications for health and safety, performance and/or attendance. Managers are guided by the signs of substance misuse in appendix 1. It is not the intention to have work place testing to give reasonable doubt as to misuse, but this may be reconsidered in the future. As with all disciplinary matters, managers must act reasonably and fairly and free from discrimination with advice from Human Resources. If discipline is warranted then, dependent on the individual case, the disciplining manager may determine the outcome from the range of penalties in the disciplinary policy.
10. Where the substance is an illegal drug, managers have responsibility under section 2b Misuse of Drugs Act. If an employee is misusing drugs on work premises there is no legal obligation to report the employee to the police. However, in some cases the employee should be reported to the police, e.g. when an employee is found to be supplying or attempting to supply drugs to vulnerable employees or service users. Advice can be sought from Human Resources.
11. Where an employee is required to drive on council business and then loses their license due to a conviction for driving whilst over the legal alcohol limit or for being under the influence of non-prescription drugs, outside of work, their individual circumstances will be assessed and a decision taken according to the requirements of their job. Where the employee's post person specification stipulates the need to hold a driving license as a fundamental part of their job, and no redeployment opportunities exist, termination of employment may be considered if an individual has been banned from driving.
12. Where an employee develops a dependency, they are encouraged to speak to their manager and/or Human Resources in confidence so that they can be given help and support through Occupational Health and our local counselling provider. Appointments for treatment/ counselling should be taken outside work hours wherever possible.
13. The employee may volunteer that they have an issue with substance misuse and seek help during a routine conversation with their manager e.g. as a part of a return to work discussion; absence review meeting or where the manager

is starting a discussion about issues relating to a deterioration in behaviour, or work performance. The manager must ensure privacy and confidentiality during this discussion and seek advice from Human Resources. Human Resources will ensure prompt referral to Occupational Health.

14. Where the employee is committed to treatment, they will be given support, guidance and reasonable time to seek help. The manager will advise (and confirm in writing) that any suspension of disciplinary procedures is conditional on the employee cooperating with appropriate treatment or counselling during the agreed period (usually between 3 and 6 months). The agreement (appendix 3) commits the employee to
 - Follow the treatment and rehabilitation regime
 - Abstain from the abused substance
 - Meet agreed expectations in relation to work
 - Agree to Occupational Health receiving progress reports from the treatment providers
 - And reports from Occupational Health being given to their manager/ Human Resources.
15. The employee being supported may need to have sick leave (to access treatment, or dependent on the substances being used may not be fit for work/ safe to work) or they may remain at work with time off to attend hospital appointments, counselling, etc. The District Council's Management of Sickness Absence Policy will continue to apply during any period/s of sickness absence. Where the employee does not comply with the course of treatment or counselling and where the workplace issues are not resolved within the agreed timescales, the disciplinary procedure will be implemented.
16. Where an employee is unable to continue normal duties during treatment/ support, the managers can consider changes in hours/duties on a temporary basis. Managers cannot provide specialist counselling, but should make time for regular informal discussions to encourage and support their employee. Confidentiality should be maintained wherever possible. However there may be circumstances when the employee's right to have matters treated in confidence will be overridden by other considerations, for example the welfare of service users.
17. Human Resources will refer the employee to Occupational Health. The employee will be seen by an Occupational Health Nurse who will provide support and a monitoring role. Specialist treatment and/or counselling will generally be required for the employee. This will be arranged either directly by the employee or by their general practitioner.
18. The employee will be reviewed by Occupational Health on a regular basis over the agreed period in order to encourage and monitor progress. Brief reports will be issued to the line manager and Human Resources after each review with a full report provided at the end of the agreed period. Although the appointments will be arranged by Occupational Health, the appropriate line managers will be asked to provide information regarding work performance if the employee is not on sick leave. Support of an Occupational Health Physician may be appropriate.

Signs of substance misuse

Physical Signs of Possible Substance Abuse and Misuse

One or more of these signs may be an indicator of possible substance misuse, but managers and colleagues must guard against making assumptions and consider the alternative potential causes of these signs. They could also be indicators to other medical conditions.

- Slurred or rambling, stumbling, incoherent speech
- Drowsiness or inability to stay awake
- Poor co-ordination, staggering, disorientation
- Unsure standing, turning, moving
- Irrational or inappropriate behaviour (belligerence, violence, etc.)
- Nausea
- Inflamed, glassy or droopy eyes, dilated/constricted pupils
- Hallucinations
- Mood swings, unpredictability (hyperactivity, depression, euphoria)
- Frequent sniffing or touching of the nose
- Personality changes
- Heightened reflexes
- Exaggerated confidence or glibness
- Forgetfulness
- Lack of attention
- Lack of judgement
- Agitation, restlessness, anxiety and paranoia
- Runny or bleeding nose
- Aroma of alcohol or drugs
- Limited attention span, difficulty concentrating
- Hand tremors
- Violent tendencies, loss of temper or irritability
- Time distortion
- Mental confusion, bizarre thoughts, ideas or statements
- Poor personal hygiene.

Changes in job performance indicating possible substance misuse

One or more of these actions may be an indicator of possible substance misuse. They could also be indicators to other medical conditions.

- Extended absences from work
- High accident rate
- Inability to work with others, friction in relationships
- Chronic, excessive absenteeism or presenteeism
- Poor timekeeping
- Peculiar and increasingly improbable excuses for lateness and absence
- Periods of very high or very low productivity

- Poor performance on the job (e.g. error, wasted materials) not previously seen
- Failure to complete jobs/tasks etc. in a timely manner, or within timescales previously achieved
- Difficulty concentrating or making decisions
- Confusion, inability to handle jobs of increasing complexity
- Spasmodic work patterns
- Irrational personal behaviour on the job (overreaction, unusual personality change, decline in personal hygiene, unkempt appearance etc.)
- Absences from work (sickness, tardiness, or being AWOL)
- Suspicious absence pattern such as: Immediately preceding or following days off or coincident with weekends or always on the same shift
- Swings in activity level – hyperactivity to sluggishness
- Inability to perform two tasks at the same time (divided attention), such as handling a discussion while physically performing a task
- Sporadic or poor workmanship or job performance
- Change in attitude – moody, resentful of criticism, always casting blame on others, sudden inability to work with others
- Chronic forgetfulness or broken promises.

Contributing Evidence:

- Physical evidence (drug paraphernalia, alcohol beverage bottles, etc.)
- Smell of marijuana, alcohol
- Attempts to hide or destroy evidence
- Observance of use
- Suspicious employee reaction
- Attempting to borrow money from colleagues or dishonesty (to pay for the misuse).

Signs of Intoxication, by Specific Drug:

Marijuana: Glassy, red eyes; loud talking and inappropriate laughter followed by sleepiness; a sweet burnt scent; loss of interest, motivation; weight gain or loss.

Alcohol: Clumsiness; difficulty walking; slurred speech; sleepiness; poor judgment; dilated pupils.

Cocaine, Crack, Meth, and Other Stimulants: Hyperactivity; euphoria; irritability; anxiety; excessive talking followed by depression or excessive sleeping at odd times; go long periods of time without eating or sleeping; dilated pupils; weight loss; dry mouth and nose.

Heroin: Needle marks; sleeping at unusual times; sweating; vomiting; coughing and sniffing; twitching; loss of appetite; contracted pupils; no response of pupils to light.

Depressants: (including barbiturates and tranquilizers) seems drunk as if from alcohol but without the associated odor of alcohol; difficulty concentrating; clumsiness; poor judgment; slurred speech; sleepiness; and contracted pupils.

Inhalants: (Glues, aerosols, and vapours) watery eyes; impaired vision, memory and thought; secretions from the nose or rashes around the nose and mouth; headaches and nausea; appearance of intoxication; drowsiness; poor muscle control; anxiety; irritability.

Hallucinogens: Dilated pupils; bizarre and irrational behaviour including paranoia, aggression, hallucinations; mood swings; detachment from people; absorption with self or other objects, slurred speech, confusion.

Sources of self-help/ guidance/ advice

- THE EMPLOYEE contacting their G.P.
- DERBYSHIRE ALCOHOL ADVICE SERVICE – 0845 308 4010.
1st floor, Dents Chamber, 81 New Square, Chesterfield, S40 1AH.
info@daas.uk.com
- ALCOHOLICS ANONYMOUS (0800 9177 650 or www.alcoholics-anonymous.org.uk/AA-Meetings/Find-a-Meeting/) to find a local meeting (meetings in Bakewell, Matlock, Ashbourne, Belper, Clay Cross, Chesterfield etc.
- ALCOHOL CHANGE UK - National consultancy offering training but also has useful fact sheets etc. on website at alcoholchange.org.uk
- DERBYSHIRE DRUG AND ALCOHOL ACTION TEAM (DAAT) – part of NHS– Help on the telephone 01629 533190, online, by email or via the website www.saferderbyshire.gov.uk
- NARCOTICS ANONYMOUS visit website for local meetings <https://rehabclinicsgroup.com/na-meetings/> meetings held in Buxton, and several around Derby
- TURNINGPOINT help line offering drug related help and information website www.talktofrank.com or telephone 0800776600
- RELEASE help and advice on drugs via website release.org.uk, by phone 02073242989 or email ask@release.org.uk, or web form on website
- DRUGS SUPPORTLINE – Provides advice, information, counselling and referral to appropriate services for anyone concerned about their own or someone else's illegal drug use, available 24/7. tel. 0800 5875879

Sample Employee Agreement to be drawn up by Occupational Health

Confidential

SUBSTANCE MISUSE POLICY

Employee Agreement

I understand that at the present time disciplinary procedures will not be implemented in relation to my current work difficulties due to substance misuse as I will be given support from the District Council and time in which to seek help and/or treatment to overcome my addiction.

The District Council's Management of Sickness Absence Policy will continue to apply during any period/s of sickness absence.

This agreement will be in place for (*X) months but is conditional upon me

- Abstaining from (**substance*)
- Undertaking any appropriate treatment/rehabilitation required
- Improving my (**work performance*)
- Agreeing to Occupational Health receiving progress reports from my treatment/support agency
- Agreeing to Occupational Health giving reports to my manager/ Human Resources (of which I will receive a copy).

I am aware that if I do not attend Occupational Health appointments; do not comply with treatment or do not improve my (**work performance*) that the appropriate disciplinary procedures will be implemented.

Signed _____

Dated _____

*NB: An appropriate agreement will be drawn up by Occupational Health to reflect individual circumstances.