

# Alcohol and Substance Misuse at Work Policy

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## Purpose of Policy

As an employer, Public Health Agency (PHA) have designed this policy to ensure that we offer wellbeing support to our employees who are experiencing issues with substance and alcohol misuse. This policy provides managers and staff with clear guidelines on their responsibility to recognise and manage the effects of alcohol, drugs, and other substance use and misuse at work.

The inappropriate use of substances by staff can damage the individual's health and wellbeing both in the short and long term. These effects may be temporary or permanent and can have far-reaching effects on their personal and working lives. At work, substance misuse can result in reduced levels of attendance, substandard work performance and increased health and safety risks. The effects of substance misuse can also be detrimental to the Public Health Agency's ability to deliver high-quality services and impact its reputation and image.

This policy provides information on risks to employee health when using substances or alcohol and encourages employees to seek support through the appropriate channels. Studies have found that the earlier the problem can be dealt with, the greater chance there is of rehabilitation. All reasonable efforts will be made to support employees to seek rehabilitation and support their recovery and continued employment with PHA. The policy strives to balance the promotion of health and wellbeing of staff and the safe and efficient running of the organisation. PHA will also ensure that any need for disciplinary action is coupled with a preventative and supportive approach to help employees get the help they need.

We are committed to ensuring that all employees are treated fairly, sensitively and with respect, and are offered the support they need to deal with their particular situation. PHA are committed to our HSC values of [openness and honesty](#), [compassion](#), [excellent and working together](#). These provide the framework for achievement of a Just Culture approach through supportive, constructive, and fair evaluation of the actions of employees involved in a concern or incident.

## Scope

This policy applies to all staff within the Public Health Agency.

## Aims

The aims of this policy are:

- To help employees identify at an early stage, struggles with substance, or alcohol which may lead to misuse, and encourage and assist those employees with a problem or potential problem to seek help.
- To ensure that all our line managers remain alert to the possible early signs of alcohol, drug or substance misuse, and that we allow individuals every opportunity to overcome their difficulties.

- Create a climate which removes the tendency to conceal, deny and cover up the problem and to encourage employees who believe or know that they have an alcohol or substance use problem (or who are suspected or known by colleagues to have such a problem) to seek help directly.
- To ensure that all employees are aware of the consequences for their employment if they misuse intoxicating substances at work and recognise that PHA has the authority to refer to the HSC Regional Disciplinary Policy if there is any misconduct associated with the consumption of alcohol/substance misuse.
- To set out the sources of help and advice available in confidence both within PHA and from outside agencies and provide a framework within which substance misuse problems can be managed in a fair and consistent manner.
- Ensure managers, staff, trade union and professional organisation representatives are confident in managing and supporting staff who have lost capability or capacity due to alcohol or substance use.

### **Where Employees are working remotely**

Employees must continue to adhere to the full scope of their responsibilities under this policy whilst working remotely.

Where an employee is working remotely, but has an alcohol or substance addiction/dependency, employers still have a duty of care to support employees. Managers may find it more difficult to spot alcohol and substance misuse issues and should ensure clear and frequent communication with their team members who are working remotely to ensure opportunities to spot any issues which may arise.

Consistent reminders of the support available to employees may help employees dealing with alcohol or substance misuse.

### **Social Events, Courses, Team away days etc associated with work**

Social events that do not take place in the office should be treated in much the same way as workplace social events. Where drinks are arranged between colleagues outside of work during the course of their employment, managers should give thought to ways of encouraging socialising that does not revolve around alcohol.

*Note: When a work event takes place outside of business hours on premises where alcohol is consumed, employees must ensure that their conduct will not bring the Public Health Agency into disrepute. Otherwise, this could lead to an employee being subject to disciplinary action in accordance with the HSC Regional Disciplinary Policy.*

## Introduction and Organisational responsibilities

This policy has been developed to provide a consistent process in how Public Health Agency (PHA) handle the misuse of substances and alcohol in the workplace and seeks to achieve an environment where employees feel comfortable in asking for support with an alcohol or substance dependency. The policy will provide key information on the effects of alcohol and substance misuse, legislation relevant to the policy, how managers can identify signs that employees are struggling, as well as signposting to support services internally and externally.

It is important to distinguish between an alcohol/substance misuse related problem, which is the subject of this document, and unacceptable consumption of alcohol/unacceptable behaviour brought about by alcohol/substance misuse consumption, or the use/possession of illegal substances, which will be dealt with under the HSC Regional disciplinary procedures. The PHA will act responsibly in providing an appropriate level of support to employees who have a dependency on substances or alcohol in order for employees to fulfil their requirement to attend work fit to perform their duties safely.

Where an employee is diagnosed with having a problem with alcohol or substances, the PHA will do our utmost to be supportive within the workplace and will take advice from the Occupational Health Service, as well as make employees aware of specialist external support. PHA will allow reasonable time off for the employee to receive treatments and counselling or any other support that has been recommended.

If the employee's work duties are deemed to be a barrier to their recovery, reasonable adjustments may be made to the role, which may include a temporary redeployment for the duration of recovery and rehabilitation. Temporary redeployment also is likely to be necessary for 'safety-critical' work which is roles which have safety critical elements where substances or alcohol misuse could have serious outcomes, such as driving or operating equipment.

Alcohol is not permitted in the workplace at any time, including meal breaks, nor should employees report for work having taken alcohol or smelling of alcohol. The PHA cannot knowingly allow any member of staff, under the influence of substances or alcohol, to continue working and place themselves or others at risk.

At work employees should never be in possession of illegal substances, or associated items. Such behaviour will be dealt with under the HSC Regional Disciplinary procedure and may lead to dismissal without any previous warning. The matter will be reported to the police as a suspected criminal offence, as required by law under the Misuse of Drugs Act (1971). The definitions and legislative framework relative to this policy can be found in [Appendix 4](#). All employees subject to disciplinary action in accordance with the HSC Regional Disciplinary Policy where the dependency on alcohol, substances or any other psychoactive substance has been a factor will be expected to co-operate fully with the PHA / Occupational Health programme of assistance in their recovery. In certain circumstances it may be appropriate to seek input from Occupational Health around drug testing.

## Roles and Responsibilities

### Employee Responsibilities

#### All Employees:

- Be familiar with and co-operate with this policy and procedures related to alcohol and drug misuse and be aware of their obligations to ensure their actions do not place others at risk.
- Employees are strongly encouraged to seek help regarding any issues around substance or alcohol misuse. Support can be sought through your line manager or Human Resources – who may recommend an Occupational Health referral.
- Employees are expected to cooperate with any support and assistance provided by the Public Health Agency to address a substance or alcohol misuse problem and agree to control their dependency problem. Employees should attend all Occupational Health and other appointments designated and commit fully to a recovery programme where recommended. Employees should not consume alcohol or substances at any time while at work, including rest or meal breaks spent at or away from work premises, or whilst on-call.
- Employees must present themselves fit for work and be free from the influence of any substance which is likely to impair their ability to undertake their duties safely and effectively.
- Employees must notify their manager if they are prescribed or purchase an over-the-counter medication that may cause side effects and may impair their ability to carry out their role safely and effectively. Employees who experience side effects because of medication, whether prescribed or over the counter, must inform their line manager immediately. eg. If they should not drive or operate machinery, their manager should determine if alternative duties should be allocated.
- Employees should never be in possession of illegal drugs, substances or associated items. Such behaviour will be considered under the HSC Regional disciplinary procedure & may lead to dismissal without any previous warning. The matter will be reported to the police as a suspected criminal offense, as required by law under the Misuse of Drugs (1971).
- Employees are not permitted to possess, store, trade, or sell alcohol or prescription/illegal substances on any HSC premises. However, personal storage of an individual's prescription or over the counter medication is permitted.
- Employees should be aware that the HSC Regional disciplinary or HSC Regional Supporting Performance Improvement Policy (depending on whether the circumstances are considered to be misconduct or performance/capability) will be initiated if employees do not work or behave to an acceptable level or fail to abide by the measures decided upon by PHA.

- Employees should not hide a substance or alcohol misuse problem for a colleague and should instead encourage their colleague to seek support from their Manager, HR, Occupational Health, Trade Union or appropriate outside Agencies.
- Employees have a duty to report to their manager when they suspect a colleague may be on duty under the influence of substances or alcohol.
- Employees, as part of their contract of employment, must immediately report to their line manager, any alcohol or illegal substance related cautions, investigations, convictions or legal proceedings relating to a criminal charge, as failure to do so will constitute a disciplinary offence.
- Employees must keep in regular contact with their line manager as required under the Attendance Management Policy, provide self-certification and medical certificates at the appropriate times and attend meetings with management as required.

### **Managers Responsibilities**

Managers have a responsibility to provide a duty of care to their employees and to create and encourage an environment that reflects the HSC values of working together, excellence, compassion, openness and honesty. As such, managers should approach their employee confidentially and have a courageous conversation with them with any concerns as they arise by ensuring regular communication and ensuring that the employee's health and wellbeing is considered. Where issues of concern arise, managers should clearly understand the importance of timely reaction, and putting that support into place, referring to Human Resources for advice where required.

All Managers should:

- Read and familiarise themselves with this policy, including how to recognise the signs of substance and alcohol misuse including monitoring the performance, behaviour, and attendance of employees as part of usual management responsibilities
- Ensure staff are aware of the support and assistance available to them through the Public Health Agency, such as training, and signposting to relevant agencies and Occupational Health, and Health & Wellbeing initiatives
- Be aware of how to 'Identify the signs and Symptoms of Misuse' see Appendix 3
- Intervene at an early stage where changes in an employee's behaviour, performance, or attendance may indicate a problem with substance misuse, treating them with confidentiality, respect and dignity
- Continue to support the progress of employees who have agreed compliance in abstaining from substances or alcohol and attending Occupational Health or relevant external organisation/programme.



- Ensure their staff do not work if it is suspected that they are under the influence of alcohol, drugs or other substances and that staff undergoing treatment are reviewed by Occupational Health to determine if they are fit to carry out their role, and adhere to relevant Health & Safety legislation
- Ensure that Managers understand their responsibilities under Attendance Management, Capability, Investigation, and Disciplinary & Grievance Training to enable them to carry out their role under this policy and engage assistance from Human Resources in all instances where alcohol or substance misuse is suspected or identified.
- All managers should where appropriate liaise with Human Resources and Occupational Health to discuss the possibility of testing.

### Occupational Health Responsibilities

The Occupational Health Service will:

- Undertake an occupational health assessment of fitness for work in employees who are referred with any addiction or dependency problems
- Carry out a detailed assessment which may include blood tests for biological monitoring or hair testing for alcohol and drugs, where the staff member has provided their informed consent. In the absence of consent, the occupational health physician may be unable to provide an opinion on fitness for work.
- Signpost employees to sources of support both internal and external to the Public Health Agency and help to arrange referrals as appropriate.
- Arrange for regular review and follow up as necessary with employee(s).
- Provide assessment of fitness for work/ to return to work and any necessary and reasonable advice to help management undertake their risk assessment and determine whether a return to work is safe, operationally feasible and sustainable during any period of rehabilitation.
- With the informed consent of the employee, provide a fitness for work report to management on appropriate safeguards and adjustments. If appropriate, liaise with their GP and or specialist team.
- Provide advice and support to employees to help them understand/ accept their alcohol or substance misuse issues and minimise its impact on their ability to work satisfactorily
- Indicate if any addiction or dependency problems are secondary to / or related to any other health condition or underlying disability of an employee.
- Look for / screen for early signs of alcohol or substance misuse problems in staff attending the Occupational Health service for any reason.

## Trade Unions Responsibilities

Trade Union Representatives will:

- Support the implementation of this policy and participate in the review of the policy and procedures.
- Provide advice and support to their members, encouraging them to seek help and avail of sources of support and assistance available.
- Accompany their members as requested if meetings are arranged under this policy or the Managing Attendance at Work Procedure, Capability Procedure and/or Disciplinary Procedure.

## Human Resources Responsibilities

The Human Resources Department will:

- Promote Health & Wellbeing awareness and initiatives to employees to enable them to access support and be informed of the importance of looking after their health and lead a healthy lifestyle.
- Provide advice, information and support to managers and employees on the application of this policy and associated policies e.g. Attendance at work Policy, HSC Regional Supporting Performance Improvement Policy and Disciplinary Procedure.
- Ensure this policy is highlighted at Public Health Agency Induction programmes.
- Include awareness of this policy in relevant management induction and training programmes.

## Procedure for dealing with Alcohol, or substance misuse concerns

### Asking for help

Employees who have a problem at any time and for whatever reason, which is related to alcohol, and/or substance misuse, will be given an opportunity to obtain specialist help and support. Should an employee be found to have an alcohol/substance misuse related problem then management will be committed to offer every assistance available in accordance with this policy. Key information on alcohol and substance misuse support and advice is available on [Appendices 1 & 2](#).

Employees are encouraged to confide with line management with regards to any issues that they are facing. The line manager can link with Human Resources and discuss a referral to Occupational health and may also signpost to the key information and support links found in [Appendix 1](#). Employees may also decide to approach their Occupational Health Service, or Human Resources Department, or Trade Union representative directly.

The Occupational Health Service is available to provide advice and assistance to both the manager and the employee and will undertake an assessment regarding fitness for work of any referred employees, signposting as required. Managers should consider the fitness for

work reports from Occupational Health professionals and consider the recommendations made which may include facilitating time off work where possible. The manager should continue to monitor the employee's performance and progress whilst employees are undergoing treatment and recovery. Where there is a failure to show improvement or to engage in support provided to the employee, then managers should seek advice with HR and advise the employee of potential implications under HSC Regional Disciplinary Procedure.

### **Line Manager has a concern**

Line managers will need to make themselves aware of how to identify / notice that an employee is struggling, and it is vital that they respond appropriately to alcohol and substance dependencies concerns or any incidents at work regarding alcohol and substance misuse. The impact of alcohol and substances on an employee may emerge as a result of a specific incident, or as part of a gradual decline in performance or indicators such as presenteeism or absenteeism that is caused by their use/misuse.

There can be signs relating to work performance, attendance and conduct that may indicate such problems. Please see [Appendix 3](#) for the signs and symptoms of alcohol or substance misuse which can be used as a guide to indicate that further investigation is required. It is important to note that the presence of a number of these signs/symptoms might not necessarily evidence an alcohol/substance related problem and could relate to other conditions, however if they have an effect on the employee's performance or behaviour at work, managers should raise this with the employee concerned.

### **Whilst there is no legal requirement for an employee to disclose that they have had an alcohol or substance misuse problem in the past, if it is raised with you as a line manager**

- It is worth having a confidential conversation to understand the employee's needs in the future to manage their recovery and sobriety, taking a supportive and proactive approach
- Carry out a risk assessment if appropriate (this can be informed by Occupational Health if required)
- If the employee relapses, this should be managed alongside the guidance in this policy

### **If an employee discloses that they currently have a problem to their line manager, the line manager should:**

- Ensure that it is kept confidential and not discussed with anyone other than the Occupational Health/HR team.
- Make a clear note of the conversation and the nature of the issue(s) discussed
- Consider any other health and safety implications – are there any other aspects of their role that may put them or others at risk? Discuss this with your HR team.  
Do not attempt to fix the issues by yourself but encourage the employee to engage with the support services available. [See Appendix 1 for support available.](#)

### **Where the offer of help and support is accepted**

- Where an employee indicates they have an alcohol or substance misuse problem or are impacted by the use of prescribed or over the counter drugs/medication, they should be

referred to Occupational Health so that the necessary assessment / advice can be given e.g. identifying signposting to e.g. Addiction NI or referral via their and assessing / advising whether an employee is fit / unfit for work or should return with / without adjustments and mitigations in place.

- Where an employee is absent whilst receiving treatment or rehabilitation, the normal sickness absence conditions apply, and the Managing Attendance Protocol will be applied.
- Prior to return to work following treatment / rehabilitation for a substance misuse problem, an assessment will be made by Occupational Health on their fitness to return to their original post or if it is necessary to consider other alternatives on a temporary or permanent basis such as redeployment. Any applicable risk assessment will also be reviewed.
- Employees returning to work after being prescribed a medication/ substance which may have an impact on their physical or psychological functioning, have a responsibility to disclose this to their manager and or Occupational Health to ascertain their fitness for the duties of their post. If they are unfit, adjustments should be considered.
- Managers will work with individuals to provide any reasonable additional support and training to assist them rebuild confidence and attain an acceptable standard of performance. Managers should be flexible in terms of hours of work/allocation of shifts, to facilitate the employee's attendance at for example 'AA' meetings.
- Employees recovering from problems may have some degree of loss of confidence in their skills and this should be discussed with them prior to their return to work and reviewed as necessary. The manager should also consider what support they need to overcome loss of confidence. This may involve training or supervision.
- Relapses sometimes occur, particularly in the early stages of rehabilitation. Managers will continue to meet staff and monitor the situation and if necessary, provide further help and advice to maintain or improve staff member's work performance or conduct.
- If the employee returns to work and their work performance or conduct has not improved or any improvement is not maintained, the situation will be reviewed and employees will be given a further opportunity to accept help and advice, if appropriate. It should be noted that relapses are common, particularly in the early stages of recovery.
- When the employee remains at work, the manager should remind them of the expected standards of conduct and performance.

## When help and support is rejected

- If the employee rejects an offer of assistance, the manager should assess the situation and refer the matter to HR for support on next steps to be taken and if relevant the application of PHA's disciplinary procedure.
- The manager should remind the employee what standards of conduct and behaviour is expected and reference the policy to the employee.
- It may be the case that an employee will only disclose they have an alcohol or substance misuse problem during disciplinary proceedings. The Disciplinary panel should consider this and determine if the investigation/ process needs to be postponed or set aside to allow the employee to avail of a programme of treatment.

## If an incident occurs

- If an employee is visibly under the influence of alcohol or a substance at work, management should ask the employee if they have taken any alcohol or substances or are under the influence. If the employee denies this, the manager should advise the employee that they have probable cause based on their appearance and/or behaviour to suspect that they are under the influence.
- Management ensure that the employee is sent home and that reasonable steps are taken to ensure they arrive home safely e.g., phoning for a taxi, or a relative (with employees' permission). It is reasonable to ask the employee for their car keys. If the employee insists that they take charge of a motor vehicle, this could be deemed a criminal offence if over the legal limit and will be a matter for the PSNI. It will be the manager's responsibility to contact the PSNI in those circumstances having made the employee aware that they will do so. **(If the employee is working remotely, management should determine if they are fit for work – see Case Studies)** The manager should ensure to fully document all information including information from relevant witnesses (if applicable).
- Once the employee is safely home, contact them later in the day or the next day and advise they will be asked to report for duty the following day to take forward discussions re same including referral to Occupational Health to assess the employee, advise on their fitness for work and / or management will decide on any potential disciplinary action if appropriate. An Incident report form should be completed and note any witnesses to the incident (if appropriate).
- As soon as practicably possible, the manager should also contact the Human Resources Department for advice and to report the incident.
- Arrangements should then be made for a meeting with them at the earliest opportunity, preferably the following day. The employee may be accompanied by their trade union representative or work colleague.

- Where relevant, Manager/PHA may make a referral to the staff member's professional body.
- Where appropriate and where evidence warrants, Management should inform the PSNI of illegal substances use or any activity or behaviour by employees in which there are concerns as to its legality. e.g. it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a work vehicle, or illegal substances are found on the employee in the workplace. Immediate advice should be sought from Human Resources in relation to this.

## Referral to HSC Disciplinary Procedures

The Public Health Agency will, where appropriate, adopt a constructive and supportive Just Culture approach to employees dealing with substance or alcohol dependency or addiction. Employees with an alcohol or substance abuse problem have the same rights to confidentiality and support as they would have if they had any other medical or psychological problem.

The HSC values provide the framework for a Just Culture through supportive, constructive and fair evaluation of the actions of employees involved in an incident or concern.

Through the application of the 3-step assessment stage, the situation will be stabilised, support provided to those who need it and employees will have the opportunity to respond before screening takes place to determine appropriate next steps. **(Please refer to the HSC Disciplinary Procedures for full details).**

While the Public Health Agency aims to adopt a supportive approach to substance or alcohol dependency/addiction, there are some circumstances where breaches of the policy, whether dependency/addiction related or not, will be managed on a case-by-case basis and may result in disciplinary action being taken, up to and including dismissal of the employee.

Examples of this are included but not limited to:

- A deliberate disregard for personal safety and that of others associated with the use of substances and /or alcohol in relation to work.
- Reporting for work under the influence alcohol and/or substances, or smelling of alcohol;
- Unacceptable behaviour in the workplace / remotely working associated with the use of substances and / or alcohol.
- Being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or substances.
- Consuming substances and / or alcohol during the working day including rest and lunch breaks or when rostered on call and liable to be called upon to work at short notice.

- Possession (other than for prescribed purposes), consumption, dealing/trafficking, selling, storage of controlled substances or substances of abuse either on work premises / vehicles or engaging in such activities outside of work.
- Theft / misappropriation of controlled substances/ drugs from the workplace
- Drink driving offenses, for example: Being disqualified from driving as a result of alcohol or substance-related offences, where the employee is required under their contract of employment to drive.

## Case Studies

Managers may have to deal with situations where they have reasonable suspicion that an employee has been misusing alcohol or substances. The following case studies are set out below to illustrate how to best manage such situations if they arise.

### Case Study 1

**Incident: Employee appears drunk or under the influence of substances in the workplace. i.e., strongly smelling of alcohol, glassy eyed, unsteady on feet, slurring words**

#### **Action Required by Manager:**

*Try to clarify if the employee has taken a substance/ alcohol. It is reasonable to ask a colleague to assist or witness this conversation with the employee.*

*If you have a reasonable suspicion that the employee is under the influence of a substance, arrange for the employee to travel home safely i.e. via a family member or work colleague. **Do not allow the employee to drive.** It is reasonable to ask the employee for their car keys. If the employee refuses to co-operate with this arrangement and wishes to drive home, inform the employee that you may have to report the matter to the PSNI. **Take all reasonable steps to ensure the safety of the employee.***

*Once the employee is safely home, contact them later in the day to advise that you will need to meet with them the following day to discuss the incident. Refer to the [Support Guidance in Appendix 1](#) to bring to the meeting with the employee.*

*As soon as practicably possible following the incident, contact your Senior manager and the Human Resources Department for advice and to report the incident. Ensure to fully document all information including accounts from relevant witnesses.*

***It is reasonable to conclude that if someone is smelling strongly of alcohol and / or exhibiting signs of being under the influence of a substance that they are not fit for duty.***

### Case Study 2

**Scene: An employee approaches you confidentially to share that they are struggling with an alcohol/ substance problem**

#### **Action required by Manager:**

Manager should make a clear note of the conversation and the nature of the issue(s) discussed ensuring that the discussion is kept confidential and not discussed with anyone other than the Occupational Health/HR team for support referrals.

Manager should consider any other health and safety implications – are there any other aspects of their role that may put them or others at risk? Discuss this with your HR team. An occupational health referral may be appropriate to put into place.

Do not attempt to fix the issues by yourself but encourage the employee to engage with the support and services available. [See Appendix 1 for support available.](#)



### **Case Study 3**

**Incident:** *Employee is working remotely at home and appears under the influence. Employee has joined a virtual meeting from home and is displaying erratic behaviour, slurring of speech, and has made unacceptable comments during the meeting which seems out of character. There are other colleagues present at this meeting who have also witnessed the incident.*

#### **Action Required by Manager:**

*Manager should be aware of the need to take prompt action, bearing in mind a duty of care to the employee but also to the employees who witnessed the incident and who may also be affected by it.*

*Line Manager should end the meeting if necessary/ or contact the employee as soon as the meeting has finished and ask the employee if they have taken any substances or alcohol.*

*Manager should advise the employee that they have probable cause to suspect that they are under the influence. If the employee admits being under the influence of either alcohol or substances, the manager should advise the employee that they are not fit for their duties and ask them to log off from their laptop/computer and report to work the following day / shift to discuss.*

*As soon as practicably possible, the manager should contact the Human Resources Department for advice and to report the incident. Manager should refer to the Support Guidance in [Appendix 1](#) to bring to the meeting with employee.*

### **Case Study 4**

**Incident:** *There is a discovery of the storage/possible use of illegal substances at work*

**Action Required by Manager:** *It is extremely important that if you suspect an employee is using or storing illegal substances on PHA premises that you raise the matter with your Head of Service/Senior Management as soon as possible ensuring that you do not alert any other staff member to your suspicions.*

*There may be a criminal element to any such incident which may necessitate the involvement of the PSNI. It is therefore important to ensure that you do not compromise any investigation by making your suspicions known to the individual.*

*Your role as a manager is to ensure that you notify any suspicions immediately to your Head of Service/Senior Management, who in turn will seek the necessary advice from HR and Senior Management within the PHA.*

## ***Appendix 1 - Supporting Employees through Substance Dependency or Addiction***

The PHA health and wellbeing strategy aims to focus on improving both physical and mental health and wellbeing, through supporting employees to remain in work. Due to this, PHA have provided a range of initiatives which aim to support employees through addiction or dependency.

### **GP/ Emergency services**

Your GP doctor will be the first point of contact if you believe you have an issue with addiction. If you are struggling, make an appointment with your GP to seek advice.

### **Addictions NI**

Addictions NI have developed a range of resources which include information and practical guidance around drugs, alcohol and gambling. These resources can be accessed via [about us | Addiction NI](#) You can also call them on [028 9066 44 34](tel:02890664434) for advice, support and counselling for you or someone who you know who is struggling.

### **Directory of Support Services**

There are a range of support services across Northern Ireland you can avail of – you can filter by the location you need or the provider you are looking for:

[Self Help Resources | Drugs and Alcohol \(drugsandalcoholni.info\)](#)

[Northern Ireland Drug and Alcohol Services \(drugsandalcoholni.info\)](#)

### **Inspire Counselling/Support Hub**

Inspire provide free counselling services for PHA staff – you can contact them via 0808 800 0002. The Inspire Hub holds a number of mental health resources and can be accessed by HSC employees throughout the organisation. Click here to access the hub login details for PHA. [PHA Inspire Support Hub PIN.pdf \(hscni.net\)](#)

### **Occupational Health**

Occupational Health can provide advice to managers when there is a suspicion that an employee may have a drug, alcohol or substance misuse problem and this seems to be affecting work. OH can also provide advice for employees by signposting them to relevant support, or writing to their GP to seek onward referral

### **PHA HR Team**

The PHA HR team can provide advice on policy, health and wellbeing resources, and how to manage addiction/substance misuse in the workplace

HR Health and Wellbeing Team [HR Service Area Contact Cards \(hscni.net\)](#)

HR Attendance Management Team [HR Service Area Contact Cards \(hscni.net\)](#)

### **Health and Wellbeing HR Portal**

PHA have a range of supportive resources on the Health and Wellbeing Section of the HR Portal which can be accessed here: [Human Resources Customer Portal - hw \(hscni.net\)](#)

These resources include links to addiction charities and support.

## **Supporting Organisations**

### **Drinkline**

A government-funded free service. Can provide advice to the alcohol drinker or anybody concerned about the drinker. Has a database of local support and treatment services that can help the drinker.

Helpline: 0800 917 8282 Website: [www.drinkaware.co.uk](http://www.drinkaware.co.uk)

### **Talk to FRANK**

A government-funded free service, previously named the National Drugs Helpline. Can provide advice to the drug user or anybody concerned about the drug user. Has a database of local support and treatment services that can help the drug user. The focus of the helpline is for young people and concerned parents, but will also assist adult drug users. The website provides detailed information on drugs that the non-specialist can understand.

Helpline: 0800 77 66 00 Website: [www.talktofrank.com](http://www.talktofrank.com)

### **NHS Website support referrals**

[Drug addiction: getting help - NHS \(www.nhs.uk\)](http://www.nhs.uk)

## ***Appendix 2 - Key Information on Substance & Alcohol Misuse***

Excess alcohol consumption costs Northern Ireland up to as much as £900m each year. A [report](#) into the social costs of alcohol misuse in Northern Ireland was commissioned by DoH.

Alcohol Statistics in Northern Ireland: Click [here](#)

Drugs Statistics in Northern Ireland: Click [here](#)

[Substance Use \(Use of Alcohol & Other Drugs\) | Department of Health \(health-ni.gov.uk\)](#)

**Source:** *Department of Health Website*

Alcohol is a normal part of life for many people and most of the time it does not cause any harm. However, drinking too much or at the wrong time can cause problems, eg before or during driving; before using machinery, electrical equipment or ladders; before working or in the workplace when appropriate functioning would be affected by alcohol.

### **What happens when you drink alcohol?**

When you drink alcohol, you don't digest alcohol. It passes quickly into your bloodstream and travels to every part of your body. Alcohol affects your brain first, then your kidneys, lungs and liver. The effect on your body depends on your age, gender, weight and the type of alcohol.

**Source:** [What happens when you drink alcohol | nidirect](#)

### **Recommended level of alcohol intake**

Alcohol units tell you how strong a drink is. In Northern Ireland, one unit is 10ml or eight grammes of pure alcohol. There are health risks to regular drinking and drinking too much. If you drink alcohol, check the medical guidelines about limiting the units you drink each week.

**Source:** [Alcohol units | nidirect](#)

### **Alcohol and Pregnancy**

Drinking alcohol while pregnant can cause long-term harm to your unborn baby's physical growth and mental development. By giving up alcohol, you protect your unborn baby from harm. Even drinking small amounts when you are pregnant puts your baby at risk. The more alcohol you drink, the greater the risk.

**Source:** [Pregnancy and alcohol | nidirect](#)

### **Effects**

Even at blood alcohol concentrations lower than the drink drive limit, alcohol reduces physical co-ordination and reaction speeds. It also affects people's thinking, mood and judgement. People may feel more relaxed or less inhibited after a few drinks, but getting drunk can lead to arguments, mood swings, and even violence. These impacts could obviously have a very detrimental affect on the workplace.

In addition, regularly drinking above the recommended limits can result in a range of health problems (such as high blood pressure, coronary heart disease, liver disease, and mental health problems such as depression) that may well lead to absence from work.

### **Drugs / Substance misuse**

Drug/ Substance misuse can be a serious problem not just for the misuser but also for the business where they work and potentially for their co-workers. The possession of some drugs/ substances is illegal, exposing the misuser to criminal charges, in addition to the health harms they face. In addition, employers could be breaking the law if they knowingly allow drug related activities in the workplace and they fail to act.

Drugs / Substance misuse can affect the body and brain in many different ways, depending on the drug being misused. They can alter the way a person thinks, perceives and feels, and this can lead to less inhibition and impaired judgement or concentration. Substance misuse can also bring about the general neglect of an individual's general health and wellbeing – and this can obviously lead in turn to absence from work and poorer performance in work, even if the misuse takes place outside the work setting.

[Drugs and alcohol in the workplace | Health and Safety Executive Northern Ireland \(hse.ni.gov.uk\)](https://www.hseni.gov.uk)

## Appendix 3 - Identifying possible Substance Misuse

The existence of problem alcohol or substance misuse is often not immediately evident to the problem drinker/substance user, his/her manager or colleagues. The following is a brief guide to the indicators of problem drinking/substance misuse. However, it is important to point out that the presence of even three or four of the items outlined below is not necessarily evidence of alcohol/substance misuse, but indicate that further investigation is required.

The [CIPD website](#) also offers useful guidance and support for line managers regarding substance and alcohol misuse at work: [Click here to view](#) (will open a new window)

### 1. Absenteeism

- Frequent and unexplained short-term sickness absence, e.g. Monday's and/or Fridays, sick leave for stomach upsets, diarrhoea, etc.;

### 2. Poor Work Performance /Presenteeism

<ul style="list-style-type: none"> <li>• Lack of concentration/fluctuations in concentration and energy;</li> </ul>	<ul style="list-style-type: none"> <li>• Mistakes and errors in judgement</li> </ul>
<ul style="list-style-type: none"> <li>• Fatigue</li> </ul>	<ul style="list-style-type: none"> <li>• Frequent injuries/accidents</li> </ul>
<ul style="list-style-type: none"> <li>• Reduced productivity</li> </ul>	<ul style="list-style-type: none"> <li>• Tendency to become confused</li> </ul>
<ul style="list-style-type: none"> <li>• Impaired job performance</li> </ul>	<ul style="list-style-type: none"> <li>• Spending long periods on breaks</li> </ul>

### 3. Personality Changes

<ul style="list-style-type: none"> <li>• Deterioration in relationships with colleagues, patients, managers</li> </ul>	<ul style="list-style-type: none"> <li>• Changes in attitude to authority</li> </ul>
<ul style="list-style-type: none"> <li>• Mood swings, irritability, lethargy</li> </ul>	<ul style="list-style-type: none"> <li>• Over-sensitivity to criticism</li> </ul>
<ul style="list-style-type: none"> <li>• Tendency to blame others</li> </ul>	<ul style="list-style-type: none"> <li>• Avoiding company</li> </ul>

### 4. Other Signs

<ul style="list-style-type: none"> <li>• Poor time-keeping</li> </ul>	<ul style="list-style-type: none"> <li>• Slurred speech</li> </ul>
<ul style="list-style-type: none"> <li>• Bleary eyes</li> </ul>	<ul style="list-style-type: none"> <li>• Unusually talkative</li> </ul>
<ul style="list-style-type: none"> <li>• Hand tremor</li> </ul>	<ul style="list-style-type: none"> <li>• Unsteady on feet</li> </ul>
<ul style="list-style-type: none"> <li>• Facial flushing</li> </ul>	<ul style="list-style-type: none"> <li>• Glassy eyed</li> </ul>
<ul style="list-style-type: none"> <li>• Unkempt appearance</li> </ul>	<ul style="list-style-type: none"> <li>• Pin point pupils</li> </ul>
<ul style="list-style-type: none"> <li>• Dry Mouth</li> </ul>	<ul style="list-style-type: none"> <li>• Aggressive behaviour</li> </ul>
<ul style="list-style-type: none"> <li>• Frequent borrowing of money</li> </ul>	<ul style="list-style-type: none"> <li>• Erratic behaviour – not the normal behaviour for that individual</li> </ul>
<ul style="list-style-type: none"> <li>• Smelling of alcohol</li> </ul>	

### 5. Longer Term Indications

<ul style="list-style-type: none"> <li>• repeated patterns of depression, or fatigue from sleeplessness, which last 2- 3 days</li> </ul>	<ul style="list-style-type: none"> <li>• deterioration in relationships with colleagues, customers or management</li> </ul>
<ul style="list-style-type: none"> <li>• erratic performance</li> </ul>	<ul style="list-style-type: none"> <li>• reduced productivity</li> </ul>
<ul style="list-style-type: none"> <li>• unusual irritability or aggression</li> </ul>	<ul style="list-style-type: none"> <li>• absenteeism</li> </ul>
<ul style="list-style-type: none"> <li>• overconfidence</li> </ul>	<ul style="list-style-type: none"> <li>• poor time-keeping</li> </ul>
<ul style="list-style-type: none"> <li>• inappropriate behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• lack of discipline</li> </ul>

<ul style="list-style-type: none"><li>• sudden mood changes from extreme happiness to severe depression</li></ul>	<ul style="list-style-type: none"><li>• financial irregularities</li></ul>
<ul style="list-style-type: none"><li>• reduced response times</li></ul>	<ul style="list-style-type: none"><li>• dishonesty and theft</li></ul>
<ul style="list-style-type: none"><li>• a tendency to become confused</li></ul>	

## ***Appendix 4 - Legislative Framework***

The following summarises the main legislation relevant to this policy.

### **The Health and Safety at Work (NI) Order 1978**

Employers have a general duty under the Health and Safety at Work (NI) Order 1978 to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees. This therefore imposes an obligation on the employer to do what is reasonably practical to identify the effects of drugs and alcohol. In practical terms this implies that no employee under the influence of drugs or alcohol should be allowed to be at work if this is liable to endanger themselves or others. Should an employer knowingly let an employee who is under the influence of alcohol or drugs, to the extent that he is liable to expose himself or others to risk, continue to work, the employer could be prosecuted. Employees are also required to take reasonable care of themselves and of others who could be affected by what they do. Specifically they must act responsibly by not exposing themselves or others to safety risks due to impairment caused by alcohol or drugs. Breach of this duty would render the individual liable to prosecution.

### **The Disability Discrimination Act 1995**

The Disability Discrimination Act (DDA) 1995 makes it unlawful for employers of 15 or more employees to discriminate against disabled people and places a duty on employers to make 'reasonable adjustments' within their workplace for disabled workers. The Act does not however, regard as an impairment dependency on alcohol, nicotine or any other substance (other than as a consequence of the substance being medically prescribed). However, people with impairments resulting from addictions such as liver damage caused by alcohol will be protected by the Act.

### **Road Traffic Order (NI) 1995**

This describes the offence of driving or attempting to drive a motor vehicle while unfit through drink or drugs. It set the legal limit for alcohol consumption at 80 mg of alcohol per 100mls of blood.

### **UK GDPR, UK Data Protection Act 2018**

All health and medical information is special category data under the terms of this Act. All information surrounding possible drug or alcohol misuse must be handled securely and confidentially.

### **Access to Personal Files and Medical Reports (NI) Order 1991**

This provides the legal requirements for the request of medical reports from doctors who are providing ongoing clinical care for an individual.

### **Human Rights Act 2000**

This Act incorporates much of the European Convention on Human Rights into the domestic law for the United Kingdom. The Human Rights Act applies to public authorities or those who are carrying out public functions but are not otherwise public authorities. For public authorities the act applies to all their work, including the employment function. Issues, which need to be considered in relation to the Human Rights Act, are likely to arise in relation to



Articles 2 & 3, (Article 2 concerns the right to life and there is to some extent a positive duty to protect life arising from this. Article 3 concerns the prohibition against torture, inhuman and degrading treatment) Article 6 (concerning the right to a fair hearing where either criminal charges or the determination of civil rights or obligations are engaged) and article 8 (the right to protection for the family, home and privacy)

The last article is relevant to the context of testing. Emerging case law suggests that if there are justifiable safety grounds for checking the employee has taken illegal drugs the policy will be deemed not to violate the Human Rights Act. It is possible that consideration should also be given to Article 14 which is the prohibition against discrimination, although it should be noted this provision can only be relied on where another Article of the convention is engaged. It should be noted that articles 2&3 are absolute but the other articles are qualified which means that interferences with the rights protected may be justified on the grounds permitted by that article.

### **Misuse of Drugs Act 1971**

This is the principal legislation in the UK for controlling the misuse of drugs. It makes the production, supply and possession of named controlled drugs unlawful except in certain specified circumstances. The Act lists the drugs that are subject to control and classifies them in three categories according to the level of harm associated with misuse.

- **Class A includes:** ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of Class B drugs.
- **Class B includes:** oral preparations of amphetamines, barbiturates, cannabis, cannabis resin, codeine and methaqualone (Mandrax)
- **Class C includes:** most benzodiazepines, e.g. Temazepam, Valium, other less harmful drugs of the amphetamine group and anabolic steroids. (See section 12).
- **Misuse of Drugs Act – Section 8 Amendment**
- In 2001, the Government passed an amendment to Section 8 of the Misuse of Drugs Act. The new amendment which made it a criminal offence for people who knowingly allow premises they own, manage or have responsibility for, to be used by any other person for:
  - administration or use of any controlled drugs
  - supply of any controlled drug
  - the production or cultivation of controlled drugs, such as growing cannabis

Professionals could be prosecuted if they knowingly allowed any of these things to occur on work premises. The same legal obligations applied to people with regard to their own homes. The law requires that if staff become aware of the use or supply of illicit drugs on their premises, they must take reasonable action to prevent this continuing.

### **Driving**

- **Employers' Responsibility**

It is the responsibility of the employer to ensure that the employee holds the appropriate licence for the vehicle they are required to drive. All forklift truck drivers need appropriate training and certification.

- **Licence Holders' Responsibility**

It is the responsibility of the licence holder to advise the Licensing Authority of any change in their medical circumstances, or any medical condition, which may affect their fitness to drive.

- **Fitness Standards**

The current medical standards recommended by the DVLNI are Group 1 (ordinary driving) and Group 2 (vocational driving). These are the standards set by the DVLNI and apply to the driving of vehicles on public roads.

It should be noted however, that employers can set standards of fitness which are above those legally required, having taken into account any special risks associated with the activities performed. Thus there may be circumstances such as where dangerous loads are being carried where an employer will decide that the higher Group 2 medical standard is more appropriate. In Northern Ireland taxi drivers are required to reach the higher standard.

The current medical standards applied by the Licensing Authorities can be found in the publication [Assessing fitness to drive – a guide for medical professionals \(publishing.service.gov.uk\)](#). These standards apply to all licences issued in the UK.

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