



Bingham Town Council

Drugs and Alcohol Policy

The Council is fully committed to meeting its responsibilities under the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1999 and any other associated legislation. Such legislation highlights to employers that they have a general duty to ensure the health, safety and welfare of their employees.

It is strictly forbidden to use, possess or sell illegal drugs, controlled substances or to consume alcohol or take drugs whilst at work.

If it is suspected that you are under the influence of alcohol or other substances as defined below, under the terms of your employment you are under a duty to give permission for the Council to obtain a sample of blood, urine or oral fluids. Failure to provide a sample within one hour will be deemed a breach of your contract, regarded as a failed test/positive sample and you will be subject to the Disciplinary Procedure which could result in your summary dismissal.

Legal highs and/or substances must not be brought on to Council premises at any time. Anyone found in possession, or under the influence of such will be sent home and dealt with through the Disciplinary Procedure. Such offences may be considered to be gross misconduct.

Definitions

For the purposes of this policy, the term “drugs” and “alcohol” includes:

- substances covered by the Misuse of Drugs Act 1971, which includes but not limited to amphetamines, methamphetamines, benzodiazepines, cannabinoids, cocaine, and opiates;
- inappropriate use of prescribed and over the counter drugs;
- inappropriate use of solvents, alcohol and any other substances.

Scope

The Council places paramount importance on the health, safety and welfare of its employees at work and those whom the Council does not employ but who are affected by its undertaking.

This policy applies to all permanent employees, temporary employees and agency workers.

Procedure

It has been proven that taking drugs and/or alcohol significantly impairs capabilities, affects conduct and relationships, and has a detrimental effect on health. Additionally, it can also be partly or wholly responsible for an unsatisfactory record of timekeeping or attendance. If inadequate work performance or unacceptable behaviour, including poor work relationships, occur or persist, the matter may be dealt with under the Councils Disciplinary Procedure.

The Council is committed to taking all reasonable measures to ensure the safety of its operatives engaged in all aspects of its business. The Council therefore does not expect anyone to come to work having taken drugs and/or alcohol where this could impact their ability to perform their normal duties, or consume such during working hours. Compliance with this requirement forms part of the duty of all employees to take all reasonable steps to protect themselves and their colleagues at work as well as to ensure the safety of those whom the Council does not employ but are affected by its undertaking.

For all employees, and in particular for those on duty to operate or work with machinery, driving Council vehicles, and/or exposed to solvents as part of their role, the taking of drugs and/or alcohol to any extent creates a safety hazard or the potential for such a hazard. This is because full mental and physical ability and attention are required to perform such tasks, and where drugs and/or alcohol have been taken, this could seriously jeopardise the safety of the employee and others around them.

The Council considers that by the nature of the processes it undertakes, any employee in possession of illegal drugs and/or alcohol, any employee who has taken illegal drugs and/or alcohol to any extent, or where in the Council's reasonable opinion that this is the case, the employee may be subject to action, up to and including dismissal for gross misconduct under the Council Disciplinary Procedure. In addition, the Council will cooperate with local law enforcement officials as necessary when an employee possesses, transfers, sells, or attempts to sell or transfer an illegal drug.

The use of prescribed drugs or over the counter drugs which may adversely affect performance or behaviour must be reported by the individual to their Manager upon reporting for work.

The Council acknowledges that working conditions on the Council's premises, and/ or customers'/clients' sites in which its operatives perform their duties, require extensive attention to safe working practices. It is a condition of employment that all employees comply with the rules enforced when working on Council property or while on Council business on customers'/clients' sites.

This includes acceptance of the possibility of the requirement to take part in a drug or alcohol test if asked the Council. Testing will take the form of:

- random drug and/or alcohol testing;
- cause testing where there is reasonable suspicion that an employee may be in violation of the policy;
- post incident testing following an incident or accident.

Rules Regarding Drug and Alcohol Testing

It is a condition of your employment and a requirement under your contract of employment that for reasons concerned with your safety or that of your work colleagues for which the Council or its customers/clients may reasonably require it, including a programme of random testing, you submit to a drug and alcohol test.

Your consent to such a test will be sought on each occasion. Failure to consent or cooperate with the Council or its customers/clients will be regarded as a serious breach of contract, and may render you liable to dismissal. All drug and alcohol tests will be subject to the following conditions:

- The reason for the test will be given to you.
- The test will be a confidential procedure.
- You will have the opportunity to be accompanied by a work colleague or accredited trade union official. The Council recognises that given time constraints it may not always be possible to have the chosen person and in these circumstances will ensure that you are given the opportunity to be accompanied by a work colleague.
- The test will be conducted by an Occupational Health Professional that is appointed by the Council and/or customer/client to perform such a procedure.
- The test will be conducted in a reasonable privacy and in a manner that respects your dignity.
- The sample will be subject to confidential medical analysis by an Occupational Health Professional and retained in a secure place by the said professional for no longer than twelve months, after which it will be destroyed.
- The Council and you will be sent a report under confidential cover by the Occupational Health Professional, which will be confined to stating whether there is a presence of alcohol and/or any illegal drug, and if so the extent and the impact this will have on your ability to perform your normal duties. The report will not contain any other data or opinion, in particular in relation to your health.
- The Council will use the contents of the report as evidence in any disciplinary or dismissal proceeding which follows as a result of the report, and will not pass the report or any information relating to it to any third party except if required to do so by law.
- The Council will retain its copy of the report securely as confidential data for no longer than twelve months, after which it will be destroyed.

Method

Testing will be made by analysis of urine sample or oral fluids as determined in each individual case.

Suspension

Due to the nature of our business, and in the interests of your safety, where an employee is suspected of consuming alcohol and/or taking drugs during the working day, or is still affected from alcohol and/or drugs taken outside of work and a test is carried out, they shall be sent home until a test result has been gained.

Employees will be suspended pending the results of the required test and investigation.

This Drug and Alcohol Policy was recommended by the HR Committee on xxxxx and was adopted by Bingham Town Council at its meeting on xxxxx

Minute Reference: xx