



UNISON HEALTH & SAFETY

Information sheet

• *Drug and alcohol abuse*

Last updated October 2010

Misuse of drugs, in particular alcohol, is a serious problem in the workplace. Not only can their use lead to significant health problems, anyone under the influence of drugs or alcohol can be a hazard to themselves and others.

It is not only illegal drugs that cause problems at work. Legal ones, including prescription drugs and alcohol can be misused.

Employers have a responsibility to ensure the health and safety of their staff. A good employer will also want to assist any employees who have a drug or alcohol problem. Every employer should have a policy on dealing with the issue, and UNISON branches should be involved in developing and implementing any policies.

It is also important that both employers and union representatives address the issue in a non-judgemental way.

Scale of the problem

Around 5% of all sickness absence is believed to be a result of alcohol abuse and alcohol is involved in up to 25% of industrial accidents.

A quarter of people seeking help with drug problems are in employment, and the number of people using drugs seems to be rising with 45% of people under 29 having used illicit drugs at some point.

The use of alcohol and drugs socially may have no direct effect on the persons work, but if a person comes to work under the influence of either of these it will impair their performance and can lead to them taking risks or putting others at risk. This is not just a problem for drivers, machine operators and emergency staff. It can be an issue for all groups of workers. Many drugs can also have psychological effects that can effect performance or mental well-being especially after long term use or if a dependency develops.

Many people use alcohol or drugs to help cope with work-related stress, and if there is a problem with alcohol or drug misuse in your workplace then this may be part of a wider stress problem.

Details of types of drugs and signs of misuse can be found in the free Health and Safety Executive booklet "Drug misuse at work – a guide for employers" (see resources).

The law

There are various statutes concerning the use and sale of alcohol and drugs. The main one is the Misuse of Drugs Act 1971. This makes it an offence to supply or possess specified drugs and groups them into three classes. Drugs are also classified by whether or not there is a medicinal use. It is an offence to knowingly allow your premises to be used for the use of illegal drugs. The Medicines Act 1968 controls the sale of drugs considered medicine.

Alcohol is not covered by the misuse of Drugs Act, although there are restrictions on its sale.

The Road Traffic Act makes it an offence to drive on a public road under the influence of drink or drugs and the Transport and Works Act makes it a separate offence for certain transport workers to be unfit through drink and drugs while working.

The Health and Safety at Work Act says that employers have to ensure the health, safety and welfare of their employees as far as reasonably practical. Employees also have a duty to protect their own and others health & safety. The Management of Health and Safety at Work Regulations say employers must conduct a risk assessment. This means that employers have a legal duty to ensure that their employees are not put at risk as a result of the actions of other employees, and if they are aware of any problems relating to drink or drugs have a responsibility to address them. It should be stressed that this duty does not only apply when a worker is over the legal limit for alcohol when driving, but when a worker's performance is likely to be affected by the use of alcohol or drugs.

Why have a policy?

Drug abuse is still seen by many employers as a matter for the law, and alcohol abuse is considered a personal matter unless it starts becoming disruptive. Having an agreed policy helps ensure the issues are dealt with as legitimate workplace matters in a non-judgemental way.

It is important that managers and staff all know how the organisation will deal with drug and alcohol related issues. It will also help staff gain the confidence to come forward and seek help either for themselves or others without fear of disciplinary action.

Coverage

The policy must cover, and be applied to, all staff, including senior management. In many organisations double standards exist, in particular over alcohol, with junior staff disciplined for going to the pub at lunchtime but senior staff being allowed to have a drinks cabinet in their office.

Negotiating a policy

Any policy must be suitable for the organisation. In some workplaces it will be part of a health promotion or occupational health package. In others it will be seen as a simple health and safety measure. Sometimes an organisation may want separate policies for drugs and alcohol. Under no circumstances should a drugs or alcohol policy be part of a disciplinary policy.

Prior to developing a policy it is best to find out what problem exists. That can be done through looking at sickness and disciplinary records, and accident investigation reports. The employer should also talk to any provider of occupational health or counselling services for the organisation. These will help show if there is a significant problem and what the problem is. However even if there is not a problem then you should encourage your employer to develop a policy.

The policy should set out its aims. These should include:

- A recognition that alcohol and drug abuse is both a health problem and a safety problem.
- That drug and alcohol abuse should be prevented through both increasing awareness of the issue and changing the culture of the organisation.
- That those employees with a problem should be identified at an early stage.
- That assistance should be offered to those with a drug or alcohol related problem.

Key elements of a policy

The policy has to be appropriate for the organisation and although there is not a model that will suit every workplace, it is likely that you would want all of the following included:

- What constitutes drug or alcohol misuse (smoking is normally best dealt with separately)

- Who is responsible for implementing it at each level (A senior manager should have overall responsibility)
- Stress that the union is involved in developing and implementing the policy
- Alcohol and drug misuse will be treated as a medical and not a disciplinary matter
- It will outline when, if at all, alcohol can be consumed while at work or on work premises
- The policy will cover all employees
- An awareness training campaign will be conducted to support the policy. This should involve the UNISON branch or safety representatives
- The policy should set up mechanisms for employees to seek assistance both within the organisation and, if necessary, outside. It should describe what support is available
- It will stress that any requests for assistance or treatment will be treated confidentially
- It will ensure that all managers are trained to spot the early signs of abuse and discuss the issue with staff
- It will ensure that, in certain circumstances, alternative work will be made available to aid the employee's rehabilitation
- The policy will make it clear that absence for treatment and rehabilitation will be regarded as normal sickness absence
- There will be a recognition that staff may have relapses
- The policy will outline under what circumstances disciplinary action may be taken. This may include where help is refused and performance is poor as a result or others are put at risk
- The policy should have provision for joint monitoring and reviewing

Changing the culture at work

As well as dealing with individual problems of misuse it is important to examine the culture of the organisation which may encourage misuse, in particular of alcohol. There is no evidence that social use of alcohol in moderation has any ill-health effects, however when it becomes regular, misuse or even dependency can arise.

Often it becomes the norm for a manager to discuss workplace issues after work in the pub, and staff feel obliged to attend. Do staff habitually go for a drink at lunchtime? Is alcohol served at meals or during meetings? Is there a social club which is primarily a bar?

Obviously branches will not want to do anything to prevent members enjoying themselves or socialising; this can be an important part of life in any workplace. However where this revolves solely around alcohol it can lead to problems. It can also alienate those who choose not to drink for health, moral or religious reasons.

Social clubs can be encouraged to look at alternatives to just serving alcohol including family evenings, outings, etc. Flexible working means that people will not all leave together, or go to the pub to let rush hour traffic die down.

By encouraging positive alternatives to a heavy drinking culture problems of alcohol misuse can be prevented.

Drug and alcohol testing

It is possible to test for drugs and alcohol. Alcohol levels can be measured from the breath, blood and urine. The presence of most drugs, or their by-products after they have been broken down, can be measured in blood, urine and hair.

The law states that it is an offence to drive with more than 80 mg of alcohol per 100 ml of blood, or 107 mg per 100 ml of urine. This is because it is well known how alcohol affects a person's reactions

and ability to drive. However even below that level a persons ability to perform complex tasks is significantly impaired, and these levels should not be seen as being the limits for work.

Drug testing is more complex. There are several types of drug testing techniques and none are 100% reliable, although some are more reliable than others. Many drugs only stay in the body for a short period of time and what is tested for is the chemicals left behind after the drug breaks down. This can generally tell you whether a person has taken a certain drug recently. However you get the same by-products from certain over the counter medicines as you do from some illegal drugs, so a positive result does not necessarily mean the person has taken an illegal drug.

More importantly a drug test does not tell you whether the person is under the influence of drugs at that time, or whether their capability is impaired. Unlike with alcohol, there is no simple measure of how different levels of drugs in the blood effect a persons reactions or performance.

Drug testing, in itself, will not tell if an employee has either a drug misuse problem, or whether they are working under the influence of drugs. It will only indicate whether a person is likely to have taken a certain drug in the recent past. This may have been while on holiday or at a weekend and may have no bearing on the person's work.

Drug testing is a costly and time-consuming process that is often used by organisations as a substitute for an effective drugs and alcohol policy. There is no real evidence that regular drug testing has any effect on production or safety, and branches should resist it. However if an employer does introduce a testing programme branches should ensure that:

- It is done by a laboratory accredited by the UK Accreditation Service
- It is part of an effective and agreed workplace drug and alcohol policy
- No samples are taken without the informed consent of the person (this cannot be given under duress)
- There is an appeals process if anyone tests positive.

Resources

The Health & Safety Executive has produced advice on both alcohol and drugs in the workplace. Two of these, "Drug misuse at work – a guide for employers", and "Don't mix it – a guide for employers on alcohol" contain useful guidance on developing workplace policies. They are free and can be downloaded from the HSE website at <http://www.hse.gov.uk/alcoholdrugs/index.htm> or call HSE books on 01787 881165.