



Unite Guidance on Drugs and Alcohol

Unite is concerned that there are a number of members who are risking their health and their jobs through substance abuse. In line with common terminology, this abuse will be described throughout this policy in terms of drugs and alcohol.

It should be noted that, '*drug abuse*' follows the HSE definition, and refers to the *use* of illegal drugs, and the *misuse*, whether deliberate or unintentional, of prescribed drugs and substances such as solvents.

Although alcohol is a drug, it is referred to separately in this policy because society tends to regard it differently from other drugs. In practice however, the measures needed to deal with alcohol problems in the workplace are very similar to those appropriate to other drugs and substances.

It is important that employers have in place drug and alcohol policies that have been developed with Unite involvement, to ensure that they are in the best interests of Unite members. Such policies will be essential where any drug and alcohol problems are found to exist, but, preferably, they should be agreed in advance of any such problems coming to light.

A drug and alcohol policy is a formal statement which sets out a company's policy and procedure including education and training for helping employees with drug or alcohol related problems. Within the policy, an employee with a drug or drink problem should be seen in the same way as one with a more generally accepted health problem. Such a policy should assume that employees, at whatever level, who are identified as having a drug or drink problem affecting their work performance, conduct at work, or working relationships, will be offered help rather than dismissal.

Signs of Drug or Alcohol Abuse

Some of the signs associated with drug or alcohol abuse may be caused, or aggravated, by other factors such as stress, and should be regarded only as indications that an employee may have a drug or alcohol problem.

Signs of possible drug or alcohol abuse include:

- sudden change in behaviour pattern
- memory lapses and tendency to become confused
- irritability and possibly violence
- abnormal fluctuations in mood and energy

- impaired job performance
- poor time-keeping
- increase in short term sickness absence
- deterioration in relationships with other people
- physical deterioration

Benefits for Employers

In addition to the benefit to individuals in tackling their drug or drink problems, employers can benefit from the introduction of a successful policy in a numbers of ways, for example by:

- saving on the cost of recruiting and training new employees to replace those whose employment might have been terminated
- saving on absenteeism or reduced productivity
- improving the morale of other employees where intervention and treatment are seen to be successful
- enhancing the public perception of the organisation as a responsible employer

Legal duties

Employers also have legal responsibilities relating to their staff.

The Health and Safety at Work Act places duties on both employers and employees. Under Section 2 employers are required to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees.

Section 7 of the Act requires employees to take reasonable care of the health and safety of themselves and others who may be affected by their acts or omissions at work.

The principal legislation in the UK for controlling drug use and preventing abuse is the Misuse of Drugs Act. It deals with nearly all drugs with abuse and/or dependence liability. Of particular relevance to employers is the offence committed by the occupier of premises if she/he knowingly permits the production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on those premises.

Although it would be up to the courts to decide the merits of each case, an employer who knowingly allows a drug abuser to continue working without doing anything either to help the abuser, or to protect the rest of the workforce, may be liable to charges.

Shortcomings of drug policies

The most useful information on drug policies in recent years has come from the Independent Inquiry Into Drug Testing at Work (IIDTW), in a report published in 2004. The IIDTW report was facilitated by DrugScope and funded by the Joseph Rowntree Foundation and the Network of European Foundations.

IIDTW Key findings

- The evidence on the links between drug use and accidents at work, absenteeism, low productivity and poor performance was inconclusive. Most employers who had drug tested employees told the IIDTW that levels of positive results were very low.

- There is a lack of evidence for a strong link between drug use and accidents in safety critical industries, such as transport, engineering, quarrying and mining. Clearly, however, drug- and alcohol-induced intoxication will be a source of risk in such environments.
- However, other factors may have a greater impact on safety, productivity and performance, including bad working conditions, sleeping and health problems, excessive workloads and work-related stress.
- Evidence considered by the IIDTW suggests that alcohol is probably a greater cause for concern in the workplace than illicit drugs.
- There is no clear evidence that drug testing at work has a significant deterrent effect.
- Drug testing is not a measure of current intoxication and will reveal information about drug use that can have no impact on safety, productivity or performance. Someone may test positive after taking a drug days, weeks or months before.
- People are not generally required to organise their lives to maximise their productivity at work, and employers do not have a direct law enforcement function. Empowering employers to investigate private behaviour actively – in the absence of legitimate safety or performance concerns – is in conflict with liberal-democratic values.
- The IIDTW found that the legal position on drug testing at work is confused. Employers could be open to legal challenge if they invade the privacy of employees unnecessarily, particularly under the Human Rights Act 1998 and the Data Protection Act 1998.
- Drug testing services in the UK are being provided by a very disparate group of companies and individuals. Many of them are very responsible. But the picture is mixed, with evidence that some of these companies may be making what appear to be inflated claims about the extent and impact of alcohol and drug problems in the workplace and the effectiveness of their own products.
- Remarkably little is known about the extent of drug testing at work in the UK. Perhaps the most reliable information comes from a small survey conducted by the IIDTW which found that 4 per cent of employers who responded were conducting drug tests, and a further 9 per cent were 'likely' to introduce drug tests in the next year.
- Many employers and experts who gave evidence to the IIDTW highlighted the costs of drug testing at work. These include not only financial costs but also the potentially divisive nature of testing and the costs of excluding otherwise responsible and capable people from employment.

The IIDTW also said that **“for the majority of businesses, investment in management training and systems is likely to have more impact on safety, performance and productivity than the introduction of drug testing at work. There is a wealth of evidence that good and open management is the most effective method of improving workplace performance and tackling drug and alcohol problems amongst staff.”**

Safety Critical Work

A number of organisations have made demands that where employees are involved in “safety critical work”, they need to be subject to regular, random drug and alcohol testing. There may be some justification for this in special circumstances, though Unite still questions the effectiveness of drug testing in general, in light of the discussion above. “Safety critical work” has typically involved public transport drivers and some areas of the defence related industries. However, if any organisations are seeking to use “safety critical work” as a requirement for drug and alcohol testing, they must provide a full justification for this and draw up a precise and specific definition of what is meant by “safety critical work”.

Any references to drug and alcohol testing for safety critical workers must be clearly defined and subject to formal agreement with Unite.

Information from drug and alcohol testing

According to the Data Protection Information Commissioner, the collection of information through drug and alcohol testing is unlikely to be justified unless it is for health and safety reasons. Collecting personal information by testing all workers in a business will not be justified if in fact it is only workers engaged in particular activities that pose a risk.

Even in safety-critical businesses workers in different jobs will pose different safety risks. Therefore collecting information through the random testing of all workers will rarely be justified.

Example Joint Company/Unite Drug and Alcohol Policy

(Note: This is a negotiable policy. The elements below are suggested clauses that may not be applicable to all companies and circumstances.)

1. Introduction

.....(Company name) and Unite have agreed the need for drug and alcohol policy which applies to all employees irrespective of status. Its objective is to ensure employees receive training and information on sensible drinking and drug awareness. The aim is to encourage those with drug or alcohol-related problems to seek the support of medical advice and counselling by an outside agency.

2. General Principle

.....(Company name) and Unite recognise that drug or alcohol abuse at its various levels is a health problem requiring sympathetic help and special treatment. It is the aim of this policy to provide this.

3. Organisation

.....is the Director with responsibility for implementation of this policy.

.....will be responsible for advice on suitable outside agencies and counsellors.

.....will be responsible for implementing a training programme.

The names of external drug and alcohol counsellors and how they can be contacted will be posted on notice boards. All such counsellors will be made aware of this policy on drugs and alcohol.

4. Arrangements

4.1 Information

Every employee will be given a summary of the main points of this policy, and anyone with a drug or alcohol related problem will be encouraged to seek counselling. A training

session and leaflets on sensible drinking and drug awareness will be provided and repeated periodically.

4.2 Removal of Stress

It is accepted that stress at work can contribute to drug or alcohol abuse. We are therefore committed to identifying and reducing workplace stress factors.

4.3 Reducing Opportunity to Drink at Work

Research shows quite clearly that some jobs involve a much higher risk of alcohol abuse than others. The social pressure to drink can be stronger in some working communities. Irregular hours, travel and separation from the family, and the strain of a heavy workload are just some of the common job-related causes of alcohol abuse.

The Company and Unite recognise that such problems, coupled with the opportunity to drink at work, create a hazard. Therefore,

- a) Alcohol will not be available on company premises during working hours. This will apply throughout the company, at all levels, without exception.
- b) At any social functions organised by the company or Unite, among the beverages provided, there will always be non-alcoholic drinks available.

4.4 Solvent abuse at work

Where problems involve the deliberate or unintentional abuse of solvents, whether or not used in the workplace, the person concerned will be covered by this policy. Where abused solvents are specifically work related, the employer will ensure that the use of solvents has been subject to the provisions of the Control Of Substances Hazardous to Health Regulations (COSHH Regs), that the risks involved have been assessed and that measures have been taken to reduce all exposures to solvents to the lowest that is reasonably practicable.

4.5 Prescribed drugs

Where problems involve the deliberate or unintentional abuse of prescribed drugs, the person concerned will be covered by this policy.

5. Confidentiality

The company undertakes to ensure that any counselling is strictly confidential, and that any records compiled by a counsellor will be treated as the individual property of that counsellor. No discussions about an employee will take place between the company and the counsellor without the written permission of the person concerned.

All employees will have the right to be represented by their Unite representative in any meeting with the company if they so wish. If an employee gives their written consent, then their Unite official will be kept informed at all stages of the treatment.

6. Job Security

The company accepts that job security will be maintained for any employee participating in treatment and/or counselling in an attempt to deal with drug or alcohol abuse.

Where an employee has to be away from work to undergo treatment, their job will be held open in accordance with normal sickness procedures. However, it has to be accepted that, in the long-term, job security must depend on work returning to an acceptable level. Advice will be sought and consideration given as to whether the person's original job would be consistent with maintaining recovery. The employee's pension rights will be protected during treatment and counselling.

7. Disciplinary Procedures

Drug or alcohol abuse will not in itself constitute grounds for dismissal, unless the person's action or performance reaches an unacceptable level. Such cases will be dealt with under normal disciplinary procedures with the employee's appropriate Unite representative being involved at all stages.

Where an employee is referred for treatment under this policy, any disciplinary procedures associated with drug or alcohol abuse will be suspended and remain so for the duration of the treatment.

Where an employee with a drug or alcohol-related problem is able to continue to perform his/her duties whilst undergoing treatment, adequate time off for treatment will be allowed.

Relapses will be referred to the independent counsellor for assessment, and consideration given to further job protection.

8. Treatment and Advice

Any employee with a drug or alcohol-related problem is encouraged to seek guidance and assistance from the recommended local counselling agency.

Where indicators, such as poor work performance, absenteeism, poor health or deteriorating behaviour, indicate a possible problem, employees will be advised to refer themselves for confidential counselling and advice. Paid time off for counselling and treatment will be allowed in accordance with the normal sick pay scheme. Refusal of treatment will not in itself be grounds for discipline, unless an employee's action or performance reaches an unacceptable level. Such a case would then be dealt with under normal procedures, with the involvement of the appropriate Unite representative at all stages.

9. Testing

The company agrees that there will be no random or company wide drug or alcohol testing.

Any proposals to introduce testing will be discussed in detail between the employer and the Unite, in light of the practical, legal, industrial relations and ethical implications. Proposals for testing will be subject to:

- written justification for the tests
- description of test procedures and their verification/effectiveness
- stating of standards to be reached
- the consequences of failing the test
- safeguards on continuity of employment

- verification of the qualifications of the testers
- medical confidentiality of results

If testing procedures are agreed, they must only be enacted on suspicion based on specific personal observations that the person concerned is under the influence of drugs or alcohol. Tests will be at the expense of the company.

Any person testing positive shall have the right to challenge the results and obtain an independent analysis of the sample.

Any person testing positive, who accepts the results, will be referred for treatment and advice in accordance with the rest of this policy.

Further information

- Unite website - [Unite: alcohol and Drugs](#)
- HSE Website – Alcohol and drugs at work <http://www.hse.gov.uk/alcoholdrugs/>
- HSE INDG240 - Don't mix it! A guide for employers on alcohol at work [PDF 175kb]
- HSE INDG91(rev2) - “Drug misuse at work – a guide for employers”
<http://www.hse.gov.uk/pubns/indg91.pdf>
- Data protection The Employment Practices Code Website:
www.informationcommissioner.gov.uk (for information, to download the Code and for notifications)

Other websites

- [Tackling Drugs in the workplace](#)
A cross-government website to support the National Drug Strategy and the work of Drug Action Teams.
- [Alcohol Concern](#)
- [National Institute for Health and Clinical Excellence](#)
- [Health Education Scotland](#)
- [Tackling Drugs to Build a Better Britain - Government prevention strategy](#)
- [Drugscope](#)
- [The Scottish Drugs Forum](#)