



Introduction

Employers have a duty to ensure the health, safety and welfare at work of their employees. It would be an offence for an employer to knowingly allow an employee to work whilst under the influence of alcohol or drugs, particularly where it poses a threat to the health and safety of that employee or other people.

Drug and alcohol misuse may lead to misconduct, underperformance and/or absenteeism at work, and also brings with it the risk of adverse health consequences for the employee concerned. Perhaps of greatest immediate concern may be the enhanced risk of accidents both for the employee concerned as well as for others (such as staff and members of the public), particularly where the employee is responsible for the operation of machinery, vehicles or safety-critical systems.

The risk of reputational damage to the business looms over all aspects of the misuse of drugs and alcohol at work. An array of alarming statistics indicate that employees would be well advised to take action to protect the bottom line and to ensure staff who need help receive it at the earliest (and most effective) opportunity, for example, according to Alcohol Change UK (2019) over 167,000 working days are lost each year because of alcohol, that's between 3-5% of all work absence being caused by alcohol consumption.



What can a business do to reduce risk to its own operation?

The HSE recommends a clear four-step process for handling alcohol and drug problems at work:

Step 1 Find out the scope of any problems

Audit your organisation to establish what, if any, issues arise from alcohol and drugs use in the workplace.

Step 2 Decide what to do

Consult with others in your organisation including safety representatives, occupational health professionals, supervisors and senior staff in all parts of the business. As part of your decision making, consider:

- If employees should be allowed to drink alcohol at all during the working day.
- How employees who are finding it difficult to control their drinking will be dealt with, including what support can be made available from work, as well as from local health care and charitable providers.

Make sure that all staff, including managers, are aware of the new policy on alcohol and drugs.

- Testing is regarded as necessary in some industries and for some roles, but excessive in others, so this will need careful consideration.

Step 3 Taking action

- Produce a written alcohol and drugs policy to help ensure you deal with difficult situations in the future in a fair and consistent manner.
- Try to be supportive. Experience indicates that those given appropriate support usually go on to regain a healthy lifestyle, once again becoming productive employees. In doing so it is more likely that people are able to maintain positive family and other relationships which in turn help to keep them in good health.
- Disciplinary action will be necessary in the case of gross misconduct, or persistent failure to engage with rehabilitation.
- Look to integrate the policy with other HR policies in your business such as disciplinary, health promotion, stress at work, absence, sickness etc.
- Promote self-help by publicising the help available from health care and charitable providers. This may help employees access help before a critical event at work occurs.
- Consult and communicate with staff and managers to ensure that all involved understand the policy and how it will be enforced. Training of managers and supervisors to increase their confidence and competence in handling these issues will be necessary.
- Consider whether there any safety-critical aspects of the work (for example, using ladders or machinery, driving or using heavy lifting equipment) where drug misuse could have serious repercussions. If there are, target awareness-raising activities to these staff and their managers particularly.
- If testing will be used as part of the policy, ensure that all staff involved are specifically trained and understand why this element has been introduced.

Step 4 - Checking what you have done

Review the policy regularly to determine if the policy is working and whether any changes need to be made.



Testing for drugs and alcohol in the workplace

Testing workers for drugs and alcohol may be contentious and should be approached carefully. Testing may be used:

- As part of recruitment process.
- In particular circumstances, such as after an accident where drink or drugs are suspected to be involved, or as part of rehabilitation.
- To monitor a particular problem, e.g. staff returning to work after Friday lunchtime drinking.
- To ensure safety in critical jobs, e.g. drivers, pilots and heavy machinery operators.

A blanket testing policy is likely to be challenged by staff on an informal basis and possibly on a formal basis in law.

Employers considering introducing a drugs and alcohol testing regime are strongly advised to read more detailed information set out by The Office of the Information Commissioner.

Note that studies have identified that passive consumption of substances similar to illicit drugs or the handling of bank notes can produce a positive drugs test result, so careful consideration is necessary.

If it is determined that testing is necessary, then the testing process should be clearly set out within the alcohol and drugs policy and well-advertised to new and existing staff. Clearly, the

results of testing and any analysis should comply with medical best practice and data protection requirements.



Comment

Employers have a legal duty to protect employees' health, safety and welfare. Understanding the signs of drug and alcohol misuse (or abuse) will help you to manage health and safety risk in your workplace, develop a policy to deal with drug and alcohol-related problems and support your employees.

What the issues are and what to look out for?

Misuse is not the same thing as dependence. Drug and alcohol misuse is the use of illegal drugs and misuse of alcohol, medicines and substances such as solvents.

Consider these warning signs, which could indicate drug or alcohol misuse:

- unexplained or frequent absences
- a change in behaviour
- unexplained dips in productivity
- more accidents or near-misses
- performance or conduct issues.

These can also be signs of other things, like stress or illness.



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