

## Report to Joint Consultative and Safety Committee

**Subject: Consultation of the introduction of Substance Misuse Policy**

**Date: 27 August 2013**

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### 1. Purpose of the Report

To introduce a draft policy that specifies how the misuse of substances will be dealt with in the workplace. Specifically the policy focuses on the misuse of alcohol and drugs.

### 2. Summary

The policy, shown at Appendix 1, is designed to be both supportive of employees where there is a wish to engage with the Council in order to try to ensure that substance misuse does not have a detrimental effect on their work performance or on the health and safety of themselves or others, and also to be clear about the potential conduct issues that may arise when substance misuse has been detected through testing.

The policy proposes the use of testing for substance misuse in order to support managers who are charged with ensuring that services are delivered both to a high standard and safely.

The policy draft has the support of Senior Leadership Team.

Appendix 2 is not intended to be included within the policy but shows guidance that is proposed for managers to help them to recognise signs of substance misuse and also to assist with the wording to be used when introducing a substance (drug or alcohol) test.

### 3. Recommendation

The Committee is recommended to consider the proposed policy draft and to make any recommendations to the Appointments and Conditions of Service Committee which will authorise the formal adoption of a final policy on behalf of the Council.

# Substance Misuse Policy

## 1. Introduction

1.1 The Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. It will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol or substance abuse. Consequently, the Council reserves the right under this policy to exercise alcohol and drug testing of its employees. This policy applies to all employees, including management.

1.2 No employee shall attend for work in an unfit state due to the misuse of alcohol or drugs. Employees and contractors are prohibited from drinking alcohol (or misusing drugs) in the workplace, whilst undertaking the business of the Council, or immediately prior to or during a break in a working shift. These actions will be treated and investigated as a matter of potential misconduct under the Council's Disciplinary Procedure (or appropriate procedure for a contractor). An unfit state may include, but not be limited to cases where:

- The individual is over the legal alcohol limit stipulated for driving (ie 35mcg/100ml of breath alcohol concentration).
- In the opinion of management, the individual's performance is impaired. In respect to alcohol, this may be at less than the legal limit stipulated for driving.
- In the opinion of management, the individual's behaviour may cause embarrassment, distress or offence to others.

1.3 All reasonable steps will be taken by the Council to prevent employees and contractors carrying out work-related activities if they are considered to be unfit or unsafe to undertake the work as a result of alcohol consumption or substance misuse.

1.4 The Council expressly prohibits the use by an employee of any controlled drugs or any prescription drugs that have not been prescribed for the user or which are not used in the manner described in the prescription. It is a criminal offence to possess, use or supply a controlled substance. If any such incidents take place during an employee's working day or outside normal hours of work at a Council function, they will be regarded as serious and will be investigated under the Council's Disciplinary Procedure. The outcome of any hearing resulting from such an investigation may be disciplinary action, including dismissal and possible reporting to the police.

1.5 No employee or other person under the Council's direction shall, in connection with any work-related activity:

- report, or endeavour to report, for duty having consumed drugs or alcohol likely to render themselves unfit or unsafe for work;
- consume or be under the influence of drugs or alcohol while on duty;
- store drugs or alcohol in personal areas such as lockers and desk drawers; or
- attempt to sell or supply drugs or alcohol to any other employee or other person on the Council premises, in Council vehicles or at any time during work time.

1.6 The policy has been written with reference to relevant legislation including, but not limited to: Health and Safety at Work Act 1974 (Section 2), Management of Health and Safety at Work Regulations 1999, Road Traffic Act 1988 and Human Right Act 1988.

## **2. Support**

2.1 Employees must inform their line manager or Service Manager if they are taking any medication that may have an effect on their ability to carry out their work safely, and must follow any instructions subsequently given. Where necessary and appropriate a manager will review a risk assessment for a person carrying out particular tasks who may be taking such medication in order to put into place appropriate control measures.

2.2 In general terms, any employee suffering from drug or alcohol dependency should declare such dependency to their manager or Service Manager. The Council will subsequently provide reasonable assistance and support.

2.3 Where an employee has a dependency that has an impact on their normal work, or which prevents them undertaking some or all of their duties, they will be managed within a capability framework. This means that a length of time over which an improvement is expected will be determined and a range of support measures will be agreed. Should the employee not be able to demonstrate that the drug or alcohol use is no longer an issue in relation to their work within this timescale, an employment decision will be taken about the employee's suitability to continue and the outcome may include redeployment or dismissal from the Council.

2.4 Absences relating to this dependency or its treatment will be dealt with under the Council's Absence Management Policies as appropriate.

2.5 Loss, damage or accidents arising as a result of an employee being under the influence of alcohol or drugs will be investigated and dealt with appropriately through the Council's Disciplinary Procedure as will occasions when an employee has taken part in safety-critical work whilst being under the influence of such substances. This will be the case whether or not any dependency had previously been declared.

## **3. With-cause alcohol and drug testing**

3.1 A manager may require an employee to be tested for alcohol and drugs in cases where they have had any involvement in a workplace accident, "near miss" or in an incident that has caused or could have caused a danger to health or safety.

3.2 Testing may also be carried out where a manager has grounds to believe or suspect that the employee is or may be under the influence of alcohol or drugs.

3.3 Any employee who notices signs of alcohol or drug abuse in a colleague should report their observations or suspicions in confidence to the employee's line manager.

## **4. Random alcohol and drug testing**

4.1 Random alcohol and drug testing will be carried out on employees who work in safety-critical jobs, including those working with machinery, whose job duties involve driving, or working in potentially dangerous environments or whose job involves responsibility for the safety of others. A list of jobs defined by the Council as "safety-critical" as at August 2013 is shown at Appendix A; this list will be amended or added to periodically by management following consultation with trade unions. Management will determine the timing, frequency and sample size of random testing exercises.

## **5. Carrying out tests**

5.1 Asking an employee to undergo alcohol and drug testing does not necessarily indicate that there is any suspicion of wrongdoing.

5.2 Alcohol and drug testing will be carried out only by a qualified and competent person. On each occasion of testing, the Service Manager or other appropriate senior manager will determine if a trained and appropriate employee or an external service provider will be used to conduct the testing. Tests used will be industry standard and will be reliable, credible and safe. Tests are carried out with the least possible intrusion into employees' privacy.

5.3 Test results will be held securely and treated confidentially.

5.4 Employees who are tested will be notified of the result before this is disclosed to their line manager. Immediately after this notification to the employee, the line manager will be notified of the results of testing.

5.5 Refusal to submit to an alcohol and drug test will be treated as a misconduct issue, potentially gross misconduct, and dealt with within the Council's Disciplinary Procedure.

## **6. Action after a positive test**

6.1 If a test proves positive and the employee has been engaged in safety critical activities at the time of the test, or the test has been conducted because of an accident or other similar event or near-miss, the employee will be required to take part in an investigatory interview as defined within the Council's Disciplinary Procedure. This may lead to a formal hearing and appropriate formal action being taken which may include dismissal. If action short of dismissal is taken, it may be appropriate to establish a more regular drug or alcohol monitoring programme with an employee over an extended period of time to ensure that use of these substances is not affecting work performance or safety.

6.2 If work performance appears to be adversely affected by the use of drugs or alcohol the employee will be managed within a capability framework in which specific improvements within defined timescales will be made clear. Failure to meet these required improvements may lead to redeployment or dismissal. It may be appropriate to establish a more regular drug or alcohol monitoring programme with an employee over an extended period of time to ensure that use of these substances is not affecting work performance.

6.3 If a test proves positive but the case criteria of the previous two paragraphs do not apply, the employee will be interviewed by a senior departmental manager within a more general welfare framework. The purpose of this will be to identify the support that can be offered by the Council in order to assist the employee with any lifestyle changes that they may wish to make.

6.4 Generally, a result will be considered "positive" where the presence of alcohol above 35mcg/100ml of breath alcohol concentration is detected or where there is the presence of controlled drugs.

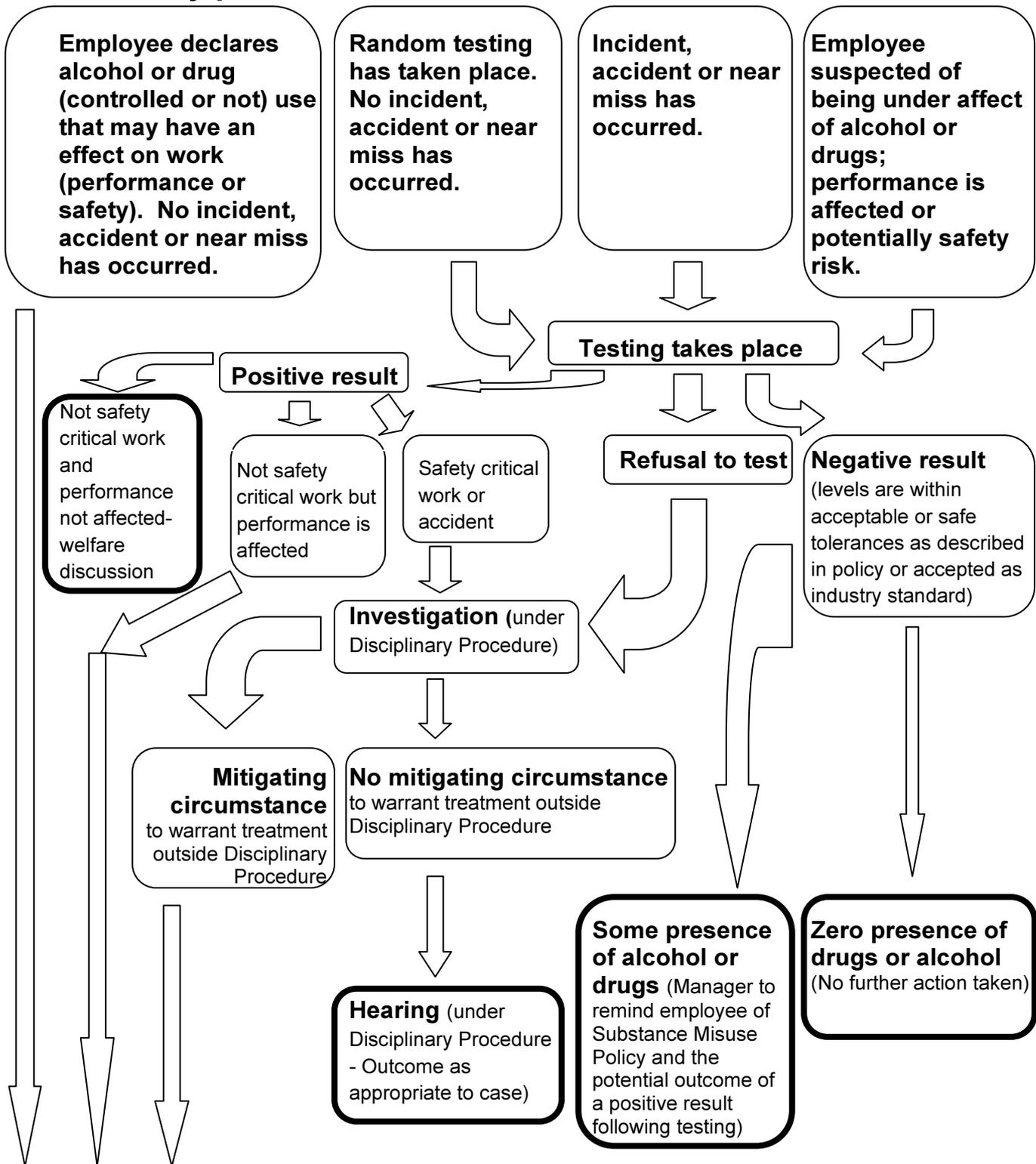
## **7. Complaints**

7.1 Any complaint about the way in which an alcohol and drug test has been conducted should be stated in writing to a senior departmental manager who will investigate the complaint through the Council's Disciplinary Procedure.

## **8. Equality issues**

8.1 This policy will not be used in a discriminatory manner to single out and treat differently based on a protected characteristic defined in the Equality Act 2010, any individual employee or group of employees. Testing will be carried out as described above. Each employee's dignity will be respected at all times.

## Summary process chart



### Manage within capability framework Issues to consider:

- Risk assessment (temporary and permanent)
- Apply appropriate control measures
- Appropriate support (internal and external)
- Consider appropriateness and possibility of temporary or permanent redeployment.
- If performance or ability to undertake work safely is affected, identify improvement required within timescales
- Introduce periodic/ extended testing regime
- Consider alternative options if required improvements not achieved (including redeployment or dismissal)

## Safety-critical jobs

Team	Post ID	Post Description
Leisure and Culture	LAR01	Operational Manager
Leisure and Culture	LAR02	Administration Officer/Duty Manager
Leisure and Culture	LAR04	Duty Manager
Leisure and Culture	LAR20A	Assistant Manager
Leisure and Culture	LAR20B	Assistant Manager
Leisure and Culture	LAR30	Duty Manager
Leisure and Culture	LAR30CAS	Duty Manager
Leisure and Culture	LAR40A	Leisure Attendant
Leisure and Culture	LAR40B	Leisure Attendant
Leisure and Culture	LAR40B	Leisure Attendant
Leisure and Culture	LAR40C	Leisure Attendant
Leisure and Culture	LAR40CAS	Leisure Attendant
Leisure and Culture	LAR40D	Leisure Attendant
Leisure and Culture	LAR40F	Leisure Attendant
Leisure and Culture	LAR40G	P/T Leisure Attendant/Swim Instructor
Leisure and Culture	LAR80A	Female Centre Attendant
Leisure and Culture	LAR80B	Male Centre Attendant
Leisure and Culture	LAR80C	Female Centre Attendant
Leisure and Culture	LAR80CAS	Centre Attendant
Leisure and Culture	LAR80D	Centre Attendant
Leisure and Culture	LAR80E	Centre Attendant
Leisure and Culture	LAR80F	Centre Attendant
Leisure and Culture	LAR80G	Centre Attendant
Leisure and Culture	LAR80H	Centre Attendant
Leisure and Culture	LCA01	Operational Manager
Leisure and Culture	LCA02	Fitness Development Officer/Duty Mgr
Leisure and Culture	LCA20B	Assistant Manager
Leisure and Culture	LCA20CAS	Casual Assistant Manager
Leisure and Culture	LCA30	Duty Manager
Leisure and Culture	LCA30CAS	Duty Manager
Leisure and Culture	LCA60A	Fitness Advisor
Leisure and Culture	LCA60B	Fitness Advisor
Leisure and Culture	LCA60CAS	Fitness Advisor
Leisure and Culture	LCA80A	Centre Attendant
Leisure and Culture	LCA80B	Centre Attendant
Leisure and Culture	LCA80C	Centre Attendant
Leisure and Culture	LCA80CAS	Centre Attendant
Leisure and Culture	LCA80D	Centre Attendant
Leisure and Culture	LCA80E	Centre Attendant
Leisure and Culture	LCA80F	Centre Attendant
Leisure and Culture	LCA80G	Centre Attendant
Leisure and Culture	LCA80H	Centre Attendant
Leisure and Culture	LCA85A	Sportshall Attendant
Leisure and Culture	LCA85B	Sportshall Attendant

Leisure and Culture	LCA85CAS	Sportshall Attendant
Leisure and Culture	LCF01	Manager
Leisure and Culture	LCF02	Operations Manager
Leisure and Culture	LCF04	Swim Development Officer
Leisure and Culture	LCF04CAS	Casual Swim Development Officer
Leisure and Culture	LCF05	Maintenance Assistant
Leisure and Culture	LCF20A	Assistant Manager
Leisure and Culture	LCF20B	Assistant Manager
Leisure and Culture	LCF20C	Assistant Manager
Leisure and Culture	LCF30	Duty Manager
Leisure and Culture	LCF30CAS	Duty Manager
Leisure and Culture	LCF40A	Leisure Attendant
Leisure and Culture	LCF40B	Leisure Attendant
Leisure and Culture	LCF40C	Leisure Attendant
Leisure and Culture	LCF40D	Leisure Attendant
Leisure and Culture	LCF40E	Leisure Attendant
Leisure and Culture	LCF40F	Leisure Attendant
Leisure and Culture	LCF40H	Leisure Attendant
Leisure and Culture	LCF60A	Fitness Advisor
Leisure and Culture	LCF60B	Fitness Advisor
Leisure and Culture	LCF60C	Fitness Advisor
Leisure and Culture	LCF60CAS	Fitness Advisor
Leisure and Culture	LCF60D	Fitness Advisor
Leisure and Culture	LCF60G	Fitness Advisor
Leisure and Culture	LCF65CAS	Fitness Advisor - Youth Gym
Leisure and Culture	LCF65CAS	Fitness Advisor - Youth Gym
Leisure and Culture	LCF80A	Centre Attendant
Leisure and Culture	LCF80B	Centre Attendant
Leisure and Culture	LCF80C	Centre Attendant
Leisure and Culture	LCF80CAS	Centre Attendant
Leisure and Culture	LCF80D	Centre Attendant
Leisure and Culture	LCF80G	Centre Attendant
Leisure and Culture	LCF80J	Centre Attendant
Leisure and Culture	LCF80L	Centre Attendant
Leisure and Culture	LCF80M	Centre Attendant
Leisure and Culture	LCF80N	Centre Attendant
Leisure and Culture	LFA20A	Caretaker Burton Road
Leisure and Culture	LFA20A	Caretaker Burton Road
Leisure and Culture	LFA20B	Caretaker Arnold Hill
Leisure and Culture	LFA20C	Caretaker Arnold Hill
Leisure and Culture	LFA20CAS	Caretaker
Leisure and Culture	LFA20D	Caretaker Killisick
Leisure and Culture	LFA20E	Caretaker Killisick
Leisure and Culture	LFA20F	Caretaker Ponds Hill
Leisure and Culture	LFA20G	Caretaker Ponds Hill
Leisure and Culture	LFA20H	Caretaker Westdale Lane
Leisure and Culture	LFA20I	Caretaker Westdale Lane
Leisure and Culture	LFA20L	Caretaker Brickyard

Leisure and Culture	LRE01	Operations Manager
Leisure and Culture	LRE02	Fitness Development Officer/Duty Office
Leisure and Culture	LRE20A	Assistant Manager
Leisure and Culture	LRE20B	Assistant Manager
Leisure and Culture	LRE20C	Assistant Manager
Leisure and Culture	LRE30	Temporary Duty Manager
Leisure and Culture	LRE30CAS	Duty Manager
Leisure and Culture	LRE60A	Fitness Advisor
Leisure and Culture	LRE60B	Fitness Advisor
Leisure and Culture	LRE60C	Fitness Advisor
Leisure and Culture	LRE60CAS	Fitness Advisor
Leisure and Culture	LRE60E	Fitness Advisor
Leisure and Culture	LRE85CAS	Sportshall Attendant
Leisure and Culture	LRH01	Operations Manager
Leisure and Culture	LRH20A	Assistant Manager
Leisure and Culture	LRH20B	Assistant Manager
Leisure and Culture	LRH20C	Assistant Manager
Leisure and Culture	LRH30CAS	Duty Manager
Leisure and Culture	LRH40A	Centre Assistant
Leisure and Culture	LRH40B	Centre Assistant
Leisure and Culture	LRH40C	Centre Assistant
Leisure and Culture	LRH40CAS	Centre Assistant
Planning and Economic Development	EPB02A	Senior Building Control Officer
Planning and Economic Development	EPB02B	Senior Building Control Officer
Planning and Economic Development	EPB02D	Senior Building Control Officer
Planning and Economic Development	EPB03B	Assistant Building Control Officer/BCO
Asset Management	DPS09A	Fitter
Asset Management	DPS09B	Fitter
Asset Management	DRR11B	Fitter
Asset Management	DRR11C	Fitter
Asset Management	DRR12	Assistant Fitter
Asset Management	DTF06	Caretaker
Asset Management	DTF07A	Caretaker
Asset Management	DTF07B	Caretaker
Asset Management	DTS01	Transport Services Manager
Asset Management	DTS02	Workshop Supervisor
Parks and Street Care	DPS06A	PASC Skilled Team Worker - Arborist
Parks and Street Care	DPS07A	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS08	Parks Development Officer
Parks and Street Care	DPS10B	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10C	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10D	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10E	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10F	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10G	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10J	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10J	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10K	Parks & Street Care Skilled Team Worker

Parks and Street Care	DPS10L	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10M	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10N	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS10P	Parks & Street Care Skilled Team Worker
Parks and Street Care	DPS11A	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11AA	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11AD	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11AE	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11AF	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11B	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11C	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11D	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11E	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11F	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11I	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11L	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11M	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11O	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11P	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11Q	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11R	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS11S	Parks & St Care Semi-skilled Team Worker
Parks and Street Care	DPS12B	Parks and Street Care Team Worker
Parks and Street Care	DPS12C	Parks and Street Care Team Worker
Parks and Street Care	DPS12D	Parks and Street Care Team Worker
Parks and Street Care	DPS12E	Parks and Street Care Team Worker
Parks and Street Care	DPS13A	Parks & Street Care Apprentice
Parks and Street Care	DPS13B	Parks & Street Care Apprentice
Parks and Street Care	DPS15	Play Area Maintenance Worker
Parks and Street Care	LRS15A	Urban Park Ranger
Parks and Street Care	LRS15B	Urban Park Ranger
Public Protection	EEE07	Pest Control Operator
Public Protection	EEE09A	Neighbourhood Warden
Public Protection	EEE09C	Neighbourhood Warden
Public Protection	EEE09D	Neighbourhood Warden
Public Protection	EEE09E	Neighbourhood Warden
Public Protection	EEE09F	Neighbourhood Warden
Waste Operations	DRR05A	Refuse Driver
Waste Operations	DRR05B	Refuse Driver
Waste Operations	DRR05C	Refuse Driver
Waste Operations	DRR05D	Refuse Driver
Waste Operations	DRR05E	Refuse Driver
Waste Operations	DRR05F	Refuse Driver
Waste Operations	DRR05G	Refuse Driver
Waste Operations	DRR05H	Refuse Driver
Waste Operations	DRR05I	Refuse Driver
Waste Operations	DRR05J	Refuse Driver
Waste Operations	DRR05K	Refuse Driver

Waste Operations	DRR05L	Refuse Driver
Waste Operations	DRR05M	Refuse Driver
Waste Operations	DRR05O	Refuse Driver
Waste Operations	DRR05P	Refuse Driver
Waste Operations	DRR05Q	Waste Services Response Driver
Waste Operations	DRR05R	Refuse Driver
Waste Operations	DRR05S	Waste Services Response Driver
Waste Operations	DRR05T	Refuse Driver
Waste Operations	DRR05U	Refuse Driver
Waste Operations	DRR06A	Refuse Loader
Waste Operations	DRR06B	Refuse Loader
Waste Operations	DRR06C	Refuse Loader
Waste Operations	DRR06CAS	Refuse Loader
Waste Operations	DRR06D	Refuse Loader
Waste Operations	DRR06E	Refuse Loader
Waste Operations	DRR06G	Refuse Loader
Waste Operations	DRR06H	Refuse Loader
Waste Operations	DRR06I	Refuse Loader
Waste Operations	DRR06J	Refuse Loader
Waste Operations	DRR06K	Refuse Loader
Waste Operations	DRR06L	Refuse Loader
Waste Operations	DRR06M	Refuse Loader
Waste Operations	DRR06N	Refuse Loader
Waste Operations	DRR06O	Refuse Loader
Waste Operations	DRR06P	Refuse Loader
Waste Operations	DRR06Q	Refuse Loader
Waste Operations	DRR06R	Refuse Loader
Waste Operations	DRR06S	Refuse Loader
Waste Operations	DRR06T	Refuse Loader
Waste Operations	DRR06U	Refuse Loader
Waste Operations	DRR06V	Refuse Loader
Waste Operations	DRR06W	Refuse Loader
Waste Operations	DRR06X	Refuse Loader
Waste Operations	DRR06Y	Refuse Loader
Waste Operations	DRR07A	Refuse Driver- Recycling
Waste Operations	DRR07B	Refuse Driver- Recycling
Waste Operations	DRR07C	Refuse Driver- Recycling
Waste Operations	DRR07D	Refuse Driver- Recycling
Waste Operations	DRR07F	Refuse Driver- Recycling
Waste Operations	DRR07G	Refuse Driver- Recycling
Waste Operations	DRR07H	Refuse Driver- Recycling
Waste Operations	DRR07I	Refuse Driver- Recycling
Waste Operations	DRR07J	Refuse Driver- Recycling
Waste Operations	DRR08A	Recycling Loader
Waste Operations	DRR08B	Recycling Loader
Waste Operations	DRR08C	Recycling Loader

### **Signs of possible substance abuse or misuse**

One or more of these signs may be an indicator of possible substance abuse and misuse. They are also indicators to other medical conditions.

- Slurred or rambling, stumbling, incoherent speech
- Drowsiness or inability to stay awake
- Poor co-ordination, staggering, disorientation
- Unsure standing, turning, moving
- Irrational or inappropriate behaviour (belligerence, violence, etc.)
- Nausea
- Inflamed, glassy or droopy eyes, dilated/constricted pupils
- Hallucinations
- Mood swings, unpredictability (hyperactivity, depression, euphoria)
- Frequent sniffing or touching of the nose
- Personality changes
- Heightened reflexes
- Exaggerated confidence or glibness
- Forgetfulness
- Lack of attention
- Agitation, restlessness, anxiety and paranoia
- Runny or bleeding nose
- Aroma of alcohol or drugs
- Limited attention span, difficulty concentrating
- Hand tremors
- Violent tendencies, loss of temper or irritability
- Time distortion
- Mental confusion, bizarre thoughts, ideas or statements
- Poor personal hygiene

### **Job Performance Patterns Indicating Possible Substance Abuse and Misuse**

One or more of these patterns may be an indicator of possible substance abuse and misuse. They are also indicators to other medical conditions.

- Extended absences from the job
- High accident rate
- Inability to work with others, friction in relationships
- Chronic, excessive absenteeism pattern
- Poor workmanship on the job (e.g. error, wasted materials)
- Failure to complete jobs/tasks etc. in a timely manner
- Difficulty concentrating
- Confusion, inability to handle jobs of increasing complexity
- Spasmodic work patterns

- Irrational personal behaviour on the job (overreaction, unusual personality change, decline in personal hygiene, etc.)
- Four or more incidents of absences (sickness, tardiness, or being AWOL) in the preceding twelve months
- Suspicious absence pattern such as:
  - Immediately preceding or following days off
  - Coincident with weekends
  - Always on the same shift
  - Swings in activity level – hyperactivity to sluggishness
- Inability to perform two tasks at the same time (divided attention), such as handling a discussion while physically performing a task
- Sporadic or poor workmanship or job performance
- Change in attitude – moody, resentful of criticism, always casting blame on others, sudden inability to work with others
- Chronic forgetfulness or broken promises

**Contributing Evidence:**

- Physical evidence (drug paraphernalia, alcohol beverage bottles, etc.)
- Smell of marijuana, alcohol
- Attempts to hide or destroy evidence
- Observance of use
- Suspicious employee reaction

## **Guidance script for managers requiring an employee to undergo a substance test**

“I require you to undertake a drug and alcohol test. This is because <see policy: either as a result of an incident or reasonable suspicion of use or as a result of being chosen through random selection from the pool of safety-critical posts>. This will be conducted <by whom> at <location> at <time>. You will need to supply a sample of your saliva by means of a mouth swab and/or a sample of breath. There will be an immediate result for both tests.”

“If the tests prove to be negative, you will be asked to resume your normal work.”

“If the test for alcohol proves to be positive as defined within Council policy you will be suspended on full pay. I shall arrange transport to home/elsewhere.”

“If the saliva tests positive to drugs another sample may need to be taken under chain of custody conditions (this means that the sample will be dealt with securely and that it cannot be tampered with) and forwarded to an independent laboratory for further analysis. The results should be available within 48 hours. In the meantime, you will be suspended on full pay. I shall arrange transport to home/elsewhere. I shall contact you at home <check contact number> as soon as the results have been confirmed.”

“In the event of a positive result being found for drug or alcohol presence that is above the limit defined in Council policy, you will remain suspended whilst an investigation under the Council’s Disciplinary Procedure is conducted. The matter will be treated as an issue of potential misconduct, possibly gross misconduct. If as a result of this investigation a formal hearing is called, the outcome may be disciplinary action up to and including dismissal.”

“As part of the procedure for testing, you may request a colleague to be present as a witness and you will be asked for your consent for the tests to take place. Do you wish for a colleague to be present? <Who?> (*this will need to be someone who is readily available if the test is to be carried out immediately*). Refusal to provide a sample may be viewed as an act of gross misconduct which may lead to disciplinary action up to and including dismissal.”

“If you are concerned or have questions about this test or the reason for it, you may wish to discuss this with me, a Personnel Officer from the HR team or your union representative. If you wish to make complaint about how the test has been applied, you should state this in writing to my manager <who?>.”