



ST. PATRICK'S CENTRE (KILKENNY)
KELLS ROAD KILKENNY

Policy Document

POLICY TITLE: Intoxicants in the Workplace Policy

Prepared by: Helen Hogan	Approval Date: 26.04.2019	Review Date: 25.04.2021
Policy Number 16 – Other Policies	Approved By: Signed: <u>David Kilian</u> Operations Manager Signed: <u>[Signature]</u> Board Member	

Mission Statement

To enable people to live a good life, in their own home, with supports and opportunities to become active, valued and inclusive members of their local communities.

To enable a supported self-directed living (SSDL) model of provision which is underpinned by our beliefs, values and vision.

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Reviewed by:	Approved By: Signed: _____ Operations Manager	

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1. Policy Statement

The objective of this policy is to avoid the adverse effects of alcohol and narcotics (collectively known as intoxicants) and to protect the health and safety of all the people we support and all employees. Misuse of alcohol or narcotics will impair the ability of employees to perform their duties effectively and safely and may endanger the people we support, co-workers, the public and the organisation's property.

The organisation seeks to prevent the misuse of alcohol and narcotics by employees. Employees have an individual responsibility to ensure that they are not under the influence of alcohol or narcotics while at work. It is also a legal duty under the Safety, Health and Welfare at Work Act 2005 not to be under the influence of an intoxicant to the extent that employees endanger themselves or others.

It is the responsibility of every employee while at work not to be in a state of intoxication. It is considered a serious breach of this policy for an employee to attend work under the influence of an intoxicant. Breach of this policy will result in disciplinary action up to and including dismissal. In order to achieve the objective of this policy the organisation does not permit the possession, or use, of any intoxicant on company property. The organisation regards any breach of this rule as an issue of gross misconduct. This rule, however, does not apply to over-the-counter medication.

The organisation recognises that employees taking narcotics prescribed by an attending physician may also present a risk to themselves or others, depending not only on their state of health, the nature of the narcotics prescribed and their effect, but also on the type of work activity in which they are engaged. Employees taking prescribed narcotics should, with primary regard being given to their physician's advice, establish if these narcotics may adversely affect their work and safety. If this is the case, they should inform their immediate supervisor. In some cases, it may be appropriate to consult the company physician for determination of the effects on work activity and any limitations that may be needed. All prescription narcotics must be kept in their original container. The organisation will treat any medical information in strict confidence.

2. Scope

The policy applies to all employees regardless of rank or position and includes temporary, part-time and fixed-term employees. This policy also applies to contractors and others who are on the organisation's premises at any time.

While driving company or own vehicles for work purposes, employees must comply with traffic legislation. Under no circumstances must they be under the influence of alcohol, narcotics or prescription narcotics if these narcotics may adversely affect their work and safety.

3. Support for employees with addiction

Alcoholism is recognised as a disability for the purposes of the Employment Equality Acts. Alcoholism and drug addiction can be responsive to proper treatment and, as such, employees suffering from a disability will not be discriminated against because of their illness. Employees who have an alcohol or drug addiction will be actively encouraged to avail of professional assistance and given the opportunity to do something positive to resolve their problem. However, should an employee fail to respond to, or continue with, treatment, they may be subject to disciplinary action, up to and including dismissal, where appropriate.

Information received from employees concerning addictions will be dealt with in the strictest confidence.

The organisation will not tolerate abuse of this policy or of the available employee support mechanisms. All individual cases will be assessed with regard to their particular circumstances. Referral to support mechanisms will not arise in every case and the organisation will not permit employees to use such mechanisms to circumvent disciplinary processes.

4. Employee assistance programme

The organisation will provide employees and their families with confidential, professional assessment and referral for assistance in addressing addiction to, dependence on, or problems with alcohol, narcotics, or other personal problems adversely affecting their job performance. Confidential assessment and referral services will be provided without cost to the employee or family member.

5. Testing (if including testing for intoxicants)

Employees in the following circumstances may be subject to alcohol and narcotics testing. There are three types of testing that can arise:

- Pre-employment testing
- With-cause testing

Any employee suspected of being under the influence of intoxicants or involved in a work-related accident may be subject to with-cause testing. This will be conducted in conjunction with an occupational medical. All employees are expected to cooperate fully with such testing as a condition of continued employment with this organisation. This is to be applied in circumstances where any member of the staff appears to be under the influence of an intoxicant in breach of this policy. The judgement as to whether with-cause testing needs to be applied can be based on a number of factors including the following:

- apparent disorientation
- unsteadiness
- slurring of words
- smell of alcohol
- admitted or observed taking of illegal or non-prescribed narcotics or volumes of alcohol
- unusual or abnormal behaviour

In all cases, prior to a staff member being requested to undergo with-cause testing procedures, more than one person will have submitted an opinion as to the existence of circumstances or conditions sufficient to warrant testing, i.e., these will be the manager on duty at the time (normally the manager of the staff member affected), in addition to at least one manager on duty.

If a manager or supervisor considers an employee to be under the influence of an intoxicant for whatever reason, it is essential that they do not permit them to commence work until such time as they are satisfied the person is in a fit state to do so. This may mean confronting the person about whom they have a concern. If considered necessary to send them home, transport should be arranged. They should not be permitted to drive themselves.

6. Search for intoxicants

Search procedures, conducted under reasonable cause, such as inspections of employees' personal property, including briefcases, lunch boxes, or tool boxes, will be maintained as part of the organisation's security measures. All employees will be expected to cooperate, as a condition of continued employment, with special drug/alcohol searches of personal vehicles on company property, purses, clothing, briefcases, or other employee personal property, when there is reasonable suspicion to believe that an employee may be in possession of narcotics or alcohol.

Searches on company premises and company property can be conducted at any time, and this applies to all individuals working in the organisation, regardless of rank or status.

7. Reporting illegal activity

The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is illegal under Irish law. The organisation, having taken immediate steps in line with disciplinary procedures, will report information concerning possession, distribution, or use of any illegal narcotics to the Garda Síochána and will turn over to the custody of the Gardaí any such substances found during a search of an individual or property. Searches of individuals will only be conducted based on reasonable cause, and searches of vehicles, lockers, desks, or closets when based on reasonable suspicion. The organisation will cooperate fully in the prosecution and/or conviction of any violation of the law.