

**TUC**

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# **DRUGS AND ALCOHOL IN THE WORKPLACE**

**Guidance for workplace  
representatives**

## Introduction

The use of drugs and alcohol can be a serious workplace issue. Not only can their use lead to significant health problems but 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. In addition some drugs, even when prescribed by a doctor, can affect someone's ability to work, especially if the job requires a high level of concentration or alertness. However, on the other hand, many people have conditions that require drugs to help them live a normal life and could not work without them.

The use of alcohol and drugs socially may have no direct effect on the person's 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, construction workers, machine operators and emergency staff. It can be an issue for all groups of workers. Many drugs can also have psychological effects that can affect

performance or mental wellbeing, especially after long-term use or if a dependency develops.

The TUC believes that alcohol and drugs have no place in the workplace, unless required for a medical condition, however we also believe that employers should not interfere in a person's private life unless it impacts on their work.

Many people who drink socially or use recreational drugs at weekends do not, in any way perform any worse, or take more time off sick as a result. If however a person's health suffers, or they are trying to work while under the influence of drink or drugs then it can become a workplace issue. It is also a matter for trade unions because many people turn to alcohol or drugs because of the stress of work, or to painkillers because of musculoskeletal problems caused by work.

This guidance is intended to assist workplace representatives in developing policies to deal with alcohol and drug problems in the workplace. The issue of drug testing is dealt with in separate [TUC guidance](#).

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## What is substance misuse?

Substance misuse is described as the problematic use of alcohol, drugs and other substances.

Drug or alcohol use can become problematic when an individual uses a substance so regularly or in such quantities that they start to depend on it in order to feel normal in everyday life. Dependence can develop into addiction, where day to day life focuses on obtaining and regularly drinking or taking a drug to maintain either a physically stable state or a preferred mental state. In the case of alcohol, the term misuse can refer to binge drinking or regular heavy drinking.

It is important not to confuse substance misuse, with occasional use of alcohol or drugs. Nevertheless, all forms of substance use, whether alcohol or drugs, legal or illegal, can affect the workplace. Those with dependency problems may find that their performance is affected, that they develop mental health problems, or they are off work more often. At the same time, any person who either uses drugs or alcohol at work, or who comes to work while under the influence of drugs or alcohol could put themselves and their colleagues' safety at risk.

## How much of a problem is drug and alcohol abuse at work?

Workplaces often reflect what goes on in society. Since drug and alcohol abuse are significant social problems, they are also workplace issues. Both alcohol and illicit drug use is falling in the UK, although in recent years there has been an increase in

the use of new psychoactive substances that were previously "legal highs", including Synthetic cannabinoids, which the press call "spice".

A survey by DrugScope and Alcohol Concern found that 27 per cent of employers say drug misuse is a problem at work while 60 per cent have experienced problems due to staff drinking alcohol. While that may be what employers think there is little evidence that this is accurate.

The [2017/18 Crime Survey](#) for England and Wales showed that 4.3% of adults between 16 and 59 had taken an illicit drug in the last month. This figure has fallen since a decade ago despite a number of additional drugs (legal highs) having been made illegal in 2016. The most common illicit drug used is cannabis, followed by cocaine. Many of those who have taken drugs in the last month are not in work because they are unemployed or unable to work. Of these that are at work, the vast majority of people restrict their use to social use at weekends.

Among people who are at work, the use of prescription drugs is much more common. An estimated 1.5 million people are addicted to prescription and over-the-counter drugs in the UK. A large number of others use them occasionally. Many of these drugs can have a significant effect on performance, concentration, or alertness.

In the case of alcohol, an NHS survey said that 25 per cent of men reported drinking over 8 units and 16 per cent of women reported drinking over 6 units on at least one day in the past week. This does not mean that these people have a dependency issue or that it is affecting their work, but it is estimated that between 3 per cent and 5 per cent of all absences are due to alcohol.

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. Some forms of drugs are also used to combat fatigue. Even caffeine, a legal and very commonplace substance, can be used to cover up tiredness caused by excess hours at work.

## **The law**

Under the Health and Safety at Work Act, the employer has a duty to ensure the health, safety and welfare of employees and develop a health and safety policy. 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. While the Management of Health and Safety at Work Regulations say employers should conduct risk assessments. This would include the use or presence of drugs and alcohol at work, if there appears to be a risk to workers. The main causes must then be treated in the same way as any other workplace hazard by the implementation of preventive measures.

It is a criminal offence under the Misuse of Drugs Act for any person knowingly to permit the production, supply or use of controlled substances on their premises except in specified circumstances (such as when they have been prescribed by a doctor). The Medicines Act 1968 also controls the sale of drugs that are considered medicine.

Under the Road Traffic Act and the Transport and Works Act, drivers of road vehicles must not be under the influence of drugs or alcohol while driving, attempting to drive or when they are in charge of a vehicle. Certain rail, tram and other guided-transport system workers must not be unfit through drugs or alcohol while working on the system. The operator of such a system must exercise all due diligence to avoid those workers being unfit.

## **Developing a drugs and alcohol policy**

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. That is why it is important for every employer to have a drug and alcohol policy.

There are two separate issues that need to be considered in any drug and alcohol policy. The first is the use of alcohol and drugs while at work. Anyone under the influence of any drug that can impair their abilities is likely to be a risk to themselves and others. This is particularly the case in high-hazard industries, and applies just as much to some prescription medications as illicit drugs. The second is the effect of dependency on drugs or alcohol on a person. This can impact on their performance but can also have long-term consequences for their health and finances.

Many employers consider drug use outside the workplace as a matter for the law and alcohol abuse is often considered a personal matter unless it starts becoming disruptive. Negotiating an agreed policy can help ensure that the issues are dealt with as legitimate workplace matters in a way that will aim to support any workers who have a problem. Under no circumstances should a drugs or alcohol policy be part of a disciplinary policy.

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. Unfortunately many line managers are not equipped to deal with these issues and line manager training and support is an important part of any policy.

ACAS provides guidelines on drugs and alcohol policies in its [\*Health Work and Wellbeing booklet\*](#). It stresses that any policy should aim to protect workers and encourage sufferers to seek help.

It also recommends to employers that when they become aware of the issue they should:

- keep accurate, confidential records of instances of poor performance or other problems
- interview the worker in private as early as possible in the process
- concentrate on the instances of poor performance that have been identified
- ask for the worker's reasons for poor performance and question whether it could be due to a health problem, without specifically mentioning alcohol or drugs
- if appropriate, discuss your alcohol and drugs policy and the help available inside or outside your organisation
- agree future action
- arrange regular meetings to monitor progress and discuss any further problems if they arise

However these must be done in the framework of an agreed drugs and alcohol policy which all staff are aware of.

Where many drugs and alcohol policies fall down is in the provision of concrete assistance to those who have a problem. The employer will have to have some kind of arrangement to support workers who are identified as needing help. An Employee Assistance Programme can be useful in suggesting organisations that may be able to help the person. Many occupational health providers will be able to provide some kind of rehabilitation but, unless your employer already has comprehensive

occupational health support, they will have to find out what provision there is locally and what kind of service they can expect.

## **Negotiating a policy**

Prior to developing a policy, it is best to find out what problem exists, if any. That can be done through looking at sickness and disciplinary records, accident investigation reports or talking to any provider of occupational health or counselling services for the organisation if they exist. However even if there is no evidence of a problem then you should encourage your employer to develop a policy.

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

- 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.

Many unions have a model policy, so check your union website.

### **Key elements of a policy**

Any policy should address the following issues:

- It should make it clear who has overall responsibility for implementing the policy.
- It will cover both legal and illicit drugs.
- The policy should cover all employees, including senior managers.

- The employer should guarantee that any employees who seek help will be treated in a non-judgemental supportive way and should guarantee confidentiality.
- It should lay down processes for dealing with any cases when someone is believed to be impaired by drug or alcohol while at work and outline when, if at all, alcohol can be consumed while at work or on work premises.
- It should ensure that all managers are trained to spot the early signs of abuse and there will be procedures to ensure that any problems are discussed with staff at an early stage.
- Alcohol and drug misuse should be treated as a medical and not a disciplinary matter. There will also be a recognition that in many cases alcohol and drug use can lead to addiction which may require help.
- If drug or alcohol testing is to be used as part of a drugs and alcohol policy, it should be restricted to safety reasons and staff should be aware of their rights. This is dealt with in more detail in the [TUC guide to drug testing](#).
- The policy should outline how employees can get assistance both within the organisation and, if necessary, outside.
- It should stress that any requests for assistance or treatment will be treated confidentially.
- The employer should consider making available alternative work where this will help an employee's rehabilitation.
- The policy should make it clear that absence for treatment and rehabilitation will be regarded as normal sickness absence.
- There should be a recognition that staff may relapse.

- The policy should outline under what circumstances disciplinary action may be taken. This may include where help is refused and performance is consistently poor due to drug or alcohol abuse, or where a person comes to work under the influence of drugs or alcohol and others are put at risk.
- The employer should undertake to run an information and awareness campaign in support of the policy.

It is also important that any policy is regularly monitored and reviewed.

### ▣ DRUG USE BY CLIENTS

*In some workplaces staff can be put at risk by clients or customers who are under the influence of alcohol or drugs. This can affect sectors such as retail, the police, health and social care and the prison service. The drug and alcohol policy is not the way to deal with these issues but it is important that they are addressed, either through a policy on violence or a separate policy. In some residential settings such as prisons the issue is also around restricting access to illicit drugs and alcohol.*

## **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..

Although the use of alcohol at work has fallen in recent years, some organisations do still allow senior managers to keep drinks cabinets in their office, and staff with regular lunchtime meetings are often put in situations where drink is served. In other workplaces it is the norm for a manager to discuss workplace issues after work in the pub, and staff may feel obliged to attend.

Socialising after work can be an important part of life in any workplace, however where this revolves solely around alcohol it can lead to problems. By encouraging positive alternatives to a heavy drinking culture, problems of alcohol misuse can be prevented.

And don't forget that there is a lot that employers can do prevent drug and alcohol misuse by managing stress and ensuring that no one works excessive hours.

## **What can safety representatives do?**

There are a number of positive steps that safety representatives can take to raise awareness and tackle problems related to drugs and alcohol misuse.

### **Membership awareness and information**

Safety representatives can work with local support organisations and take the opportunity of raising awareness of drugs and alcohol misuse through posters or leaflets.

### **Surveys and inspections**

Safety representatives could conduct a survey to find out whether drugs and alcohol misuse is a problem in the workplace. This can be done on a confidential basis as some members may be reluctant to contribute otherwise. Safety representatives can also use their routine inspections or undertake special inspections to speak to members. Safety representatives should report any concerns and those of their members to management in writing.

### **Supporting members**

Sometimes a person with a drug or alcohol problem will contact you asking for help. While you are not expected to be a counsellor or expert you can talk to the person and suggest that they seek help from a local support or addiction service, or even through their GP.

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## Resources/Further information

TUC pages on drugs testing:

<https://www.tuc.org.uk/research-analysis/reports/national/drug-testing-workplace>

HSE pages on drugs and alcohol:

<http://www.hse.gov.uk/alcoholdrugs>

Hazards magazine:

<http://www.hazards.org/workstyle/index.htm>

Business in the Community toolkit:

<https://wellbeing.bitc.org.uk/all-resources/toolkits/drugs-alcohol-and-tobacco-toolkit-employers>