



United Kingdom

About United Kingdom all information based on internet research (see internet address below):

Annex 1: Extract of "IAS FACTSHEET – ALCOHOL & THE WORKPLACE"

There is no direct legal requirement for employing organisations to implement alcohol policies as such. However, health and safety at work legislation requires both employers and employees to maintain a safe working environment, and were an alcohol-related accident to occur, then, depending on circumstances, the employer, the employee concerned or both could be liable.

The **Transport and Works Act 1992** introduced the 80mg% legal limit for operational staff of British Rail. As employers, rail companies themselves set a maximum blood alcohol level of 39mg%.

The Exxon Valdez disaster in 1989 (an alcohol-related oil tanker disaster which devastated the coast of Alaska) prompted many companies in the offshore oil and related industries to introduce both no-alcohol rules for their staffs and screening for alcohol and drug problems.

In regard to alcohol dependent employees, **employment protection law** requires employers to treat dependence as a form of sickness, giving the employee the opportunity to overcome the problem.

Alcohol Policies in Practice

Many employing organisations operate workplace alcohol policies designed both to ensure that employees are sober during working hours and also to identify and help employees with a drink problem. Many company policies also encompass drugs other than alcohol.

Examples of employing organisations with alcohol policies include: British Rail, Ford Motor Company, Royal Bank of Scotland, Marks and Spencers, Whitbread, Manchester City Council, Shell, Nuclear Electric

There are *no reliable figures for the number of companies which operate alcohol policies*, although they are common in large companies and those which are safety sensitive, such as transport.

In its submission in regard to the **National Alcohol Harm Reduction Strategy** (February 2003), the **TUC (TRADES UNION CONGRESS)** called for further development of workplace alcohol policies. The TUC's report, "Drink and work - a potent cocktail", states that people are drinking more now than ever before, but few employers have alcohol policies in place to tackle any problems.

The TUC submission refers to a recent Alcohol Concern survey which showed that **almost two-thirds of employers (60%) were experiencing problems as a result of staff drinking**.

A separate Chartered Institute of Personnel Development survey found that **a large number of employers (43%) did not have alcohol policies and most (84%) did not run health awareness programmes for their staff**.

According to the TUC report, alcohol is a major factor behind **absences from work with up to 14.8 million working days lost as a result of drinking every year**. It is also estimated that longterm sickness, unemployment and premature death due to **alcohol abuse costs the UK economy some £2.3 billion a year**.

Unions are concerned that **many employers are turning to companies which offer screening and random testing as a means of dealing with alcohol and the workplace**. The TUC believes that these are **never effective at keeping drink away from work**, and they raise a number of privacy and human rights concerns.

'A potent cocktail' suggests a number of ways that the government, employers and unions might tackle the drink/work issue:

- The government should fund research looking at the extent of the misuse of alcohol by individuals at work, its effect on the workplace and its cost to the nation. The government could also offer financial incentives to those employers currently offering counselling and other types of employee assistance programmes to encourage more workers to come forward and admit their alcohol problems.
- Employers who don't have alcohol policies should draw them up in consultation with unions in the workplace. **Policies should cover such topics as tackling the causes of excessive drinking, confidentiality, counselling, screening, testing and occupational health services.**
- **Unions can play their part by training and providing information** to union reps on dealing with workplace alcohol issues, and by helping those members trying to deal with their drink problems through rehabilitation schemes.

IAS FACTSHEET – ALCOHOL & THE WORKPLACE Institute of Alcohol Studies, 03.06.2009
<http://www.ias.org.uk/resources/factsheets/workplace.pdf>

Annex 2: Extract of “Tackling alcohol and drugs in the workplace”

What are the legal issues?

As with many legal issues, organisations are advised to seek expert legal opinion on their specific circumstances. Substance misuse may involve employers in both employment and even criminal law. Outside certain industries, such as public transport, there is little legislation directly relating to drugs and alcohol in the workplace. However there is legislation on substance abuse which can affect an employer and an employee.

Misuse of Drugs Act 1971 - this is the key UK legislation relating to the control and classification of drugs. This Act and its subsequent amendments set down the penalties for possession and supply of various illegal drugs. Section 8 of the Act. Not taking reasonable action to prevent this has been legally found to constitute 'permitting' – turning a blind eye is not an option.

Health and Safety at Work etc. Act 1974 - sets out the duty of care of employers to employees in the workplace. Section 2 places a duty on employers to provide a safe place of work and competent employees. Failure to deal with an employee who is under the influence of drugs or alcohol, who may constitute a risk to other employees, could leave an organisation open to prosecution. There is a particular emphasis on young people under 18 years of age.

Management of Health and Safety at Work Regulations 1999 - regulation 3 places a duty on the employer to make a suitable and sufficient assessment of the risks to health and safety of employees and others affected by their undertaking.

Common Law - places a duty on the employer to take reasonable care of the health and safety of employees.

Provision and Use of Work Equipment Regulations 1998 - requires employers to assess any additional risk as a result of using work equipment in the conditions that exist in their business and particularly any special needs of young workers, in line with the Management of Health and Safety at Work Regulations 1998.

Data Protection Act 1998 - all health and medical information is sensitive personal data under the terms of the Data Protection Act. All information surrounding possible drug or alcohol misuse must be handled securely and confidentially.

Road Traffic Act 1988 - sets out the offence of driving or attempting to drive a motor vehicle while unfit through drink or drugs. With regard to alcohol it sets the legal limit (80 milligrams of alcohol per 100 millilitres of blood). Companies should ensure this is reflected within their car policy.

The Transport and Works Act 1992 - makes it a criminal offence for specified jobs to be undertaken by those unfit through drink or drugs. Employers may be liable unless they can show 'all due diligence'.

The Railways and Transport Safety Act 2003 - sets out the limits and numerous offences that can be committed by people working in the field of aviation, transport and shipping.

Reference: "Tackling alcohol and drugs in the workplace – a toolkit for business"
www.cityoflondon.gov.uk/ldpf (2007)

Annex 3: HEALTH PARTNERSHIPS IN SCOTLAND

Improving Health in Scotland - the Challenge sets out the Scottish Executive's strategic plans to improve health and reduce health inequalities throughout Scotland and identifies the workplace as one of the most important settings in which to drive positive change.

Alcohol and drug abuse is having an increasingly detrimental impact on employees, their colleagues and organisational harmony and efficiency. *Alcohol and Drugs – Policies and Employment* is a resource pack and training course commissioned by NHS Health Scotland from specialist consultants and is aimed at:

- encouraging organisations to develop a positive approach
- increasing their knowledge of the effects of various substances
- promoting greater understanding of the implementation of workplace alcohol and drug policies, including the emotive issue of alcohol and drug testing

'Train the trainers' workshops are organised for multi-disciplinary audiences from a wide spectrum of workplaces. The workshops also provide an opportunity for participants to enhance their personal training skills so that they can facilitate their own courses, which help to promote further the key messages of addressing alcohol and drug issues in the workplace.

→ **Model Alcohol Policy – January 2009** developed by The Scottish Government & Alcohol Industry Partnership in conjunction with The Scottish Centre for Healthy Working Lives
... It is the responsibility of any organisation using this policy to adapt it to the needs of their own workplace. It is recommended to consult with employees and an employment law or human resources specialist before developing and implementing a new policy.

<http://www.infoscotland.com/alcohol/files/alcohol-policy.doc>

Annex 4: Northern Ireland Drugs and Alcohol Campaign

The booklet is an integral part of the Workplace Resource Pack on Drugs and Alcohol which has been developed as part of the Northern Ireland Drugs and Alcohol Campaign.

This tool has been available since 2003 and it is free to employers. The main aim is to achieve three objectives:

- To raise awareness of alcohol and drugs and to prevent alcohol and drug related problems affecting the workplace;
- If any problems to arise then to identify them at the earliest possible stage;
- To protect the health, safety and welfare of employees by offering support to those who inappropriately use alcohol and drugs.

→ **Guidelines on developing and implementing workplace drugs and alcohol policies**

http://www.hseni.gov.uk/workplace_drugs_and_alcohol_policies_-_guidelines.pdf

→ **Workplace Drugs and Alcohol Policies - example of a Model Policy**

http://www.hseni.gov.uk/workplace_drugs_and_alcohol_policies_-_example_policy.pdf

Annex 5: Extract of the Wales Good Practice Guidance on Managing Alcohol Misuse in the Workplace by the Welsh Assembly Government

This document provides a summary from the evidence, professional opinion and existing policy statements on best practice in relation to the management of alcohol misuse in the workplace. It will be used by Welsh Assembly government to inform the publication of a consultation document.

Summary

- Community Safety Partnerships (CSPs) should work with their local employer organisations to ensure that they have alcohol policies consistent with the principles and models proposed in this guidance. The workplace will often be the environment where an individual's alcohol problem is first recognised and should be acknowledged as such in CSP action planning.
- Workplace alcohol policies can provide a framework for managing all alcohol related issues and should be seen as being central to the principles of a responsible, supportive and caring organisation. It is important, however, that the alcohol policy links in with other relevant human resources and health and safety policies.
- The proactive involvement of employees through their trade unions or representative groups, a commitment to joint negotiation, confidentiality, and systems for referring drinkers to counselling/treatment are the essential elements of an effective workplace policy.
- There is strong evidence that worksite interventions, including core components of employee assistance programmes, are effective in rehabilitating employees with alcohol problems.
- Worksite training on alcohol can also affect the attitudes of supervisors and employees.
- Work based training programmes that focus on employees' alcohol problems and possible interventions are likely to be effective.
- Workplace interventions that are broadly based on the model of employee assistance programmes should be supported. Programmes that offer employee assistance as a core component report a high degree of success.
- Training and interventions modelled on employee assistance programmes should be seen as complementary and not substitutes for each other.

→ **Good Practice Guidance on Managing Alcohol Misuse in the Workplace**

<http://wales.gov.uk/docs/dsjlg/publications/commsafety/091127treaten.pdf>

Annex 5: Extract of “Don’t mix it - A guide for employers on alcohol at work Health and Safety Executive (HSE)”

A model workplace alcohol policy would cover the following areas:

Aims: Why have a policy? Who does the policy apply to?

(Note: best practice would be for the policy to apply equally to all grades of staff and types of work.)

Responsibility: Who is responsible for implementing the policy?

(Note: all managers and supervisors will be responsible in some way but it will be more effective if a senior employee is named as having overall responsibility.)

The rules: How does the company expect employees to behave to ensure that their alcohol consumption does not have a detrimental effect on their work?

Special circumstances: Do the rules apply in all situations or are there exceptions?

Confidentiality: A statement assuring employees that any alcohol problem will be treated in strict confidence.

Help: A description of the support available to employees who have problems because of their drinking.

Information: A commitment to providing employees with general information about the effects of drinking alcohol on health and safety.

Disciplinary action: The circumstances in which disciplinary action will be taken.

<http://www.hse.gov.uk/pubns/indg240.pdf>

Annex 6: IAS FACTSHEET – ALCOHOL & THE WORKPLACE

Main elements of the Workplace Alcohol Policy by Manchester City Council

The policy is that the Council will attempt to:

- alert staff to the problems associated with alcohol
- offer encouragement and assistance to all employees who feel they may have an alcohol problem to seek help voluntarily at an early stage
- offer assistance to an employee with a drink-related problem which comes to light through observation or by the normal disciplinary procedures, for example through poor work performance, absenteeism or conduct.

It will also try to create a working environment which understands the problems that inappropriate consumption of alcohol can cause by:

- promoting and publicising health and alcohol education and information
- demonstrating a sympathetic managerial attitude towards problem drinkers
- not encouraging excessive consumption of alcohol in connection with any of the Council’s functions, facilities or civil business.

Identification

Problem drinkers tend to be identified by poor performance, high sickness absence or disciplinary problems. Once they enter the monitoring system, either by the line manager’s intervention or by self-referral, they are interviewed by a personnel officer.

A trade union representative can be present if the employees request it. If treatment is sought, time off is granted in accordance with the usual conditions of service concerning sick pay.

Regardless of whether employees make the approach themselves or their problem comes to light as a result of disciplinary action, the Council will still attempt to help them.

If employees refuse to undergo treatment, their work performance is monitored for a specified period. If it remains unsatisfactory, the employee will be interviewed again and if necessary disciplinary procedures invoked.

Employees who accept a course of treatment devised by the medical department are asked to sign an agreement drawn up by the personnel department setting the obligations on both sides so that both the Council and the employee know what is expected of them.

A limited amount of counselling is carried out in-house by the Council's two part-time counsellors. There is a limit of six formal sessions, typically held with decreasing frequency. If more are needed, the occupational health unit will refer employees to local services, while always seeking to avoid dependency. In severe cases, employees may be referred to a detoxification unit.

Return to Work

When possible, the Council will guarantee employment in the previous job of an employee who has undergone treatment. Where the problems may have been caused by the nature of the work, however, the Council will attempt to redeploy the employee.

If an alcohol problem occurs again, whether during treatment or following a return to work, each case is assessed on its merits. It is possible that reasonable further treatment will be offered but this is increasingly unlikely.

Staff will continue to be monitored for at least a year after their return to work.

Confidentiality

The policy guaranteed the employee confidentiality while undergoing a programme of treatment. No personnel record is made that the employee underwent treatment, although the medical department maintains a medical record. The report sent to the employee's department may mention an alcohol problem, but is likely to refer instead to nervous debility. Employees are encouraged to tell their GP's about the treatment but are not obliged to do so.

Screening

All employees are given a pre-employment health screen by one of the Council's two occupational health nurses. This consists of simple physical checks, with any problems referred to the doctor. As part of this screening, prospective employees complete a questionnaire on alcohol intake.

Publicity

Each employee received a pack containing a copy of the policy and a leaflet on drinking levels when the policy was launched. At the same time, line managers were trained in identifying problem drinkers and in the range and sources of treatment available.

Monitoring

There have been *no formal studies of the operation of the alcohol policy*.

- The Council notes that it has proved advantageous for a number of individuals who have been helped to solve their problems and remain in employment.
- Over the last two years about 50 employees have been placed on programmes of treatment for alcohol problems and
- About 15 of them have subsequently left the Council's employment.

Reference: IAS FACTSHEET – ALCOHOL & THE WORKPLACE Institute of Alcohol Studies, 03 June 2009

<http://www.ias.org.uk/resources/factsheets/workplace.pdf>

Further information about the situation in United Kingdom:

- "Managing drug and alcohol misuse at work" Chartered Institute of Personnel and Development (CIPD) (09/2007)
<http://www.cipd.co.uk/NR/rdonlyres/0731B5C2-3AAA-4A40-B80D-25521BDBA23A/0/mandrgalcmisusesr.PDF>
- "Running alcohol campaigns in the workplace - A guide for HR professionals" by CIPD/NHS
<http://www.cipd.co.uk/NR/rdonlyres/57A09952-72C8-44EE-A979-5A30DFF7E689/0/Evaluationform.pdf>
- Alcohol and Work - a potent cocktail Trades Union Congress (TUC), 01/2003
http://www.tuc.org.uk/h_and_s/tuc-6286-f0.pdf