



## HUMAN RESOURCE POLICY SUBSTANCE ABUSE (ALCOHOL AND DRUGS)

<b>Policy No: NLMHRER007</b>	<b>Effective Date: 01 April 2008</b>
<b>Approved:</b>	<b>Review Date: 01 April 2009</b>

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary, subject to Labour Law Dispensation or operational requirements.

### 1. SCOPE

This Policy applies to all employees of Ngwathe. It must, where applicable, be read together with the Employee Assistance Program, Collective Agreement: Disciplinary Code, Incapacity (Ill Health) and Smoking Policies.

### 2. PREAMBLE

#### DEFINITIONS

“**Abuse**” use to bad effect or for a bad purpose.

“**Alcohol**” a substance taken / drank to infuse drunkenness.

“**Drugs**” medicinal, chemical or natural substance causing addiction.

“**Dependence**” unable to work continuously in the normal working sense without the intoxicating substance (in this instance alcohol or drugs).

**“Drunkenness”** when rendered incapable by alcohol / drug substance.

**“Employee”** any person, excluding an independent contractor, who works for Ngwathe.

**“Education and Awareness Program”** a program undertaken by Ngwathe to educate and make employees aware of the consequences of substance abuse.

**“Influence”** adversely affecting the bodily or mental functioning / faculties as a result of the intoxicating effects of the alcohol / drugs.

**“Machinery”** means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to perform work, or which is used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy.

**“Premises”** includes any building or vehicle.

**“Rehabilitation”** Restore to normal life by treatment after dependency.

**“Workplace”** means any premises or place where a person performs work in the course of their employment.

### 3. POLICY

As the use of alcohol and drugs in the workplace cannot be allowed or condoned, the objective of this policy is to prohibit substance abuse and to develop a substance abuse program within Ngwathe with the primary focus on the following:

- 3.1. To eliminate the abuse and dependence on Alcohol and / or Drugs amongst employees and to assist, where possible, in the rehabilitation of those who have an alcohol and / or drug problem.
- 3.2 To enhance employee well-being, safety, health and productivity in the workplace (and at home).
- 3.3 To comply with the applicable National and Provincial Legislation.

#### 4. STAKEHOLDER ANALYSIS

<b>Role</b>	<b>Responsibility</b>
Municipal Manager / Director Corporate Services (subject to its delegations if any)	
Council	
Line Manager	
Human Resources	
Labour Representatives	

#### 5. PROCEDURE

- 5.1 The consumption of and the possession without permission of any intoxicating substance, including prescription medication and then only when certified by a medical practitioner, is prohibited by the provisions of this Policy.
- 5.2 Ngwathe shall only allow employees taking such medicines to perform duties at the workplace if the side effects of such medicines do not constitute a threat to the health and safety of the employee concerned or other persons at such a workplace.

- 5.3 Subject to provisions of this Policy, no employee with a Blood Alcohol Concentration above 0, 05 milliliters alcohol per 100 milliliters blood, shall be allowed to commence or continue with his work.
- 5.4 No employee shall be allowed to drive any Ngwathe vehicle, operate any machinery, maintain/repair vehicles and/or machinery or perform any duty after consumption of any intoxicating substance.
- 5.5 No drugs shall be allowed on the premises of Ngwathe. The only exception is where the medicines were supplied to the employee on prescription by a registered medical practitioner and are taken in accordance with the prescription.
- 5.6 Any employee found to be under the influence of alcohol or drugs may not enter or remain on the premises of the Ngwathe and shall be subject to disciplinary action.
- 5.7 TESTING FOR INTOXICATING SUBSTANCES AND SEARCHES
- 5.7.1 Only Line Managers or their duly authorised delegates shall carry out testing in terms of this policy.
- 5.7.2 Where there is a reasonable suspicion that an employee is under the influence of alcohol and / or drugs a test may be carried out. Should an employee be found to be intoxicated such employee *shall* be instructed to leave the workplace / premises and the disciplinary process shall be invoked.
- 5.7.3 Unreasonable refusal to be tested is an offence in terms of this policy.

5.7.4 Where there is suspicion that an employee is dependent on the use of drugs, testing shall be undertaken by a registered medical practitioner. The cost of such a test shall be borne by Ngwathe in terms of its Employee Assistance Programme.

5.7.5 Before an employee is tested, an explanation shall be given as to why the testing needs to be done and also the consequences of a positive test shall be explained.

5.7.6 Testing shall take place under specific circumstances and when certain behaviour is displayed. In such instances it shall be required that two employees, of whom one is a supervisor, have to agree on the condition of the suspected employee.

5.7.7 A behavioural and physical characteristics checklist shall be provided to assist supervisors to identify employees who are suspected to be under the influence of an intoxicating substance (Refer to Annexure "A").

5.7.8 As far as reasonably possible in the circumstances testing for the abuse of substances may be done immediately following an incident e.g. accident, subject to the requirements of Annexure "A".

Failure to comply with, or respond to rehabilitation shall result in either dismissal on incapacity due to ill-health or disciplinary action.

An employee identified to be intoxicated shall immediately be suspended by the Line Manager or his delegated authority for the remainder of his shifts on full pay with the instruction that he should report for duty the following day and the disciplinary procedure shall apply accordingly.

#### 5.7. Searches

5.8.1 Searches may be conducted when there is a suspicion and / or a situation of disputed possession of a substance of abuse. No consent is necessary for a specific search. Any substance of abuse found on the employee shall be confiscated and be submitted as proof of possession. A Senior Official of Ngwathe shall conduct searches. Bodily searches shall be conducted on such employee by a person of the same gender.

#### 5.9. REHABILITATION AND EDUCATION

5.9.1 Ngwathe recognises substance abuse, involving alcohol and / or drugs as a treatable condition.

5.9.2. Rehabilitation covers a wide range of treatment options, depending on the nature and severity of the problem and it may range from counselling sessions to hospitalisation and in / out patient treatment.

5.9.3. Workplace confidentiality plays a key role in the rehabilitation process.

5.9.4 All medical information shall be protected and treated as confidential.

- 5.9.5 Release of information shall be in accordance with signed authorisation by the employee.
- 5.9.6 Those employees identified as possibly dependent on alcohol and / or drugs shall be referred by their Line Manager to Human Resources Department for assessment and possible referral for a rehabilitation programme in consultation with their Trade Unions (where applicable).
- 5.9.7 Employees who have been placed on a rehabilitation program shall not be victimised, but should they abuse the scheme, the rehabilitation shall be terminated.
- 5.9.8 Where an employee is treated in a rehabilitation process the matter shall be treated confidentially between management and the employee.
- 5.10 HELPING EMPLOYEES TO HELP THEMSELVES
- 5.10.1 Ngwathe is committed to helping those who seek help in terms of this Policy.
- 5.10.2 All employees who believe they may have a substance abuse problem are required to come forward and seek help and support.
- 5.10.3 Employees should request assistance through their Line Manager, Human Resources Department or family doctor.

5.10.4 Management and the Trade Unions shall jointly develop and embark on a program to educate all levels of employees within Ngwathe about substance abuse, how to recognise the early warning signs, and what to do about them.

## 6. AUTHORITY

Formulation Policy	:	Municipal Manager
Authorisation Policy	:	Council
Ownership and Maintenance Manager	:	Director Corporate Services