

'SUBSTANCE ABUSE' POLICY

PREPARED FOR

CEDERBERG MUNICIPALITY

CONTENTS

1.	Aim and Purpose.....	3
2.	Definitions.....	3
3.	General Principles.....	3
4.	Guidelines for Managing Substance Abuse.....	4
5.	Disciplinary Procedures.....	6
6.	Incapacity Procedures.....	6

1. AIM AND PURPOSE

The Employer recognises that an employee, who admits to alcohol or drug dependence, should be offered support and rehabilitation. The Employer's policy is to support processes that will allow for rehabilitation, and to ensure a uniform and consistent approach to dealing with incapacity caused by substance abuse. It is also to provide guidelines for dealing with employees who are found to be under the influence of alcohol or drugs whilst performing their duties.

It should be noted however that being under the influence of alcohol or drugs whilst performing duties is a serious disciplinary breach. The Employer cannot condone such breaches and, where dependence is not proved, the disciplinary procedure will be invoked.

2. DEFINITIONS

2.1 The types of substance referred to in **substance abuse** include interalia alcohol, solvents, prescription drugs such as analgesics, cough syrups, diet preparations and stimulants, which may or may not be taken with direct medical supervision, as well as illicit drugs, such as marijuana, cocaine, ecstasy, tik etc.

2.2 For the purpose of this policy **workplace** is deemed to include all Employer property, as well as any situation, inside or outside of normal working hours, where the employee is identified as part of, or acting as a representative of the Employer, e.g. off-site work functions, public relations functions, etc.

3. GENERAL PRINCIPLES

The Employer does not condone the use by any employee of illegal substances, including drugs and narcotics.

- 0 In addition any employee who is under the influence of alcohol or drugs at the workplace is a potential danger not only to him/ herself, but also to fellow employees and clients of the Employer.
- 0 The Employer may assist an employee who is willing to accept diagnosis and/ or co-operate with treatment procedures. Such assistance may include counselling and accommodation with time off, within reasonable limits, for rehabilitation.
- 0 An employee who is undergoing treatment for substance abuse, either through the employer's EAP programme or through private programmes, shall not be exempt from normal disciplinary action arising out of any substance abuse related offences, including being under the influence of alcohol or drugs whilst on duty, abusing sick leave, time keeping abuses.

4. GUIDELINES FOR MANAGING SUBSTANCE ABUSE

In the eventuality that management suspects that an employee maybe under the influence or involved in taking drugs/alcohol at work, the following procedure will apply:

4.1 Prohibit ongoing work

If management or any member of staff is of the opinion that an employee has diminished responsibilities as a result of being under the influence of drugs/alcohol whilst at work, the employee will be prohibited from continuing work.

Under no circumstances should the employee take' responsibility for performing his duties when under the influence of any intoxicating substance. Special attention should be given to those employees who drive vehicles, operate machinery and plant.

2 Proof of Debilitation

Attempts must be made to establish the employee's inability to perform his/her duties due to drug/alcohol influence and/or consumption at work.

The employee's physical appearance, e.g. blood shot eyes, slurred speech, unsteady on his and her feet, smell of alcohol on breath and impaired co-ordination are all important indicators. Should the employee not give reasonable and acceptable explanation for these physical signs, it must be recorded and used as evidence in an enquiry. There should be at least two indicators of being under the influence of alcohol present.

The supervisor / manager needs to obtain a second opinion to support his/her perception that the employee appears to be under the influence of drugs / alcohol. The second opinion can come from a fellow employee. Where management has breathalyser facilities, the employee is requested to undergo the test. Wherever possible, a shop steward / union representative / fellow employee should be present when such a test is performed.

Should an employee refuse to take a breathalyser test, he/she must give reasons for his/ her refusal: He/ she must be warned that an adverse inference will be drawn from the refusal. In addition, he/she must be warned that such refusal can, in itself, result in disciplinary action being taken. A medical examination may be arranged where blood and/or urine tests may be undertaken (consent of the employee must be obtained in writing where possible).

The breathalyser is not able to record drug usage therefore the Doctor's urine/blood tests are needed. If a Doctor's test is not possible the opinion of an independent observer of the employee's physical appearance will support management in its suspicion of alcohol/drug influence.

5. DISCIPLINARY PROCEDURES

Disciplinary procedures are followed when the employee's conduct and/ or performance is unsatisfactory due to substance abuse. Such conduct may include abuse of sick leave, time keeping abuses, consuming or being under the influence of alcohol or drugs whilst on duty.

The employee will be given notice in terms of the Disciplinary Procedure, to attend an enquiry in which her alleged offence will be heard. The enquiry may only take place once the employee is sober - i.e. the enquiry cannot take place immediately in the case of an employee who is being charged with being under the influence of alcohol or drugs.

In the event that an employee admits to a substance dependency during the course of the disciplinary enquiry, the chairperson may take this into account in relation to the penalty imposed on the employee. In the event that the penalty is not dismissal, the employee shall be referred to the EAP programme for treatment and rehabilitation.

Attendance at such a programme shall not exonerate the employee from further disciplinary action should similar offences arise during the period of treatment.

6. INCAPACITY PROCEDURES

Should an employee admit to a substance abuse problem during the course of counseling for incapacity/poor performance, the employee shall be referred to EAP for treatment and rehabilitation.

This treatment shall form part of the intervention in improving the employee's performance and agreed performance targets and time frames shall be set for the employee.

These targets may be reviewed in conjunction with the EAP staff or off site professional charge of the treatment programme.

Should the employee renege on the treatment programme or relapse into substance abuse at a later stage which impacts on his/her performance, he/she may face dismissal for incapacity.