



**SONIC
HEALTHCARE UK**

ALCOHOL AND SUBSTANCE ABUSE POLICY AND PROCEDURE

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| Subject: | Alcohol and Substance Abuse Policy and Procedure |
| Version: | 2 |
| Date Implemented: | July 2022 |
| Review Date: | July 2024 |
| Responsible Lead: | Head of Human Resources |
| Responsible Sub Lead: | Director of Human Resources |
| Target Audience: | All Employees |
| Related Documents and Policies: | Investigation and Disciplinary Policy Managing Absence Policy Wellbeing Policy |
| Policy Type: | Contractual |

Contents

| Paragraph | Title |
|-----------|---------------------------|
| 1 | Introduction |
| 2 | Purpose |
| 3 | Responsibilities |
| 4 | Definitions |
| 5 | Policy Development |
| 6 | Policy Principles |
| 7 | Policy Procedure |
| | Approval and Ratification |
| | Appendices |

1.0 Introduction

- 1.1 Sonic Healthcare UK is committed to providing and maintaining a safe and healthy working environment for all staff and to ensure that its clients are provided with a quality service by competent staff.
- 1.2 Sonic Healthcare UK is committed and aims to promote a supportive environment and culture for all employees.
- 1.3 Whilst The Company aims to provide support to any employee who declares a drug or alcohol dependency, it is an offence under the Misuse of Drugs Act 1971 for any person knowingly to permit the production, supply or use of controlled substances on Company premises except in specific circumstances, i.e. when they have been prescribed by a doctor or registered health professional.

2.0 Purpose

- 2.1 To protect all Sonic Healthcare UK employees as well as its clients by ensuring that duties are not carried out by staff members incapable of doing so due to the misuse of alcohol or drugs.
- 2.2 To encourage and promote supportive measures for staff who acknowledge having an alcohol problem or being dependant on drugs.
- 2.3 To protect colleagues by ensuring that employees are competent to work free from the adverse influence of alcohol or substance misuse.
- 2.4 To identify the action to be taken if employees become incapable of undertaking their duties because of alcohol or substance dependency or misuse.
- 2.5 To provide information for employees regarding their personal responsibilities with regard to alcohol or substance dependency.
- 2.6 To sign post internal and external sources of support available to employees.

3.0 Duties

3.1 Employee's Responsibilities

- To report for duty in a state fit for work and not under the influence of alcohol or drugs and to remain fit for work during working hours.
- Not to use alcohol and drugs in a way that might affect their performance at work.

- Not to bring alcohol or drugs onto Company premises unless authorised or unless the drugs have been prescribed for use by them.
- To declare any prescribed medication that may affect their ability to carry out their normal duties to their Line Manager to ensure support and adjustments can be offered.
- To voluntarily seek help and support for their problem through services provided by the Company or external agencies.
- To cooperate with any treatment or support offered by the Company or external agencies
- Not to enter Company premises when under the influence of alcohol or unauthorised drugs.

3.2 Line Manager's Responsibilities

- Familiarise themselves with this policy and procedure and to ensure that staff are aware of it.
- Address cases of suspected alcohol or drug misuse/dependency in a timely and sensitive manner and liaise with Human Resources and Occupational Health.
- Ensure that the necessary support is offered during a period of rehabilitation with the support of Human Resources.
- Take appropriate disciplinary action where staff are found to be transferring, selling or using illegal substances on Company premises.
- Implement disciplinary procedures (in conjunction with Human Resources) where behaviour or performance is affected by the misuse of alcohol and/or drugs and where staff decline support or show no improvement following support.

3.3 Human Resources Department Responsibilities

- Promoting the adoption of consistent and fair application of the policy throughout the Company.
- Overseeing the introduction, operation and monitoring of this policy and reporting to the Board on absence levels.
- Ensuring the provision of training, guidance and support to Line Managers on the implementation of the policy.

3.4 Executive Group Responsibilities

- To ensure the promotion, adoption and training of the policy across the Company
 - To ensure any agreed support mechanisms are regularly reviewed
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4.0 Definitions

- 4.1 **Substance Misuse** - In this document the term 'substance misuse' is used to include the misuse of alcohol and the use of illegal drugs as well as the misuse of prescribed drugs and substances (such as antidepressants, stimulants, hallucinogens, solvents). It does not refer to medications prescribed and taken under medical supervision in the course of treatment.
The circumstances around misuse will be investigated to determine the appropriate approach in managing the situation in line with Company policy and procedure.
- 4.2 Substance misuse is defined as the habitual or intermittent use of alcohol or any drug or other substance which causes detriment to an individual's health, work or social performance. It can often impair safety of themselves or others and can affect attendance, timekeeping, efficiency or conduct. Misuse also includes the possession, use or supply of illegal drugs.

5.0 Policy Development

Every 2 years or in light of legislative changes or further guidance being issued and at Management or Staff Side request.

6.0 Policy Principles

- 6.1. All employees have the right for alcohol or drug misuse to be managed in a fair, transparent and non-judgemental manner, in line with the Investigation and Disciplinary Policy.
- 6.2 Employees will usually be informed in writing and provided with reasonable notice of any formal meetings. Should the meeting be rescheduled for any reason, it will then take place providing notice of a minimum of 5 working days, unless otherwise agreed.
- 6.3 During formal meetings, employees have the right to representation and as such, have the right to be accompanied by a Trade Union Representative or fellow employee.
- 6.4 An employee who wishes to take an audio recording of a formal meeting themselves, should submit their request to do so to the HR representative at least four working days prior to the meeting. Audio recordings are only permitted, if all parties consent to the recording taking place. The employee will be required to provide the HR Representative with a copy of the audio recording within two working days of the meeting.

- 6.5 Audio or video recording should not be undertaken in secret or without the consent of all parties. An employee may be prevented from relying on that audio/video recording at any subsequent internal meetings or appeals, and possibly in any legal proceedings. Any attempt to covertly record a meeting without authorisation from all parties present may result in disciplinary action.
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7.0 Policy Procedure

7.1 Rules Regarding Alcohol or Drug Consumption

- 7.1.1 The following rules apply to all staff and employees who break these rules will be subject to the Company's disciplinary procedures which may lead to formal action up to and including dismissal.
- 7.1.2 Employees who disclose an alcohol or drug dependency and seek help will be supported by the Company and will be offered help and support. However, they will still be expected to comply with the following rules at all times:
- No alcohol is permitted to be drunk during working hours either on or off Company premises. It is also forbidden for staff to drink any alcoholic drinks during any meal breaks or rest breaks or whilst waiting to come on duty.
 - It is regarded as gross misconduct to be under the influence of alcohol or drugs while on duty.
 - Any employee taking a prescribed drug which may affect their ability to carry out their role must inform their line manager immediately before commencing any work.
 - There may be alcoholic drinks supplied after business hours at Company social events but anyone who is driving a car, whether a Company car or private car, will be expected to keep well within the current legal limits.
 - Any act of random, excessive drunkenness may be regarded as gross misconduct for which summary dismissal may be the penalty.
 - In special circumstances, and with the prior approval of a member of the Board, alcohol may be permitted to be drunk when entertaining clients during working hours although under no circumstances must excessive alcohol be drunk and the assessment of this is carried out with a member of the Senior Management Team. However, if there is reason to believe or doubt in a staff member's capability for work as a result of alcohol consumption, laboratory staff must not under any circumstance return to bench duties but report to their respective manager for an assessment to

be made about the type of work that can be carried out or whether the staff member should be sent home.

7.2 Unfit for Duty

7.2.1 Suspicions of a member of staff being under the influence of alcohol or drugs during working hours should be reported immediately to the manager on duty.

7.2.2 Managers receiving such reports or suspecting that an employee is unfit for duty through the effect of alcohol or drugs should:

- Contact the HR Department immediately for advice
- Speak to the individual privately and ensure they are accompanied by a witness
- Inform the individual of their concern that the employee is unfit for duty and their reasons for this belief
- Ask the individual if they feel they have an alcohol or drug problem
- Make notes of the discussion
- Send the employee home on paid suspension leave if the manager has “reasonable belief” that the employee is unfit for duty. *Please note in some circumstances it may be sufficient to send the individual home for the remainder of their shift rather than placing them on paid suspension. This decision would be made by the manager when taking into account the likelihood of a repeat incident or to protect an investigation.*
- Ask any witnesses to make a written statement as soon as possible following the incident
- Consider a referral to Occupational Health using the Management Referral form.

7.3 Isolated Incidents of Alcohol or Drug Misuse

7.3.1 All employees must be fit to commence their duties and must remain so throughout the working day. If an employee is unfit for duty or becomes unfit for duty in the line manager’s opinion because of drunkenness, drugs or substance abuse, they will be either placed on paid suspension or sent home for the remainder of their shift to recover.

7.3.2 On their return to work, or during their paid suspension they will be invited to attend an investigation meeting to discuss their conduct and provide their account of the events. This meeting will be managed in line with the Investigation and Disciplinary Policy and Procedure.

7.3.3 During the investigation meeting the employee will be given the opportunity to disclose whether they are alcohol or drug dependent.

7.4 Chronic Alcohol or Drug Misuse

- 7.4.1 Employees who have an alcohol or drug problem or who suspect they may have a problem are encouraged to seek help either by discussing the matter confidentially with their manager or Occupational Health.
- 7.4.2 If an employee admits to having a drug or alcohol dependency problem, either freely or after being asked by their Manager, this will be managed in a supportive, non-judgemental manner.
- 7.4.3 Any requests for assistance will be treated in strict confidence and should not be disclosed to anyone other than the Human Resources; however, there may be a need to make others aware in general terms i.e. the Head of Department.
- 7.4.4 Managers should refer the employee to Occupational Health and inform them of other sources of support available, such as the Employee Assistance Programme. Upon Occupational Health recommendations the Company will support the employee in their treatment plan. This may involve allowing time off to attend support group meetings etc. or putting in place reasonable adjustments.
- 7.4.5 If it appears that the use of alcohol or drugs is affecting performance or conduct or endangering patients, it may be necessary to remove the employee from the workplace for a period of time, on unpaid or sickness absence.
- 7.4.6 Every effort will be made to ensure the employee returns to his/her job on completion of a rehabilitation programme. In cases where the employee is not considered fit to return to the same job or where doing so may undermine recovery, efforts will be made to find suitable alternative employment.
- 7.4.7 If an employee is unwilling to acknowledge that they have an alcohol or drug problem, or fail to adhere to their treatment plan, and their performance or conduct continues to deteriorate, it will be dealt with and managed through the appropriate policy procedure (Disciplinary, Absence Management, Performance or Capability Procedure).

7.5 Equality Act 2010

- 7.5.1 The Equality Act 2010 Regulations 2010 (SI 2010/2128) specifically provide that addiction to alcohol, nicotine or any other substance (except where the addiction originally resulted from the administration of medically prescribed drugs) is to be treated as not amounting to an impairment for the purposes of the Equality Act 2010. Alcohol addiction is therefore not covered by the Act.
- 7.5.2 However, an employee may have a physical or mental impairment that does amount to a disability within the meaning of the Act but which was caused by or was the result of alcohol addiction, for example a serious liver condition or a depressive illness. The employee would in this case be disabled, notwithstanding that the disability was caused to a large extent by the alcohol addiction. The cause of the disability is not relevant. Conversely, the alcohol addiction could be a symptom or side effect of some other medical condition from which the employee is suffering, which itself amounts to a disability.

- 7.5.3 Therefore, where an employee is or appears to be suffering from alcohol addiction, the employer should make further medical enquiries in order to ascertain whether there is an underlying medical condition, either caused by or the trigger of the alcohol addiction, which is a disability.

Approval and Ratification

Name of Document: Sonic Healthcare UK

This policy was agreed between Management and Staff Side at the Sonic Healthcare UK Partnership Group Meeting in

Name of Management Chair:

Matt Gibbins (HR Director)

Signature:



Matt Gibbins (Jul 13, 2022, 2:55pm)

Date: 13 Jul 2022

Name of Staff Side Chair ratifying this document:

Beverley Wallace

Signature:



Beverley Wallace (Jul 13, 2022, 3:50pm)

Date: 13 Jul 2022

Date of Next Review: July 2024

Appendices

| Appendix | Title |
|-----------------|---|
| 1 | Helpful Services and Support Resources |
| 2 | Suspension Checklist |

Appendix 1

Helpful Services and Support Resources

Internal Support

Occupational Health - Occupational Health is a specialist branch of medicine that focuses on the physical and mental wellbeing of employees in the workplace.

The aim of occupational health is to prevent work-related illness and injury by:

- encouraging safe working practices;
- ergonomics (studying how you work and how you could work better);
- monitoring the health of the workforce;
- supporting the management of sickness absence.

Employee Assistance Programme – The Employee Assistance Programme is a free service, designed to provide professional, independent and impartial information, support and counselling. The programme is a confidential service available to all employees.

External Support

Adfam National – An organisation that works with and on behalf of families affected by drug and alcohol problems.

Website: www.adfam.org.uk

Al-Anon - Al-Anon Family Groups UK & Eire provide support for anyone whose life is or has been affected by someone else's drinking.

Website: www.al-anonuk.org.uk

Alcoholics Anonymous - The largest self-help group for people who acknowledge they cannot handle alcohol and want a new way of life without it. Services are free. The comprehensive website explains the philosophy of AA, what to expect, and local groups.

Helpline: 0800 917 7650

Website: www.alcoholics-anonymous.org.uk

Alcohol Change UK – A Leading UK alcohol charity formed from the merger of Alcohol Concern and Alcohol Research UK. Work for a society that is free from the harm caused by alcohol.

Website: <https://alcoholchange.org.uk/>

Cocaine Anonymous - National self-help group specifically for cocaine users.

Helpline: 0800 612 0225, open 10:00am to 10:00pm, 7 days

Website: <https://cocaineanonymous.org.uk/>

Drinkaware - An independent UK-wide alcohol education charity. Provides advice and information to anyone concerned about their own drinking or someone else's and a range of support tools to help people reduce their drinking, change their relationship with alcohol and improve their health. Free, confidential advice is provided through the online chat service,

DrinkChat, and helpline, Drinkline (0300 123 1110).

Website: www.drinkaware.co.uk

Narcotics Anonymous - The largest self-help group for people who want to stop using drugs. Services are free.

Helpline: 0300 999 1212

Website: www.ukna.org (includes details of local groups)

Release - A registered charity able to advise on specialist areas of drugs law.

Helpline: 020 7324 2989

Website: www.release.org.uk

APPENDIX 2

Suspension Checklist

| | |
|------------------|--|
| Date | |
| Colleague's Name | |
| Colleague's Role | |
| Manager | |

Considering Paid Suspension

1. Has an allegation or concern been raised that's potentially regarded as gross misconduct?
2. Is there any impartial evidence which suggests that the allegation / concern could be true?
3. Have you considered all other alternatives to suspension such as a temporary change to their working hours, and none are appropriate in this case?

Conduct – if the answers to the first three questions is yes then consider suspension if we also have a reasonable belief that a colleague has committed an act of gross misconduct and by leaving them in the business there's a genuine risk that they might:

- Compromise an investigation e.g. destroy evidence
- Pose a reputational or financial risk to the business
- Cause harm to other colleagues or customers

If you need the colleague to be out of the business so you can:

- Carry out a full and fair investigation
- Protect witnesses from being persuaded to 'change their story'
- Provide a cooling off period if a situation has become heated; or
- Protect a colleague who's alleging they've been assaulted / harassed by another colleague?

If so, try to arrange for one or all of the involved colleagues to temporarily work from another location rather than suspend.

Only use steps 1-4 if you're suspending a colleague before an investigation meeting.

| | Action | Completed |
|----|--|-----------|
| 1 | Is there a suitable note taker available? If so have someone taking notes, if not make notes yourself | |
| 2 | Explain the allegation e.g. “we have seen evidence which suggests xxx” or “we’ve not seen sufficient documentary evidence of your continued right to work in the UK | |
| 3 | If the colleague wants to provide an explanation, the note taker should write this down but explain that this isn’t an investigation meeting, and they’ll have the full opportunity to give their version of events during an investigation meeting | |
| 4 | Explain - On the basis of the evidence, you’ve made a decision to suspend them from the business on full contractual pay (no pay for Right to Work suspensions) | |
| 5 | Explain - By suspending them this doesn’t mean that you’ve made up your mind about disciplinary action, it’s simply to allow us to carry out a full and fair investigation | |
| 6 | Explain – They’ll be suspended for as short a time as possible, but that you need enough time to conduct a full and thorough investigation, they should make sure they’re available for any further meetings that we schedule in their usual working time, while they are suspended” | |
| 7 | Ask - Any pre-booked holidays coming up? From: To: Explain - “These days will remain as holiday and no meeting will be booked on them unless you want to rearrange your holiday to attend meetings” | |
| 8 | Ask - Any overtime shifts booked in the next couple of weeks? If yes, explain - “You can’t work these, and it’s also not factored into your suspension pay” | |
| 9 | Ask if they have a company pass / keys, and if they do, ask the colleague to give these to you. List what has been collected from the colleague below: | |
| 10 | Explain that we’ll keep their suspension confidential, and will tell colleagues that they’re not in work at the moment. Ask the colleague not to come into the premises | |
| 11 | Explain that as this is a confidential matter and that they should not speak to any colleagues about the investigation (including on social media) | |
| 12 | Explain - “We will send you a letter confirming your suspension” or hand them the letter if it has been pre-prepared – check that we have the correct address for them | |
| 13 | Ensure they leave the premises by sensitively escorting them to the door (once they have collected anything necessary from their desk / locker etc. | |

Following the meeting

- Confirm the suspension via a letter (if this was not supplied in the suspension meeting). This letter must include details of why the colleague is being suspended.
- Inform reception that the employee has been suspended.
- Invite the colleague for a formal investigation meeting. It is important that the investigation is conducted fully and fairly within a timely manner to ensure the suspension is kept to a minimum.
- Maintain regular contact with the employee during their suspension. It is very important that the colleague is kept up to date with timeframes with regards to the progress of the investigation.



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