



Code: QA114  
Title: Intoxicants Policy  
Date: 29th June 2021  
Approval: UMT

## 1. Purpose

- 1.1. NUI Galway (hereafter referred to as the 'University') is committed to providing a safe and positive working environment for all employees conducive to their academic, social and personal development, and to promoting the health, safety and well-being of all members of the University community.
- 1.2. Intoxicants, such as alcohol, drugs and other substances affect concentration, co-ordination and performance. It is recognised that the effects of alcohol and other drugs may spill over from ones private life into the workplace resulting in inefficiency, accidents and absenteeism. The University recognises its employees as its most valuable resource and is committed to providing a work environment which is a healthy and safe one for the entire workforce.
- 1.3. The provisions of this policy are designed to facilitate the University in addressing the use of intoxicants, and supporting and providing guidance to employees who may be experiencing problems relating to intoxicant abuse.

## 2. Scope

- 2.1. This policy applies to all employees of the University, including full-time, part-time, temporary or those on fixed-term contracts of employment. It also applies to workers such as agency staff, casual staff, academic visitors, or contractors who are undertaking work on behalf of the University.
- 2.2. This policy extends to all work related functions, for example, work lunches, conferences, Christmas parties and client functions.

## 3. Definition

- 3.1. The Safety, Health and Welfare at Work Act, 2005 defines the term intoxicant as including "alcohol and drugs and any combination of drugs or of drugs and alcohol". This definition encompasses both legal and illegal substances, such as prescribed and over the counter medications.
- 3.2. The Act places an onus on employers to manage and conduct work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put at risk the safety, health or welfare at work of employees.

- 3.3. The Act also places an onus on the employee to ensure that they are not under the influence of an intoxicant to the extent that they are in such a state as to endanger their own safety, health or welfare at work or that of any other person.

#### **4. Responsibilities for Implementation**

Employees, Line Management, the Human Resources Office and the University share the responsibility of addressing alcohol and drug misuse in the workplace.

##### **4.1. Employees**

- 4.1.1. Employees have an individual responsibility to ensure that they are not under the influence of alcohol or drugs to such an extent that it will impair their ability to perform their duties when they arrive for work or in the course of their working day or shift. It is also a legal duty under the Safety, Health and Welfare at Work Act 2005.
- 4.1.2. It is the responsibility of every employee while at work not to be in a state of intoxication to the extent that, in the company's opinion, it renders them unfit to undertake the work they are required to perform in a safe manner.
- 4.1.3. If an employee feels that they have or may be developing an alcohol or drug abuse problem, they are encouraged to address the issue directly with their Line Manager or with the Human Resources Office. In such a situation, the employee will be facilitated with time off in order to attend appropriate treatment, rehabilitation and counselling in accordance with normal sick leave procedures.
- 4.1.4. Employees must take reasonable care in the workplace and be mindful of colleagues and external parties who may be affected by their actions. Being under the influence of alcohol or drugs whilst in a work environment may lead to serious consequences for both personal safety and the safety of colleagues, students or other parties.
- 4.1.5. Employees are requested that they are sensitive to the needs of colleagues who are recovering from alcohol or drug related problems. Furthermore, if an employee feels that a colleague, whatever their level in the University, may endanger the safety of himself or others, this concern should be reported to their Line Manager or to the Human Resources Office, as appropriate.
- 4.1.6. This policy does not apply to over-the-counter medication, however, if an employee is on any medication or treatment which may affect their work performance and safety at work, or any impairment of function that may be a side effect of treatment for a drug or alcohol problem, they must inform their Line Manager or the Human Resources Office, as appropriate.
- 4.1.7. In order to achieve this policy, the University does not permit the possession, or use of any intoxicant on University property or during working time. The University regards any breach of this rule as an issue of gross misconduct.
- 4.1.8. In addition, it is considered a serious breach of this policy for an employee to attend work under the influence of an intoxicant. Breach of this policy may result in disciplinary action, up to an including dismissal.

#### 4.2. Line Managers

- 4.2.1. Alcohol and drug abuse must be identified and addressed by Line Management as early as possible. On becoming aware of a potential problem, they must consult with the Human Resources Office and act on the advice received accordingly.
- 4.2.2. It is the responsibility of the Line Manager to raise any concerns with an employee in relation to poor behaviour in the workplace, a deterioration in work performance or attendance, or any health concerns that they feel may be having a negative impact of their work, including any concerns raised by colleagues. Any discussion should avoid personalising the difficulties, and the Line Manager should not seek to diagnose the problem.
- 4.2.3. The Line Manager must advise the employee of the Intoxicants policy, and encourage them to contact the EAP or their physician, where there is an acknowledgement that alcohol or drugs are a contributory factor in their underperformance.
- 4.2.4. Subject to any legal provisions, the employee's confidentiality must be respected at all times; absence from the workplace for treatment, rehabilitation or counselling will be treated as sick leave, and disciplinary action for underperformance, or unsatisfactory behaviour may be deferred provided that the employee engages with treatment and that their work performance improves, subject to the possibility of disciplinary measures being taken, where necessary.
- 4.2.5. A commitment must be secured from the employee that misconduct, unsatisfactory behaviour or underperformance due to drug or alcohol misuse will be addressed and reviewed within a predetermined timeframe in order to establish progress. It would normally be appropriate for a written record to be made of the commitments made by the employee.
- 4.2.6. If an employee presents for work and Line Manager considers the employee to be unsafe for whatever reason, it is essential that they do not permit them to commence work until such time as they are satisfied the person is in a fit state to do so. This may mean confronting the person about whom they have a concern and involving another member of management for a second opinion.
- 4.2.7. If considered necessary to send the employee home, transport should be arranged. They should not be permitted to drive themselves, and if the employee has a car parked on the University premises, it should be left there; a colleague is not permitted to drive the car to the employee's home.
- 4.2.8. Recurring incidents, involving breach of this policy by the same individual, will invoke disciplinary action.

#### 4.3. Human Resources

- 4.3.1. There is an onus on the Human Resources Office to inform new employees of this policy upon the commencement of their employment, to distribute this policy to existing employees, and to assist Line Managers and other employees by arranging training, where necessary.
- 4.3.2. Under the Misuse of Drugs Act 1977, it is an offence for a person to knowingly allow drugs to be used, kept or supplied on their premises. It is also illegal under the Act to ignore such

occurrences. Under this policy, the University is stating clearly that possession, use or supply of illegal drugs is strictly forbidden.

#### 4.4. The University

- 4.4.1. There is a responsibility on the University to manage the issue of misuse of alcohol and drugs in the same manner in which they manage all other risks to the safety, health and welfare of employees in the workplace. As such, this policy will be endorsed and supported through an understanding of its contents and leading by example.
- 4.4.2. Management and employee concerns in relation to drug misuse must be addressed and supported. Failure to do so may lead to reduced work performance, mental health issues, damage to client and employee relations, and may pose a risk to the safety, health and welfare of employees.
- 4.4.3. Support to employees with alcohol or drug misuse problems must be provided, in addition to an open and non-discriminatory environment which encourages a culture of disclosure.

### 5. **Implementation of Policy**

- 5.1. The actions outlined in this policy may arise as a result of:
  - Line Management who may become aware of a problem as a result of the employee's behaviour, poor work performance, attendance record, or relations with others in the workplace.
  - An individual who suspects that they may be developing an alcohol or drugs dependency problem.
  - The Human Resources Office, through the University's Occupational Health Physician (OHP).
  - Colleagues or Union officials who are concerned about the individual's alcohol or drug use.
- 5.2. The University will not tolerate abuse of this Intoxicants policy or of its available employee support mechanisms, such as EAPs. All individual cases will be assessed with regard to their particular circumstances. Referral to support mechanisms will not arise in every case and the University will not permit employees to use such mechanisms to circumvent disciplinary processes.

### 6. **Managing Sick Leave, Treatment and Rehabilitation**

- 6.1. Alcoholism is recognised as a disability for the purpose of the Employment Equality Acts. Alcoholism and drug addiction can be responsive to proper treatment and, as such, employees suffering from a disability will not be discriminated against in the basis of their illness.
- 6.2. The University promotes a culture of trust and encourages employees with an intoxicant addiction to inform their Line Manager and seek their support. Employees who have an alcohol or drug addiction will be actively encouraged to avail of professional assistance and given the opportunity to do something positive about their problem. Where an employee acknowledges

that there is an alcohol or drug dependency problem, and is undergoing treatment, rehabilitation or counselling, they may be granted sick leave in accordance with normal sick leave procedures.

- 6.3. Medical certificates and notes of attendance for treatment or counselling will be required. The cost of treatment will be the responsibility of the employee. Failure to comply with the terms and conditions of a treatment or aftercare programme may result in the recoupment of the expenditure involved in the granting of paid sick leave in respect of the treatment.
- 6.4. The University will assist employees in achieving a successful rehabilitation. Ongoing relevant disciplinary procedures may be deferred for the duration of a treatment programme. If an employee's work responsibilities are accepted as an obstacle to their recovery, redeployment or leave schemes such as Part-time Working hours may be considered, where appropriate.
- 6.5. Return to work needs to be carefully managed to ensure that the re-establishment of working practices and the recovery processes are properly balanced. Following engagement with the Occupational Health Physician, an employee should have a formal return to work interview with their Line Manager and a representative from Human Resources. The meeting should be held in order to set clear boundaries and establish whether appropriate measures should be undertaken in order to assist the employee.
- 6.6. Any employee who seeks the assistance of the University in finding treatment for an alcohol or drug addiction has the University's assurance of confidentiality and support to resolve it.

## **7. Reasonable Accommodation**

- 7.1. 'Reasonable accommodation' is where an employer makes a change to the tasks and structure of a job, or makes changes to the workplace environment so that an employee with a disability can do the job to the best of their ability and enjoy equal employment opportunities. However, no employer is required to employ any person, who, even where reasonable accommodation has been made, does not have the capacity to do the job. This is a particular consideration where a person fails to engage with necessary treatment or relapses into dependency.
- 7.2. The Employment Equality Acts oblige employers to make reasonable accommodation for people with disabilities. An employer must take 'appropriate measures' to meet the needs of disabled people in the workforce. This means that they must make arrangements that will enable a person who has a disability to:
  - Have equal opportunities when applying for positions
  - Be treated the same as co-workers
  - Have equal opportunities for promotion
  - Undertake training
- 7.3. Reasonable accommodation does not mean that an employer has to recruit, promote, retain or provide training to a person who does not have the capacity to do a particular job. However, an employer cannot decide that a person with a disability is incapable of doing a particular job without considering whether there are appropriate measures which they could take to support the person to carry out the required duties.

## **8. Prescription Drugs**

- 8.1. The University recognises that employees taking drugs prescribed by an attending physician may also present a risk to themselves or others, depending not only on their state of health, the nature of the drugs prescribed and their effect, but also on the type of work activity in which they are engaged.
- 8.2. Employees taking prescribed drugs should, with primary regard being given to their physician's advice, establish if these drugs may adversely affect their work and safety. If this is the case, they should inform their immediate supervisor. It may also be appropriate to consult the Occupational Health Physician for determination of the effects on work activity and any limitations which may be needed. All prescription drugs must be kept in their original container.
- 8.3. The University will treat any medical information in strict confidence.

## **9. Performance Management and Disciplinary Procedures**

- 9.1. Whilst management will take a sympathetic view of employees who are addressing alcohol or drug misuse issues, nothing in this policy is to be interpreted as constituting a waiver of management's right to tackle underperformance, or to take disciplinary measures where necessary in the normal course under the University's Disciplinary policy.
- 9.2. University management has discretion on a case by case basis not to implement the disciplinary procedure in cases of underperformance or misconduct where employees disclose their alcohol or drug misuse problems at an early stage and engage in full with a treatment programme. In many instances counselling, treatment and re-integration into the workplace may be more successful than invoking the disciplinary procedure. In exercising this discretion, the management will have all of the facts of the case, including whether the employee engaged with treatment and, if so, whether there was any improvement in the employee's work performance and conduct. In determining what course of action to adopt, management will determine whether reasonable accommodation has been made and, if so, the likelihood of the employee performing their duties in an effective manner.
- 9.3. University management will make certain that, before they consider taking disciplinary action in cases of underperformance, employees are provided with adequate and reasonable warning that action may be taken and have been provided with a reasonable opportunity to improve their performance in a specified period, with an appropriate level of assistance and, where necessary, training being offered.
- 9.4. Behaviour that may warrant immediate disciplinary action includes presenting for duty while being under the influence of alcohol or drugs, or possession and/or sale of illegal substances on the University premises.
- 9.5. Failure to engage in, or comply with the terms of, appropriate treatment and rehabilitation or non-compliance with the sick leave procedures may be considered as a disciplinary matter and may lead to the commencement of measures to deal with unsatisfactory behaviour or misconduct, or the resumption of any disciplinary process already underway.

## **10. The Use of Alcohol at Business Functions**

- 10.1. Work-related functions and events arranged by the University are an extension of the workplace. The University recognises that alcohol may be consumed at such events but nevertheless expects employees attending business functions where alcohol is served, to behave professionally and to consume alcohol responsibly, maintaining a respectful environment at all times. This applies to all business-related events, regardless of size, purpose, location or attendees (colleagues, clients, partners, or vendors).
- 10.2. All University Policies and Procedures apply to out of hours work events.
- 10.3. If attending a work related function, we would advise employees to plan appropriately for the function e.g. if you require a hotel stay, transport home etc.
- 10.4. Where the University provides alcohol at events, this should not be taken as an endorsement by the University for employees to drink excessively nor for any resulting improper conduct. The University will not be held responsible for bad behaviour on the part of employees nor for employees who abuse the free alcoholic drink quotas.
- 10.5. Employees who fight, argue aggressively, indulge in lewd or indecent behaviour, harass other employees or in any way bring the University into disrepute, will be subject to the University's disciplinary procedure, up to and including dismissal.
- 10.6. Employees must not put the health, welfare and safety of other employees at risk by their behaviour while under the influence of alcohol at a work-related event. Employees whose behaviour causes, or could cause, injury to others will be subject to the University's disciplinary procedure, up to and including dismissal.
- 10.7. Employees who take illegal drugs or substances, or who are found selling or distributing illegal drugs and substances at formal University functions and events, will be subject to the University's disciplinary procedure, up to and including dismissal.
- 10.8. Promises made by managers to employees while under the influence of alcohol will not have any contractual status. Managers who conduct themselves in such a manner will be subject to the University's disciplinary procedure, up to and including dismissal.
- 10.9. Employees who are above the legal limit for drinking and driving must not drive vehicles owned by the University and will be subject to the University's disciplinary procedure, up to and including dismissal, if they are found to have done so. They should not attempt to drive their own vehicles or give lifts to colleagues while under the influence of drink, or illegal drugs or substances.
- 10.10. All employees are expected to present at the workplace in a fit state to perform their contractual duties on the day after the event if this is a normal workday. Absences will be investigated and may result in disciplinary action.

## **11. Reporting Illegal Activity**

- 11.1. The sale, use, purchase, transfer or possession of an illegal drug is illegal under Irish law. The University, having taken immediate steps in line with disciplinary procedures, will report

information concerning possession, distribution, or use of any illegal drugs to An Garda Síochána, and will turn over to the custody of the Gardaí any such substances found during a search of an individual or property.

- 11.2. Searches of individuals will only be conducted based on reasonable cause, and searches of vehicles, lockers, desks, or closets when based on reasonable suspicion. The University will cooperate fully in the prosecution and/or conviction of any violation of the law.

## **12. Employee Assistance Programme (EAS)**

- 12.1. All employees are reminded that the Employee Assistance Service (EAS) offers both practical and emotional support to employees who have or may be developing an alcohol or drug abuse problem.

- 12.2. To contact the EAS, Freephone IRE: 1800 814 243  
WhatsApp & SMS: Text 'Hi' to 087 369 0010

you can access through telephone, through an online chat function on the platform, or by requesting a call back.

## **13. Occupational Health Physician (OHP)**

- 13.1. If an employee feels that they may have or may be developing an alcohol or drug abuse problem, it may be appropriate for a referral to the OHP.
- 13.2. The advice of the OHP may be required to discuss treatment for drug or alcohol problems, relapses following treatment for a drug or alcohol problem, or in other circumstances, particularly where it is apparent that the employee may be incapable of provision of regular and effective service.
- 13.3. Referrals to the OHP should be made directly through Employee Relations in the Human Resources Office.

## **14. Confidentiality**

- 14.1. The confidential nature of matters arising from the working of this policy will be fully respected so as to protect the dignity of the employee concerned to the greatest possible extent within the limits of what is practicable, safe and within the law.
- 14.2. Any request for information or referral to the OHP or EAP will be regarded as strictly confidential and any report compiled by the OHP will be treated as confidential.
- 14.3. Certification of treatment for drug or alcohol problems will be dealt with in a confidential manner in line with sick leave procedures.

## **15. Training**

- 15.1. Training in relation to this policy will be included in Induction training.



15.2. University management will arrange any additional specialised training and dissemination of literature on a needs-driven basis, for example, when a problem is suspected.

**16. HR Policy Revision History**

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Author</b>
<b>1</b>	<b>29<sup>th</sup> June 2021</b>	<b>Replaces Substance Abuse Policy</b>	<b>NUI Galway HR</b>