

WEST COAST DISTRICT MUNICIPALITY



SUBSTANCE ABUSE POLICY

POLICY CONTROL SHEET

POLICY TITLE	: Substance Abuse Policy
POLICY CUSTODIAN	: West Coast District Municipality
POLICY AUTHOR	: H Brand
LLF CONSULTATION DATE	: 22 November 2016
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POLICY INCEPTION DATE	: 1 January 2016
POLICY REVIEW DATE	:

SUBSTANCE ABUSE POLICY

1. PURPOSE

- 1.1 It is the policy of West Coast District Municipality (hereinafter referred to as The Municipality) to make every effort to prevent the abuse of any habit forming substance amongst its employees, not to tolerate the use of illegal drugs and to maintain a safe working environment at all times. The Municipality shall assist in the rehabilitation of those employees who have developed a dependency on any drug or alcohol. The Municipality further acknowledges that dependency on drugs or alcohol is an illness which requires special treatment.
- 1.2 This Policy must be read in conjunction with the approved Employment Assistance Programme Policy and Standard Operating Procedures and all relevant legislation. The terms of this policy and implementation guidelines shall be applicable to all personnel and political supporting personnel in the Municipality.

2. DEFINITIONS

For the purpose of this policy unless the context otherwise indicates –

- 2.1 **“abuse”** means use to bad effect or for a bad purpose;
- 2.2 **“alcohol”** means a substance taken/drunk to infuse drunkenness;
- 2.3 **“drugs”** means illegal substance and legal substance that are used in violation of a valid prescription from a medical professional or affect the employee’s ability to safely perform the duties of his or her post medicinal or natural substance causing addiction;
- 2.4 **“dependency”** means unable to do without (in this instance alcohol or drugs);
- 2.5 **“influence”** means affected by alcohol use / substance taken;
- 2.6 **“premises”** means any building, vehicle, vessel, train or aircraft used / attended for official business;
- 2.7 **“rehabilitation”** means restoring to normal life by treatment and support after dependency;
- 2.8 **“workplace”** means any premises or place where a person performs work in the course of his or her employment.

3. PREVENTION

3.1 Prevention of alcohol / drug abuse at work is a management responsibility.

4. RULES

4.1. The Municipality cannot be prescriptive regarding private drinking or drug-use on condition that:

- (a) An employee's attendance, or interpersonal relationships at work are not affected;
- (b) An employee's conduct does not cause a safety risk to themselves, fellow workers, Municipal property, clients or members of the public;
- (c) An employee's conduct within an official capacity does not cause an injury to the Municipality's reputation and good standing;
- (d) An employee does not commit an alcohol or drug related offence in terms of the Municipality's Disciplinary Code;
- (e) Employees and contract personnel may not enter the premises of the Municipality under the influence of alcohol or any intoxicating substance according to section 2(a) of the General Safety Regulations (2003) of the Occupational Health and Safety Act (Act 85 of 1993);
- (f) Employees will not consume alcoholic beverages or drugs during working hours.

4.2. If any of the above are contravened the Municipality reserves the right to evoke disciplinary measures which may include mandatory referral for rehabilitation. The employee may follow a voluntary referral route.

4.3. Employees will be tested for drugs and / or alcohol in the following circumstances:

- (a) Employees of the Municipality entering the premises may be subject to an alcohol and / or drugs screening test.
- (b) Employees being suspected of the possibility of being under the influence of illegal drugs in the workplace;
- (c) Any individual involved in an accident involving mobile equipment / vehicles (crane, forklift, digger loader, etc.);
- (d) Employees working with heavy duty vehicles / machinery / tools;
- (e) Employees in service of the Fire Services.

4.4 Employees will sign a consent form for the drug / alcohol test to be done;

4.5 Refusal to be tested could be considered as aggravating circumstances in a disciplinary hearing;

4.6 Any offer of assistance does not exempt the employee from standard disciplinary measures;

4.7 If an offer of assistance is accepted by the employee he / she must:

- (a) Render full support towards assessment;
- (b) Co-operate with recommendations of assessment;
- (c) Take full responsibility for the following up of appointments and treatment as prescribed or deemed necessary.

4.8 The Municipality will undertake to fund 30% of rehabilitation for alcohol or drug abuse for first rehabilitation only, where employees are not a member of a medical aid, provided that treatment to be voluntarily and not prescribed by the outcome of a disciplinary hearing as approved by Council. Any subsequent rehabilitation thereafter will be for the employee's own account. Sick leave, normal leave or unpaid leave will be taken for the rehabilitation period.

4.9 Should an employee refuse assessment or fail to co-operate with treatment / counselling, a report shall be submitted to the respective Head of Department. The Municipality reserves the right to implement the disciplinary code in this instance and to collect the employer's financial inputs in this regard.

4.10 The Council reserves the right to obtain an independent assessment on the employees dependency prior to agreeing to assist the employee in terms of the above mentioned. Such assessment must be conducted by a registered recognised body/authority on the treatment of substance abuse.

5. **TREATMENT**

The principles of treatment are:

- 5.1 Referral – voluntary or mandatory;
- 5.2 Assessment on premises and with outside bodies of the Municipality's choice;
- 5.3 Counselling on and off Municipal premises;
- 5.4 Education;
- 5.5 Rehabilitation back into normal work duties;
- 5.6 Ongoing monitoring which should last for a period mutually agreed upon by the Municipality and the employee concerned.

6. **TRADE UNION MEMBER DEPENDENCY PROBLEM**

- 6.1 Where the employee concerned is a member of a Trade Union such Trade Union will be kept informed of the steps taken to address the alcohol and / or drug dependency problem.

7. **STANDARD OPERATING PROCEDURES**

- 7.1 The Municipality together with the Trade Unions shall draw up a Substance Abuse Standard Operating Procedure prescribing the handling of alcohol and drug abuse, including alcohol and drug testing in the workplace according to the Occupational Health and Safety Act for approval by Council.
- 7.2 The approved Substance Abuse Standard Operating Procedure will form part of this Policy.

8. EFFECTIVE DATE

- 8.1 This Policy shall commence on the date on which it was adopted by Council and shall remain in full force and effect until it is reviewed, revoked or amended by Council.

Standard Operating Procedure (SOP) Substance Abuse

1. PURPOSE

- 1.1 It is the policy of West Coast District Municipality (hereinafter referred to as The Municipality) to make every effort to prevent the abuse of any habit forming substance amongst its employees and will not tolerate the use of illegal drugs and maintain a safe working environment at all times. The Municipality shall assist in the rehabilitation of those employees who have developed a dependency on any drug or alcohol. The Municipality further acknowledges that dependency on drugs or alcohol is an illness which requires special treatment.
- 1.2 This Standard Operating Procedure must be read in conjunction with the approved Substance Abuse Policy, Employment Assistance Programme Policy, and all relevant legislation.

2. DEFINITIONS

For the purpose of this policy unless the context otherwise indicates –

- 2.1 **“abuse”** means use to bad effect or for a bad purpose;
- 2.2 **“alcohol”** means a substance taken/drunk to infuse drunkenness;
- 2.3 **“drugs”** means illegal substance and legal substance that are used in violation of a valid prescription from a medical professional or affect the employee’s ability to safely perform the duties of his or her post medicinal or natural substance causing addiction;
- 2.4 **“dependency”** means unable to do without (in this instance alcohol or drugs);
- 2.5 **“influence”** means affected by alcohol use / substance taken;
- 2.6 **“premises”** means any building, vehicle, vessel, train or aircraft used / attended for official business;
- 2.7 **“rehabilitation”** means restoring to normal life by treatment and support after dependency;
- 2.8 **“workplace”** means any premises or place where a person performs work in the course of his or her employment.

3. TESTING PROCEDURE FOR DRUGS

- 3.1 Any WCDM employee suspected of being under the influence of drugs may be requested to submit a urine sample for testing. The test will be administered

- by the Occupational Health and Safety Officer or delegated healthcare professional.
- 3.2 The individual must be informed of his/her rights, the procedure to be followed and complete the Drug and / or Alcohol Testing Consent Form (Annexure A).
 - 3.3 The individual will then be requested to submit a urine sample for testing.
 - 3.4 The official conducting the test will in the presence of the individual and the witnesses present, remove the sealed packaging of the test designed to test for illegal drugs.
 - 3.5 The individual will be requested to produce his/her urine sample in private, under the supervision of the Occupational Health and Safety Officer or delegated healthcare professional.
 - 3.6 The test will require the individual to deposit a urine sample in a test cup designed to test for illegal drugs present in his/her urine OR in a specific container for a drug test strip.
 - 3.7 All necessary details as referred to in the test form will be filled out during the test and will be recorded.
 - 3.8 When the test results are available, the results will be shown to the individual as well as the witnesses present after which it will be duly noted in the documentation provided
 - 3.9 In the event of a positive test for drugs the procedure mentioned in paragraph 6 will be followed.

4. TESTING PROCEDURE FOR ALCOHOL

- 4.1 Any Municipal employee suspected of being under the influence of alcohol may be requested to submit a blood sample for testing. The sample will be taken by a healthcare professional.
- 4.2 The person suspected of being under the influence of alcohol, must then report to the Occupational Health and Safety Officer or designated healthcare professional as soon as possible after being instructed to do so.
- 4.3 Failure to report to the Occupational Health and Safety Officer or healthcare professional within the time requested will be regarded as refusal to perform testing.
- 4.4 The individual must complete an informed Drug and / or Alcohol Testing Consent Form regarding alcohol testing. (Annexure A).

- 4.5 Should the individual refuse to proceed with the test, it must be documented on the Drug and / or Alcohol Testing Consent Form (Annexure A).
- 4.6 After being informed of his / her rights and completion of the informed Drug and / or Alcohol Testing Consent Form (Annexure A) as well as the procedure to be followed, the quantitative test will proceed.
- 4.7 The healthcare professional drawing blood will:
- (a) Wrap an elastic band around your upper arm to stop the flow of blood. This makes the veins below the band larger so it is easier to put a needle into the vein;
 - (b) Clean the needle site with a non-alcohol solution such as povidone-iodine or antiseptic soap;
 - (c) Put the needle into the vein. More than one needle stick may be needed;
 - (d) Attach a tube to the needle to fill it with blood;
 - (e) Remove the band from your arm when enough blood is collected;
 - (f) Put a gauze pad or cotton ball over the needle site as the needle is removed;
 - (g) Put pressure on the site and then put on a bandage.
- 4.8 When the test results are available, the results will be shown to the individual as well as the witnesses present after which it will be duly noted in the documentation provided.
- 4.9 In the event of a positive test for alcohol the procedure mentioned in paragraph 6 will be followed.

5. PROCEDURE WHEN TESTING IS REFUSED

- 5.1 Refusal to be observed could be considered as aggravating circumstances in a disciplinary hearing.
- 5.2 The Senior Manager: Human Resources will be notified whereby further action will be taken.
- 5.3 The Municipality will retain the right to reserve the right of access to a specific site.

6. PROCEDURE WHEN A TEST IS POSITIVE

- 6.1 The Senior Manager: Human Resources will be notified whereby the further action will be taken.
- 6.2 If the individual disputes the outcome of the test, a urine / blood sample can be requested to substantiate the blood alcohol level or the drug test.
 - (a) The analysis will then be done by an approved laboratory. If the test result proves to be negative, all costs incurred would be for the Municipality;
 - (b) If however, the test outcome remains positive, all expenses would be for the cost of the individual;
 - (c) The Municipality however retains the right to act on the initial test conducted.

6. RECORDING AND CONFIDENTIALITY

The Occupational Health and Safety Officer or delegated healthcare professional will keep statistics and records of testing and findings, but will not make any personal, private information available, other than as specified in this document.

