

# Intoxicants at Work Protocol

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## Introduction

City of Dublin Education and Training Board recognises its employees as its most valuable resource and is committed to providing a working environment, which is a healthy and safe one for the entire workforce and for those availing of its services. Alcohol and other drug use 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 less efficient work performance, accidents and absenteeism. This protocol should be seen in the context of the promotion of health, safety and welfare of all employees of City of Dublin ETB.

## Purpose

The purpose of this protocol is to:

- clearly state City of Dublin ETB's protocol in respect of Intoxicants in the workplace
- provide information to employees around their responsibilities under legislation
- encourage those with substance use problems to seek help.

## Scope

This protocol applies to all staff:

- in the workplace
- at work-associated events such as meetings, conferences, etc
- at work-related social events, whether on City of Dublin ETB premises or off-site.

Employees are required to familiarise themselves with, and comply with, the terms of this protocol.

## Definitions

For the purpose of this protocol the following terms shall have the meanings assigned to them:

Employer	refers to City of Dublin Education and Training Board
Alcohol	includes (but is not limited to) a beverage, condiment or food additive which contains alcohol at levels that may cause intoxication
Board of Management	means a Board of Management in the case of Primary, Post Primary Schools
CE	Chief Executive
Centre	means a School (Primary and Post Primary), FET College, Training Centre, Youthreach Centre, Head Office or any other ETB centre providing services on behalf of the organisation
Centre Manager	means Chief Executive, Principal, Training Centre Manager, Youthreach Co-ordinator, Adult Education Officer or any other post with responsibility for the operational running of a School (Primary and Post Primary), FET College, Training Centre, Youthreach Centre, Head Office or any other City of Dublin ETB centre providing services on behalf of the

	organisation
Director	means Director of Organisation Support and Development, Director of Schools, Director of FET or Director of Services (SUSI)
Drugs	drugs include all illegal drugs (as defined by Irish legislation) and all recreational drugs, including over the counter and prescription medications, that could affect the employee's ability to safely carry out their duties
FET	Further Education and Training
HR	City of Dublin ETB Human Resources Department
Intoxicant	an intoxicant is defined in the Act as including alcohol and drugs. This encompasses both legal and illegal substances. Therefore, prescribed drugs and over the counter medications are included.
Prescription Medication	medication which has been prescribed by a physician or pharmacist, including over the counter (pharmacy).
Student	means a person enrolled or on work placement in a School (Primary and Post Primary), FET College, Training Centre, Youthreach, Head Office or any other centre providing services on behalf of the organisation

## Legislation underpinning this protocol

### Health and Safety at Work Act 2005

Section 13 of the Safety Health and Welfare at Work Act 2005 (Section 13) sets out employee duties under the act. It states, inter alia, that a staff member must ensure that he/she is not under the influence of an intoxicant to the extent that he/she is in such a state as to endanger his/her own safety, health or welfare at work or that of any other person.

### Drug and Alcohol related Legislation

**Road Traffic Act (1961)** prohibits the use of mechanical vehicles while under the influence of drugs or alcohol.

**Misuse of Drugs Act (1977)** outlines the restriction on the possession of controlled drugs. This states that it is illegal to produce, supply or be in possession of drugs covered by the Act unless prescribed to the individual by a doctor. The same Act states that it is illegal to have controlled drugs on your premises or to allow your premises to be used for the production, distribution or consumption of controlled drugs.

## Application of legislation

<p>At work-associated events such as meetings, conferences, training events etc.</p>	<p>Under the Safety Health and Welfare at Work Act 2005 (Section 13), a staff member must ensure that he/she is not under the influence of an intoxicant to the extent that he/she is in such a state as to endanger his/her own safety, health or welfare at work or that of any other person</p> <p>Staff members are not allowed to attend the premises to carry out duties whilst under the influence of illicit and/or non-prescription drugs or alcohol. Where a Centre Manager has a suspicion of such behaviour, a discretionary medical shall be requested from HR. Staff members are obliged to attend and to follow all recommendations issued by the City of Dublin ETB’s occupational health provider.</p>
<p>Work-related social events</p>	<p><b>Alcohol</b></p> <ul style="list-style-type: none"> <li>• Alcohol is generally not provided at City of Dublin ETB functions. If required in exceptional circumstances advance approval from the appropriate Director is required.</li> <li>• Discretion should be exercised in the purchase of alcohol at City of Dublin ETB-related functions.</li> <li>• Non-alcoholic beverages should be available when alcohol is being served.</li> <li>• All City of Dublin ETB premises, as well as other premises that are rented or used by City of Dublin ETB programmes, are to be alcohol free except for authorised functions.</li> <li>• No alcoholic drinks will be served at City of Dublin ETB events involving under 18s.</li> </ul> <p style="text-align: right;"><i>(source: City of Dublin ETB Hospitality and Gifts Policy)</i></p>

## Roles and Responsibilities

### Employer Responsibilities

Under the Safety, Health and Welfare Act 2005, City of Dublin ETB’s responsibilities include, but are not limited to:

- Providing a safe work environment for all employees, free from alcohol or drugs
- Ensuring the safety, health and welfare of employees at work
- Implementing safety, health and welfare measures necessary for protection of employees
- Providing information, instruction, training and supervision, where necessary
- Ensuring employees are made aware of the terms this protocol
- Managing the implementation and review of this protocol
- Disciplining any employee who breaches the terms of this protocol
- Supporting employees with recognised substance abuse issues

## Employee Responsibilities

Employees must be completely free from any influence of intoxicants that may affect their functioning, concentration, or ability to perform work duties. As such, employees are prohibited from:

- Being under the influence of drugs and/or alcohol at the workplace or during work-related activities or at work-related places
- Using/consuming drugs and/or alcohol at the workplace or during work-related activities or at work-related places
- Bringing drugs or alcohol to the workplace (with the exception of [prescribed medication](#) – see note below)
- Selling or handing out drugs and/or alcohol at the workplace or during work-related activities or at work-related places
- Being in possession of drugs and/or alcohol at the workplace or during work-related activities or at work-related places.

### Note re prescription medication:

If an employee has been prescribed medication by a doctor or pharmacist, he/she must:

- take the prescribed medication in the manner it is prescribed and according to the relevant instructions for use
- verify what the effect of the medication is or may be on his/her ability to carry out work activities in a safe way

If the prescribed medication affects, or may affect, the employee's ability to carry out his/her work in a safe manner, the employee must report this to his/her line manager

## Supports

- Where a possible alcohol or drug related problem is identified, it will be raised with the staff member concerned by their immediate supervisor in the first instance and they will be made aware of the availability of support services (Employee Assistance Programme, Occupational Health Service, Alcohol and Drug-related Counselling Services), and encouraged to avail of these services. Contact details for some of these services are listed in [Appendix 1](#).
- City of Dublin ETB will endeavour to ensure that any employee who seeks help will have the matter dealt with discretely and in confidence.
- Employees with an alcohol or drug related problem will have the protection and employment rights available to all employees with ill-health problems. Employees will be referred to the Occupational Health Service (Medmark) for assessment and City of Dublin ETB will seek the advice of Medmark re any reasonable accommodations which need to be put in place in order to facilitate and support the recovery/rehabilitation of the employee. Time off may be given for treatment or other specialist help or aftercare provided appropriate certification is submitted.

- Where however, an employee's work performance or behaviour remains unsatisfactory, the normal disciplinary procedures will be activated specifically in relation to these issues. The provisions of DES C/L 0059/2009 will apply to teachers and principals, C/L 0072/2011 will apply to SNAs and the nationally agreed Disciplinary Procedure for staff employed by City of Dublin ETB will apply to all other employees. Throughout these procedures the employee will be entitled to representation and due process.

## Review

This protocol will be reviewed in two years from the date of approval by the Chief Executive. It may also be reviewed at any time should a situation or concern arise which warrants such.

## **Appendix:** List of alcohol and other drug supports

HSE drug use supports

HSE Alcohol Supports

Support for people affected by someone else's use of alcohol and other drugs

City of Dublin ETB Employee Assistance Service (EAS)

Accessing the EAS for teachers and SNA's

Accessing the EAS for all remaining staff