

BAVIAANS MUNICIPALITY

SUBSTANCE ABUSE POLICY (ALCOHOL AND DRUGS)

1. PURPOSE OF POLICY

As the use of alcohol and drugs in the workplace cannot be allowed or condoned, the purpose of this policy is to promote a substance abuse programme within the Municipality with the primary focus on the following:

- To minimise/eliminate the abuse and dependence on alcohol and/or drugs amongst employees and to assist, where possible, in the rehabilitation of those who have an alcohol and/or drugs problem.
- To enhance employee well-being, safety, health and productivity in the workplace (and at home).
- To comply with the applicable National Legislation.

2. APPLICATION OF THE POLICY

This policy shall apply to all the Baviaans Municipality employees as defined in the Labour Relations Act 66 of 1995 as amended.

3. DEFINITIONS

- 3.1 **Abuse** – used to bad effect or for a bad purpose
- 3.2 **Alcohol** – a substance taken/drank to infuse drunkenness
- 3.3 **Drugs** – medicinal or natural substance causing addiction
- 3.4 **Dependence** – unable to do without (in this instance alcohol or drugs)
- 3.5 **Drunkenness** – When rendered incapable by alcohol / drug substance
- 3.6 **Employee** – Any person, excluding an independent contractor, who works for Baviaans Municipality
- 3.7 **Education and Awareness Programme** – A programme undertaken by Baviaans Municipality to educate and make employees aware of the consequences of substance abuse
- 3.8 **Influence** – affected by alcohol/drink
- 3.9 **Machinery** – means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to perform work, or which is used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy.

(by interpretation this, **inter alia**, would include a vehicle, vessel, train or aircraft; plant and machinery)

3.10 **Premises** – includes any building, vehicle, vessel, train or aircraft

3.11 **Rehabilitation** – restore to normal life by training after dependency

3.12 **Workplace** – means any premises or place where a person performs work in the course of his / her employment

4. POLICY ON ALCOHOL AND DRUGS

- 4.1 The consumption of and the possession without permission of any intoxicating substance, excluding prescription medication and then only when certified by a medical practitioner, is prohibited by the provision of this Policy.
- 4.2 No employee with a Blood Alcohol Concentration above 0,00% shall be allowed to commence or continue with his / her work.
- 4.3 No employee shall be allowed to drive a Baviaans Municipality vehicle, operate any machinery, maintain / repair vehicles and / or machinery or perform any duty after consumption of any intoxicating substance.
- 4.4 No drugs shall be allowed on the premises of Baviaans Municipality. The only exception is where the medicines were supplied to the employee on prescription by a registered medical practitioner and are taken in accordance with the prescription. The Baviaans Municipality shall only allow employees taking such medicines to perform duties at the workplace if the side effects of such medicines do not constitute a threat to the health or safety of the employee concerned or other persons at such workplace.
- 4.6 Any employee found to be under the influence of drugs may not enter or remain on the premises of the Baviaans Municipality and shall be liable for disciplinary action.

5. TESTING FOR ALCOHOL AND DRUGS / INTOXICATION AND SEARCHES

- 5.1 Only management or senior staff members who have been duly authorised / delegated by their Heads of Department shall carry out testing.
- 5.2 Where there is a reasonable suspicion that an employee is under the influence of an intoxicating substance a test shall be carried out. Should an employee be found to be intoxicated such employee shall be instructed to leave the workplace / premises and the disciplinary process shall be invoked. Where an employee unreasonably refuses to consent to any form of testing it could lead to the conclusion that he / she is under the influence of an intoxicating substance and suspension and disciplinary action shall follow.
- 5.3

- 5.4 Where there is suspicion that an employee is dependent on the use of drugs, testing shall be undertaken by a registered medical practitioner. The cost of such a test shall be borne by the employee and the Bavarians Municipality equally.
- 5.5 Before an employee is tested, an explanation shall be given as to why the testing needs to be done and also the consequences of a positive test shall be explained.
- 5.6 Testing shall take place under specific circumstances and when certain behaviour is displayed. In such instances it shall be required that two employees, of whom one is a supervisor, have agreed on the condition of the suspected employee.
- 5.7 A behavioural and physical characteristics checklist shall be provided to assist supervisors to identify employees who are suspected of being under the influence of an intoxicating substance. The checklist for establishing whether or not an employee is under the influence of alcohol or drugs includes the following:
- a) Smelling of alcohol
 - b) Slurred speech
 - c) Unsteady gait
 - d) Disorientation
 - e) General demeanour of a person who is under the influence of alcohol or drugs
 - f) Inability to stand on one leg etc.

- 5.8 Testing for the abuse of substances may be done immediately following an incident e.g. accident. In the event of a vehicle accident, the employee suspected of being under the influence of drugs or alcohol must have blood tests or urine tests or a breathalyser test, administered by a traffic officer, registered nurse or doctor, in addition to being judged as manifesting the characteristics mentioned under points (a) to (f) above.
- 5.9 Failure to comply with, or respond to rehabilitation shall result in either dismissal or incapacity due to ill-health or disciplinary action.
- 5.10 An employee identified to be intoxicated shall be immediately suspended for the remainder of his / her shift on full pay with the instruction that he should report for duty the following day.

- 5.11 Searches
 Searches may be conducted when there is a suspicion and / or a situation of disputed possession of a substance of abuse. No consent is necessary for a specific search. Any substance of abuse found on the employee shall be confiscated and be submitted as proof of possession.
 (A senior official of Bavarians Municipality shall conduct searches)

6. REHABILITATION AND EDUCATION

- 6.1 The Bavarians Municipality recognises substance abuse, involving alcohol and/ or drugs as a treatable condition.
- 6.2 Rehabilitation covers a wide range of treatment options, depending on the nature and severity of the problem and it may range from counselling sessions to hospitalisation and in / out patient treatment.
- 6.3 Workplace confidentiality plays a key role in the rehabilitation process.
- 6.4 All medical information shall be protected and treated as confidential.
- 6.5 Release of information shall be in accordance with signed authorisation by the employees.
- 6.6 Those employees identified as possibly dependent on alcohol and / or drugs shall be referred by their line managers to HR for assessment and possible referral for a rehabilitation programme in consultation with their Trade Unions (where applicable).
- 6.7 Employees who have been placed on a rehabilitation programme shall not be victimised, but should they abuse the scheme, the rehabilitation shall be terminated.
- 6.8 Where an employee is treated in a rehabilitation process the matter shall be treated confidentially between management and the employee.

7. HELPING EMPLOYEES TO HELP THEMSELVES

- 7.1 The Bavarians Municipality is committed to helping those who seek help.
- 7.2 All employees who believe they may have a substance abuse problem are encouraged to come forward and seek help and support.
- 7.3 Employees should request assistance through their line manager, HR Department or family doctor.
- 7.4 Management and the Trade Unions shall jointly develop and embark on a programme to educate all levels of employees within the Bavarians Municipality about substance abuse, how to recognise the early warning signs, and what to do about them.