

Addiction & Substance Abuse

HR Policy Document Record	
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Notes	No content change

1. INTRODUCTION

- 1.1 Technological University Dublin (hereinafter called “the University”) recognises that it has a responsibility to maintain a safe and efficient work environment, and that it has a duty of care in relation to the well-being of its staff. While it is not the University’s policy to intrude on the privacy of individuals, the University must have concerns in situations where health or behaviour impair the conduct, safety or work performance of its staff. It is recognised that the misuse of any substance may be a cause of such impairment. The University reserves the right to report the sale of controlled substances or the use, purchase, sale or possession of an illegal drug or drug paraphernalia to the Gardaí.
- 1.2 The University’s *Addiction & Substance Abuse Policy* is applicable to all University staff irrespective of the position they hold and where conduct and performance of duty is, or may be, impaired as a result of substance abuse. It is supported by the University’s *Programme to deal with Addiction & Substance Abuse*.
- 1.3 Drug or substance abuse is the use of any drug, legal or illegal, which damages some aspect of the user’s life. It is not confined to the use of illegal drugs but also includes the incorrect use of legal drugs such as alcohol and prescribed medicines.

2. PURPOSE

- 2.1 The purpose of this policy is:
 - 2.1.1 To help protect all staff members from the dangers of substance misuse and to encourage those with a problem to seek assistance.
 - 2.1.2 To ensure that staff members use of substances does not impair the safe and efficient running of the University, or result in risks to the health and safety of themselves, other staff members, customers and the general public.
 - 2.1.3 To comply with all relevant legislation in this area.

3. UNIVERSITY POLICY

- 3.1 The University recognises the difficulties associated with addiction and will make every effort to assist all staff members where possible. However, it is a requirement of the University that no staff member shall:
 - 3.1.1 Report, or endeavor to report, for duty whilst in an impaired condition resulting from the use of a substance.
 - 3.1.2 Unlawfully possess, store, distribute or consume any substance whilst on duty.
 - 3.1.3 Consume or be under the influence of alcohol on University premises or while engaging in work related activity, except where permitted at specially designated programmes, events or functions authorised by the University.
 - 3.1.4 Misuse legal or illegal drugs on University premises or while engaging in work related activity. Illegal drugs should not be used at any time.
 - 3.1.5 Fail to exercise personal responsibility and/or use discretion in relation to social drinking during occasions when they are required to represent the University at business functions, or to entertain clients.

- 3.1.6 Drive under the influence of an intoxicant whilst on University duty. Any staff member found to have done so may be removed from driving duties immediately and may be subject to disciplinary action up to and including dismissal if the offence occurred while the staff member was driving an University vehicle or a private vehicle on University business.
- 3.2 Any staff member found to be under the influence of a substance whilst on University duty, and who represents a risk to either themselves or others, will be relieved from duty immediately and may be subject to appropriate disciplinary action up to and including dismissal/removal from office.
- 3.3 Any staff member who violates this policy may be subject to appropriate disciplinary action up to and including dismissal/removal from office in accordance with the agreed disciplinary procedure.

4. GENERAL PRINCIPLES

- 4.1 The University recognises that early identification of addiction and substance abuse is more likely to lead to successful treatment.
- 4.2 The University is committed to providing supportive facilities to enable staff members with an addiction or addictions to avail of suitable assessment and treatment programmes.
- 4.3 Applicants for employment with the University will be advised of the Addiction and Substance Abuse Policy during the recruitment process.
- 4.4 A copy of the Addiction and Substance Abuse Policy will be provided to all new staff members at induction.

5. NON-COMPLIANCE

- 5.1 Breaches of the policy may result in disciplinary action up to and including dismissal/removal from office if for example:
 - 5.1.1 the staff member's work performance is impaired;
 - 5.1.2 the staff member's behaviour is unsatisfactory;
 - 5.1.3 the staff member is working in an unsafe manner;
 - 5.1.4 the staff member is habitually absent from or late for work;
 - 5.1.5 the staff member fails to comply with the terms of the programme through poor attendance at clinics, renewed and continued drinking or drug taking.
- 5.2 Where a staff member is referred for treatment under the University's *Programme to deal with Addiction and Substance Abuse*, any disciplinary procedures associated with related substance abuse may, at the discretion of the University, be stayed and remain so for the duration of the treatment.
- 5.3 Where the staff member refuses to accept assistance through the programme (or fails to comply with the terms of any programme), that staff member will be subject to normal disciplinary procedures.

5.4 Staff members with responsibility for driving duties who have been found to have an addiction or breached this policy maybe temporarily redeployed from their driving duties until they are deemed medically fit to resume their role.

6. QUERIES

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PROGRAMME TO DEAL WITH ADDICTION & SUBSTANCE ABUSE

1. INTRODUCTION

- 1.1 Technological University Dublin (hereinafter called “the University”) recognises that it has a responsibility to maintain a safe and efficient work environment, and that it has a duty of care in relation to the well-being of its staff. While it is not the University’s policy to intrude on the privacy of individuals, the University must have concerns in situations where health or behaviour associated with substance misuse impair the conduct, safety or work performance of its staff. It is recognised that the misuse of any substance may be a cause of such impairment. The University recognises that there will be staff members of the University whose problems with substances give rise to unacceptable patterns of behaviour and may ultimately render these staff members unsuitable for retention in employment in the University. The University reserves the right to report the sale of controlled substances or the use, purchase, sale or possession of an illegal drug or drug paraphernalia to the Gardaí.
- 1.2 The University therefore recognises the need for a positive programme which allows early identification of staff members at risk and support for staff members in need of assistance to overcome their problems with substances.
- 1.3 It is a condition of participation in the *Programme to deal with Addiction and Substance Abuse* that the staff member demonstrates a commitment to the treatment programme and abides by the terms of any after-care programme.
- 1.4 Failure to comply with this condition will result in the withdrawal of the support of the programme.

2. OBJECTIVES

- 2.1 To ensure that staff members are alerted to the risks associated with substance abuse.
- 2.2 To ensure a proactive response to the management of substance abuse in the workplace.
- 2.3 To facilitate staff members availing of approved treatment and after-care programmes designed to assist the staff member to overcome their addiction.

3. BEHAVIOURS

SUBSTANCE ABUSE

- 3.1 Substance abuse can be a progressive condition which may result in a dependence on a substance to such an extent that it interferes with a person's functioning in any of the areas of health, job, family or other relationships.
- 3.2 A staff member with a substance problem may often demonstrate a number of recognisable characteristics such as:
- Decline in work performance.
 - Behaviour which is out of character.
 - Unexplained absences during the day accompanied by a smell of alcohol.
 - Unexplained absences during the day accompanied by a smell of alcohol when the individual is present.
 - Smelling of alcohol.
 - Frequent absences from work explained as minor illnesses
 - Worsening personal appearance.
 - Loss of appetite.
 - Hand tremors.
 - Impaired or unsafe driving behaviour.
 - Sudden mood changes.
 - Lack of interest in work.
 - Continually late for work.
 - Lack of concentration.
 - Possession of tablets, syringes, resinous material, cigarette making material, scorched tin-foil.
 - Being intoxicated.
- 3.3 Ongoing substance abuse is characterised by the harmful use or abuse of mood altering substances.

4. REFERRAL

A staff member who is experiencing difficulties due to their addiction or substance abuse may seek assistance by means of self-referral, or may be referred for counselling or treatment following discussions with their colleagues, family or trade union through a member of the University's management. In either case referral may be to the University's Employee Assistance Service (EAS), an external professionally qualified counsellor, a G.P., or an appropriate consultant.

TU Dublin offers its employees and families an Employee Assistance Service (EAS) which is a free and confidential counselling and information service operated by Spectrum Life. The service is available 24 hours per day, 365 days per annum. While the service is confidential, you will be required to identify that you are a TU Dublin employee, however, this will not be communicated back to TU Dublin by Spectrum.Life.

To avail of the service, please contact Spectrum Life as follows:

- call freephone 1800 814 243 or
- text "Hi" using Whatsaap or SMS to 087 369 0010 or
- email an enquiry to the specialist information service at eap@spectrum.life

You may also access their website by registering at: <https://tudublin.spectrum.life/login?org=TUDubEAS>. Once registered, you may log on to the following link going forward: <https://TUDublin.spectrum.life/login>. TU Dublin's organisation code is TUDubEAS.

4.1 SELF REFERRAL

- 4.1.1 If a staff member chooses to refer themselves to the EAS, their referral and any subsequent treatment will be entirely confidential. In such circumstances the staff member can contact the Employee Assistance Service either directly, through their GP, through their line manager or through Human Resources.
- 4.1.2 Neither Human Resources nor the line manager need be advised by the staff member of a voluntary referral unless it directly affects the ability to work or the availability for work of the staff member. If these are affected, a staff member may be deemed to be on sick leave in order to undergo a course of appropriate treatment, and such leave will be treated in accordance with the University's Sick Leave & Managing Absences Policy. Medical certification from a medical practitioner or consultant will be required.
- 4.1.3 Where aftercare requirements conflict with normal work schedules, arrangements will be put in place, either through direct consultation with the staff member or represented through the EAS, to facilitate the staff member's participation in a treatment programme.

4.2 MANAGEMENT REFERRAL

- 4.2.1 Although some line managers may find it difficult to take action under this policy, they should bear in mind that substance related problems are progressive and if they are not diagnosed and treated, the staff member's health will deteriorate and their chances of recovery will decrease.
- 4.2.2 Staff who are on the University's premises and who are determined by their line manager to be under the influence of a substance and incapable of carrying out their duties, or to represent a risk to themselves or others who may bring the University into disrepute should be sent home for the remainder of the day. Staff should be advised against driving home and alternative transport should be arranged where practicable.
- 4.2.3 On the employee's return to work, the line manager, following consultation with an appropriate senior manager within Human Resources if necessary, should interview the staff member and advise them of the seriousness of the situation. The staff member has the right to be accompanied by a trade union representative or a colleague in such discussions. The line manager should document all misconduct or significant job performance problems attributable to addiction and substance abuse. An interview note should be prepared detailing all matters discussed and a copy given to the staff member.
- 4.2.4 If the staff member acknowledges that they have a substance related problem, the staff member will be requested to undergo an approved course of treatment which will be arranged and monitored by the Employee Assistance Service.
- 4.2.4 If the staff member agrees to participate in an approved treatment programme, Human Resources will be notified and the required time off for attendance at the programme will be facilitated. Such attendance may be deemed as sick leave and will be treated in accordance with the University's Sick Leave & Managing Absences Policy. Medical certification from a medical practitioner or consultant will be required.

- 4.2.5 Following successful completion of a course of treatment the staff member will return to work, either on a partial or wholetime basis (as appropriate). They will be required to submit a medical report from a medical practitioner or consultant including confirmation that they are fit to resume.
- 4.2.6 Where it is apparent, from the discussion set out at 4.2.2, that the staff member has a substance related problem but they refuse to acknowledge this, the staff member will be requested to meet and discuss the matter with the Employee Assistance Service.
- 4.2.7 If a staff member is frequently absent and the line manager suspects that it may be substance related, the line manager should follow the same procedure as documented in 4.2.1 to 4.2.6 above or address the absenteeism under the University's Sick Leave & Managing Absences Policy.

4.3 OTHER REFERRAL

- 4.3.1 An employee may be recommended by a medical practitioner to avail of the University's Employee Assistance Programme. The Employee Assistance Service will usually liaise with the medical practitioner regarding treatment and prognosis.

5. FURTHER TREATMENT

- 5.1 If a staff member, who has received treatment under this programme, subsequently comes under notice related to substance abuse, they may, at the management's discretion, be afforded one further opportunity to participate in an approved treatment programme.

6. DISCIPLINE AND THE PROGRAMME

- 6.1 Appropriate assistance will be made available through the University's EAS where it is established that the misuse of substances is a contributory factor to ongoing problems related to performance, conduct or attendance. In such instances, disciplinary proceedings under the agreed procedures, if such are appropriate and have been initiated, may be temporarily stayed or suspended if the employee concerned indicates their commitment to an approved process of treatment and rehabilitation under Section 4.2 above. In cases where a disciplinary sanction has been recommended, the recommended sanction may be discontinued if the employee subsequently demonstrates their commitment to the process of treatment and rehabilitation and achieves an acceptable standard in terms of performance, conduct and attendance.
- 6.2 Where an employee fails to avail of supports made available to them, fails to co-operate with prescribed forms of counselling/treatment or fails to respond to treatment, the University will apply or continue disciplinary proceedings in respect of the original disciplinary matter. Further disciplinary action will be taken if the problems associated with poor performance, conduct or attendance persist.
- 6.3 In instances where an employee comes under notice for a serious irregularity (e.g. assault, theft, fraud etc.) and misuse of substances is deemed to be a contributory factor, the University reserves the right to deal with the matter in accordance with the University's agreed Disciplinary Procedures which may include the application of a sanction up to and including dismissal/removal from office. The application of the University's Disciplinary Procedures in such instances may apply even if the employee commits to an approved process of treatment or rehabilitation.

7. QUERIES

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