

ALCOHOL AND SUBSTANCE ABUSE POLICY



APPROVED BY:

MR M NAKO

MUNICIPAL MANAGER

DATE: 17/06/22

APPROVED BY:

CLLR JANDA

EXECUTIVE MAYOR

DATE: 17/06/22

1. POLICY BACKGROUND

It is necessary to have a uniform approach or procedure in dealing with intoxicating liquor, drug, substance abuse or dependency to avoid arbitrary and haphazard approach in dealing with this very important matter.

2. POLICY PURPOSE

1. To promote, protect and enhance the health and safety of employees in the workplace and prevent the occurrence of injuries on duty caused by the effect of intoxicating liquor, drugs or related substances.

1.1 To ensure early identification of employees suffering from behavioural problems leading to the misuse of intoxicating liquor, drugs or related substance.

3. DEFINITIONS

1. Abuse means; The persistent or sporadic excessive alcohol or drug use by an individual inconsistent with or unrelated to acceptable social/medical practices.

1.1 Assistance means; Programs and actions aimed at the furtherance of an employee's efforts to be rehabilitated.

1.2 Dependency means; A state of finding it very difficult or even impossible to refrain from taking an intoxicating substance after having taken it regularly for a period of time.

1.3 Drug means; Any chemical agent that alters the biochemical or physiological processes of tissues or organisms.

1.4 Employee means; Any person in the service of Mbhashe Local Municipality whether permanent or on contract capacity.

1.5 Intoxication means; A state of stupefaction, stimulation or excitement.

1.6 Intoxicating substance means; Any substance that causes stupefaction, stimulation or excitement.

1.7 Illicit (illegal) drug means; A Psychoactive substance, the production, sale or use, of which is prohibited.

1.8 Licit (Legal) drug means; A drug that is legally available by medical prescription in the jurisdiction in question, or sometimes a drug legally available without medical prescription.

1.9 Misuse means; Increase use of an intoxicating substance to bring about a change in mood.

1.10 Substance means; The term "substance" includes both legal and illegal substance.

1.11 Illegal substances: Controlled substances like narcotics, barbiturates, amphetamines, cocaine, cannabis, hallucinogens and synthetic drugs

1.12 Legal substances: Alcohol beverages, tobacco products

1.13 Controlled substances as listed in the Medicine and Related Substance Control Act (Act 101 of 65) as amended in 2003

4. APPLICATION AND SCOPE

Councillors and employees including contract employees

5. LEGISLATIVE FRAMEWORK

1. Occupational Health and Safety Act (Act 85 of 1993 as amended)
- 1.1 Labour Relations Act (Act 66 of 1996 as amended)
- 1.2 Employment Equity Act (Act 55 of 1998 as amended)
- 1.3 National Road Traffic Act (Act 93 of 1996 as amended)

6. MANAGEMENT AND MONITORING OF ALCOHOL AND DRUG ABUSE IN THE MUNICIPALITY

6.1 SEARCHING FOR ILLEGAL DRUGS AND UNAUTHORISED ALCOHOL

1. The employer reserves the right to search the belongings and its contents of an employee if it has reasonable grounds to believe that the employee has illegal drugs or unauthorised alcohol in his/her possession.

1.1 The search may only be conducted by the appropriate section of Mbhashe Law Enforcement.

6.2 PERMISSION FOR THE CONSUMPTION OR POSSESSION OF ALCOHOL BEVERAGES

Special permission for the consumption and/or possession of alcohol beverages at the workplace, relating to a specific event may be allowed as approved by the Municipal Manager.

6.3 IDENTIFICATION OF AN EMPLOYEE WHO IS UNDER THE INFLUENCE OF INTOXICATING SUBSTANCE.

An employer is entitled to take reasonable measures to ensure that intoxicated employees are identified and prevented from entering or remaining at the workplace. Identification is to be done by observations of signs and symptoms of intoxicating or by performing alcohol or drug identification test.

6.3.1 OBSERVATIONS

1. If an employee smells of alcohol or cannabis or seems to be unable to perform his/her duties, an observation of signs and symptoms of intoxication must be performed using standardized observation document. (Annexure A)

1.1 Other causes of inability to perform work like fatigue or an underlying medical condition must be considered as possible causes. Should the employee lay claim to an underlying medical condition the onus of proof of the presence of such condition lies with the employee.

6.3.2 TESTING METHODS

1. The most non-invasive and cost effective method of testing for alcohol and drugs will be utilized.

1.1 Law Enforcement Officers shall be used to conduct the testing of alcohol to suspicious employees.

6.3.3 REFUSAL TO TAKE A TEST

If an employee refuses to take a test, the employee will be dealt with in terms of this policy as if a positive test result has been obtained.

6.3.4 POSITIVE TEST

It will be accepted that the presence of alcohol or an illegal substance in the blood, urine or any other body tissue or breath of an employee regardless of the level of the substance constitutes being under the influence of alcohol or illegal substance.

6.3.5 EMPLOYER RESPONSE TO POSITIVE TEST RESULTS

1. The employer has a responsibility to prohibit entry to or presence at the workplace of any person that is or appears to be under the influence of intoxicating liquor or drugs.

1.1 Any employee found to be or suspected to be under the influence of intoxicating liquor or drugs by either observations of signs and symptoms of intoxication or testing will not be allowed entrance into the workplace, or will be immediately removed from the workplace.

1.2 If the level of intoxication is such that the employee would be an imminent danger whilst travelling home or it would be illegal to drive he/she must be kept in a safe place until sober or arrangements made to ensure safe travelling to his/her residence.

1.3 The employee will be absent from work without pay for the rest of the day or shift.

6.3.6 EDUCATION AND AWARENESS PROGRAMS

Education and awareness program will be conducted through:

1. Employee induction or

1.1 Employee Wellness activities

Employees will be encouraged to voluntarily seek assistance for alcohol or substance abuse and addiction problems.

6.3.7 DISCIPLINARY ACTION

Disciplinary action will be initiated in all cases where:

1. An employee was found to be under the influence of intoxicating liquor, drugs or related substance whilst on duty.

1.1 An employee was to have been consuming intoxicating liquor, drugs or related substance whilst on duty.

6.3.8 COUNSELLING PROVISION

1. All employees who receive a written warning or more serious penalty at the disciplinary hearing related to the offences listed under disciplinary section above shall be referred to the Employee Wellness program.

1.1 Referred employees will be subjected to psycho-social assessment and counselling by registered counsellors.

1.2 All personal details of the employee will be handled in a strictly confidential manner.

1.3 Employees experiencing behavioural problems will be assisted in dealing with these problems within the scope of services provided by the Employee Wellness section.

1.4 The identification of behavioural problems or substance dependency will not absolve the employee from the normal disciplinary procedure when breach of the disciplinary code occurs.

7. IMPLEMENTATION

The policy shall be effective from 01 July

8. REVIEWAL

The policy will be reviewed on annual basis

Annexure A

OBSERVATION REPORT

EMPLOYEE WHO SEEMS UNDER THE INFLUENCE OF ALCOHOL/DRUGS

Name: _____ Employee Code: _____ of employee observed.

Date: _____ Time: _____ Place: _____

Please mark appropriate answer with x

OBSERVATIONS	YES	NO
Breath smells of alcohol		
Breath smells of dagga		
Bloodshot eyes		
Unsteady feet		
Aggressive and, or refuse co-operation		
Employee cannot stand with one leg and eyes closed(Decreased motor control)		
Slurred speech		
Inappropriate emotional response		
Is/was employee in possession of alcohol/drugs		

NAME OF PERSON WHO MADE OBSERVATIONS:

Name: _____ Designation: _____

Signature: _____ Date: _____

WITNESSES:

1. I, _____ Designation: _____
Confirms above-mentioned observations

Signature: _____ Date: _____

2. I, _____ Designation: _____
Confirms above-mentioned observations

Signature: _____ Date: _____

TESTING REPORT

EMPLOYEE WHO SEEMS UNDER THE INFLUENCE OF ALCOHOL/DRUGS

Name: _____ Designation: _____ of
employee to be tested.

Date: _____ Time: _____ Place: _____

Comments of employee(voluntary)

Confirmation of test results by:

Employee tested:

Signature: _____

Witness/Tester:

Signature: _____