EAP Institute Workplace Drug and Alcohol Policy

Purpose - Policy Statement
The company recognizes that intoxicants (defined as drugs and alcohol and any combination of drugs or of drugs and alcohol) can have a detrimental effect on the work performance, safety and health of affected employees. Section 13(1) b of the Safety Health and Welfare at Work (SHWW) Act 2005 applies to legal drugs including alcohol, prescribed medication and over the counter drugs, which could cause drowsiness and pose a risk to employees working in safety critical industries such as transportation, air, sea and rail and identified safety critical workers such as forklift driver, electricians, health care workers. Illegal drugs which also constitute a safety risk include cannabis, cocaine, ecstasy and heroin.

Scope
Company policy is to provide a safe and intoxicant free working environment for all employees, contractors and those who may use its working sites in keeping with Section 13(1) b of the SHWW Act 2005.

The overall responsibility for managing all workplace behavioural risks, including workplace intoxicants (defined as drugs and alcohol), rests with directors and managers. (Section 8(1) and Section 80(1) SHWW Act 2005.)

Statement of Employer Responsibility
Under Section 8(1) of the Act, every employer is obliged to ensure, as far as reasonably practicable the safety, health and welfare at work of his/her employees. Section 8(1) b requires employers to manage and conduct work activities, in such a way as to prevent, as far as reasonably practicable, any improper conduct or behavior likely to put the safety, health and welfare at work of his/her employees at risk. Employers are also required to provide the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health and welfare at work of his/her employees.

Statement of Employee Responsibility
Section 13(1) b of the SHWW Act 2005 prohibits all employees for reporting for or being on duty under the influence of intoxicants (defined as drugs and alcohol and any combination of drugs or of drugs and alcohol).

Where medication has been prescribed for legitimate use employees should ascertain from the prescribing Doctor if there are any possible side effects which may interfere with the safe operation of plant or machinery and notify their supervisor or HR Manager before reporting for duty. Employees impaired by medication should be removed from any risks. If intoxication in any employee endangers himself/ herself or others the matter should be reported immediately.

It is the responsibility of all Company employees to report for duty in a fit manner free from all intoxicants (defined as drugs and alcohol) that may pose a risk to their own safety, that of their colleagues or those who visit working sites. Section 13(h) ( iii ) places obligations on the employee to report to his or her employer or to any other appropriate person, as soon as practicable – any contravention of the relevant statutory provisions which may endanger the safety, health and welfare at work of the employee or that of any other person of which he or she is aware.
Alcohol Limits
The following alcohol limits will apply to all staff including identified safety critical workers. No staff members will report for work with excess of the following alcohol limits:

- In his or her blood which will exceed a concentration of 50 milligrams of alcohol per 100 milliliters of blood and in the case of professional/commercial drivers 20mg/100ml.

In addition to alcohol, employees should not report for duty under the influence of the most commonly used drugs; cannabis, cocaine, benzodiazepines and ecstasy and any other intoxicant.

The use, possession, sale, and distribution of illicit drugs are prohibited on company premises in accordance with the Misuse of Drugs Act 1977 /1984.

No consumption or handling of alcohol is allowed while working for the company, except for the handling of alcohol as part of on-site process activities. Section 13(1) b of the SHWW Act 2005 prohibits all employees from using intoxicants during their working hours which includes lunch-breaks or rest breaks. The same conditions apply to staff on call in respect to the consumption of intoxicants.

Drugs Cut-off
Recommended maximum cut off concentration tests for Urine, Oral Fluid and Hair are outlined on the website of the European Workplace Drug Testing Society’s (EWDTS) Website www.ewdts.org. Intoxicant testing will be introduced as follows:

1. Pre-employment testing  
2. Testing for reasonable suspicion and cause  
3. Post-accident testing – following a serious incident  
4. Random testing – unannounced  
5. Return to work  
6. Follow-up

All testing will be carried out to EWDTS Guidelines as recommended by the Health and Safety Authority.

Risk Assessment - Safety Critical Workers, Section 19 & 20 SHWW Act 2005
The company will conduct a risk assessment and identify those working in safety critical tasks where impairment due to intoxicants could endanger themselves or others. The risk assessment will be reflected in the safety statement. A safety critical worker or any other employee who makes himself or herself available to perform such a task by attending at work, while being unfit, due to the consumption of intoxicants (defined as drugs and alcohol), will be removed from their place of work. Arrangements will then be made to have a test for intoxicants carried out by the company medical officer/drug testing company.

Health Surveillance - Section 22 SHWW Act 2005
The company will ensure that health surveillance (appropriate to the risks to safety, health and welfare that may be incurred in the place of work, identified in the risk assessment under Section 19 of the SHWW Act 2005, is made available to all employees. Random unannounced intoxicant testing will be carried out to ensure that staff remain free from the health risks associated with drugs and alcohol.
Employee Assistance/Support Programme
The company recognises alcoholism as a disability and will provide reasonable accommodation, support and treatment (Labour Court). Any employee who suspects that they are having personal difficulty with intoxicants (defined as drugs and alcohol) is encouraged to seek assistance prior to detection. Full support will be offered including assessment, treatment and rehabilitation.

Employees identified with drug and alcohol problems will be referred to external support agencies for assessment, and where indicated treatment and rehabilitation. Full confidentiality will be maintained. All records will be retained by the Employee Assistance Programme (EAP). Disclosure will not take place without written consent or except where it is required by law. Employees will be required to complete a return to work agreement on completion of treatment.

Job Security
For those presenting for treatment job security will be maintained on successful completion of treatment programme and total abstinence from all intoxicants, the ability of perform duties and completion of return to work agreement. Full confidentiality will be maintained. Disclosure will not take place without written consent or except where it is required by law.

Employee Education and Orientation
The Company will provide training and information for all employees on their obligations under the Act and the adverse health implications of intoxicant use including legal and illegal drugs including prescribed and over-the-counter medication, alcohol, cannabis, heroin and any other illegal drugs contained in the Misuse of Drugs Act 1977/1984.

Training: Managers, Supervisors, Shop Stewards and Safety Reps.
Training will be provided to Managers, Supervisors, Shop Stewards and Safety Reps. in the early identification of poor work performance which may indicate a personal problem such as the abuse of alcohol or drugs.
Development Flow Chart – Workplace Intoxicants

1. Workplace Intoxicants Policy & Procedures (Agreed)
   - Safety Critical Risk Assessment and Control Measures
     - Safety Statement (All Workplace Behavioural Risks)
       - Outline Senior Managers Responsibilities
         - Train Managers /Supervisors Provide Employee Information & Education
           - Employee Support Services Assessment, Treatment & Rehabilitation
             - Employee Intoxicant Testing Safety Critical Workers