



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Good Practice Guidance on Managing Alcohol Misuse in the Workplace





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Summary

- Community Safety Partnerships (CSPs) should work with their local employer organisations to ensure that they have alcohol policies consistent with the principles and models proposed in this guidance. The workplace will often be the environment where an individual's alcohol problem is first recognised and should be acknowledged as such in CSP action planning.
- Workplace alcohol policies can provide a framework for managing all alcohol related issues and should be seen as being central to the principles of a responsible, supportive and caring organisation. It is important, however, that the alcohol policy links in with other relevant human resources and health and safety policies.
- The proactive involvement of employees through their trade unions or representative groups; a commitment to joint negotiation; an understanding by employees that alcohol misuse issues will be dealt with sympathetically and in confidence; and systems for referring drinkers to counselling/treatment are the essential elements of an effective workplace policy.
- There is strong evidence that worksite interventions, including core components of employee assistance programmes, are effective in rehabilitating employees with alcohol problems.
- Worksite training on alcohol can also affect the attitudes of supervisors and employees. Work based training programmes that focus on employees' alcohol problems and possible interventions are likely to be effective.
- Workplace interventions that are broadly based on the model of employee assistance programmes should be supported. Programmes that offer employee assistance as a core component report a high degree of success.
- Training and interventions modelled on employee assistance programmes should be seen as complementary and not substitutes for each other.

1. Background and context

Alcohol is widely consumed in the UK. Most people who drink do this in moderation. *The General Household Survey* for 2006 found that average weekly consumption in Wales was 13.5 units¹. Despite this alcohol misuse is a problem. A report from the Cabinet Office Strategy Unit in 2003 suggested that 6.4 million people consume alcohol above the current recommended weekly guidelines and 5.9 million binge drink (8 or more units a day for men 6 or more for women)².

A significant number of people who misuse alcohol will be in work, the workplace therefore provides an opportunity for this to be identified and help provided.

Employers have an interest in providing help as alcohol misuse is widely believed to have significant consequences in the workplace, affecting levels of absenteeism, poor performance and having a role in accidents and injuries. This in turn is thought to have an impact on the productivity, profits and reputation of an organisation. There is a lack of clear evidence supporting this view.

The Strategy Unit's report estimates that work related alcohol misuse costs the UK economy between £5.1bn and £6.4bn a year (2001 prices). This figure is based on assumptions about the proportion of days of work lost to sickness that are attributable to alcohol misuse². The report also presents information on reduced efficiency in the workplace related to alcohol misuse but this is derived from data linking alcohol consumption to earnings.

There is a perception that both alcohol use and misuse is causing significant problems in the workplace but there seems to be very little actual evidence on the prevalence of this³. Further research would be useful in establishing both the human and economic consequences of alcohol misuse in relation to the workplace.

There is no doubt that alcohol can impair work performance. It will affect balance and coordination, will reduce reflexes and impair caution. This will have an impact on an individual's ability to work whether they are operating machinery or making decisions in the boardroom.

The rate at which alcohol is metabolised varies but in an otherwise fit man weighing 12 stone the rate will be about 1 unit per hour. Heavy drinking in the evening will mean that blood alcohol concentrations on starting work the next morning will still be high and impairing performance.

The work performance of someone who is no longer intoxicated but suffering a hangover is also likely to be impaired.

2. Scope of document

This document is based on a rapid review of the literature regarding alcohol in the workplace and professional advice. It provides a summary of the evidence base and current policy and guidance available in the UK and covers:

- evidence base for workplace interventions
- workplace alcohol policies

- workplace alcohol testing
- managing staff with alcohol problems
- employing staff with a history of alcohol problems.

Appendix I contains links to sources that may be useful to organisations in managing workplace alcohol use and developing and implementing workplace alcohol policies. These sources include model workplace alcohol policies.

3. The evidence base

3.1 Workplace interventions

The evidence base specific to measures to prevent and manage alcohol misuse in the workplace is not very extensive but there are some interventions that may be useful. The evidence base on interventions to manage alcohol misuse in other settings is likely to be relevant to the workplace but has not been included in this paper.

There is some evidence that workplace policies may be effective in reducing alcohol related harm⁴. The literature suggests that a commitment to joint negotiation, strict confidentiality and provisions for referring drinkers to counselling/treatment are essential elements of a workplace policy⁴.

A Health Development Agency briefing published in 2004, based on a literature review found evidence that workplace interventions can influence alcohol consumption and reduce alcohol related problems⁵. The briefing states that;

- there is strong evidence that worksite interventions, including core components of employee assistance programmes (see note below), are effective in rehabilitating employees with alcohol problems
- there is some evidence that worksite training on alcohol affects the attitudes of supervisors and employees for a reasonable period after training
- work based training programmes that focus on employees' alcohol problems and possible interventions are substantially effective
- there is general support for the efficacy of workplace interventions that are more or less based on the model of employee assistance programmes
- programmes that offer employee assistance as a core component reported a high degree of success across a number of measures, although it is unclear which specific components of the programme designs contributed to effectiveness
- training and interventions modelled on employee assistance programmes are complementary, not substitutes for each other.

(NB Employee assistance programmes, common in the USA, are employee benefit programs offered by many employers, typically in conjunction with a health insurance plan. Their purpose is to help employees deal with personal problems that might adversely impact on their work performance, health and well-being. They generally include assessment, short-term counseling and referral services for both employees and their household members).

4. Workplace alcohol policies

Workplace alcohol policies will provide a framework for managing all alcohol related issues. The alcohol policy will need to link with other relevant policies, for example health and safety and human resources policies.

Developing a workplace alcohol policy also supports a comprehensive approach to health at work. This should be central to the principles of a responsible, supportive and caring organisation.

Five primary reasons for adopting a workplace alcohol policy are found in the literature⁴. These are:

1. employee performance
2. employee safety
3. absenteeism
4. financial considerations
5. employee welfare.

The nature, culture, size and structure of an organisation as well as the rationale behind policy development will determine the nature of the policy⁴. Each employer will need to define their own rules relating to alcohol in the workplace. These rules will need to be applied to all staff within the organisation including those who work at home.

Alcohol use before or during work is likely to be totally unacceptable in the majority of organisations. These will include organisations whose employees are engaged in safety critical roles, for example those that involve driving and operating machinery, working with electrical and mechanical equipment and transport operators.

Other areas where alcohol use will be unacceptable either before or during work will include health, social care and emergency services and those where there is direct client contact or where people are making critical decisions.

The exception might be organisations where clients are 'entertained', or the leisure industry. In these organisations it might be considered acceptable for employees to drink alcohol during working hours.

Clearly the content of each organisation's alcohol policy will be different but the objectives are likely to be similar and include⁴:

- prevention of alcohol problems
- prevention of alcohol interfering with work
- commitment to ensuring the welfare of employees
- provision of help for employees with alcohol problems
- a commitment to education, training and monitoring.

A range of information and support is available for organisations wishing to develop and implement workplace alcohol policies. Some examples are included in the appendix.

A European comparative study on preventative and supportive measures for problem drinkers in the working environment concluded that a best practice example of a workplace alcohol policy would contain the following elements⁶:

- members of all parties to the alcohol policy e.g. trade unions, should be pro-actively involved in the development and implementation of the policy
- the alcohol policy should be formalised and all employees should be familiar with its contents
- policy objectives and methods of implementation should be designed to meet these aims
- objectives should focus on primary, secondary and tertiary prevention
- information, training and methods should be adapted to the level of the target group or groups
- confidentiality should be guaranteed (as far as possible)
- divisions, departments and professional levels should be treated equally
- the evaluation of the policy should focus on the effects of the policy as well as the process by which it is implemented.

The study also concluded that the desired effect of an alcohol policy should be the starting point of development and it should be formulated in terms of specific, measurable, acceptable, realistic and time limited aims. For example if the policy intends to reduce alcohol use in the workplace, then alcohol use in the workplace should be measured before and after implementation of the policy.

In addition workplace alcohol policies should make provisions for referring drinkers to a counselling/treatment agency⁴.

It is also important to recognise that workplace alcohol policies can play a key role in the prevention of family breakdown and child maltreatment. There is a need to follow child protection procedures should there be a concern that a child is at risk of significant harm.

4.1 Developing a workplace alcohol policy

Together with the commitment from management at the highest level it is good practice for trade unions to be involved at an early stage in workplace alcohol policy development. Depending on the size, nature and structure of the organisation the stages in developing a policy are likely to include the following.

Defining the need for a policy

This requires establishing the size and nature of the problems being caused by alcohol and identifying the objectives of the policy. For example the policy might allow organisations to:

- improve health and safety standards
- reduce employee absence levels
- enhance productivity
- retain key talent.

An audit might be a useful tool to do this. Records on performance, absenteeism, work-related illness, early retirement, accidents, disciplinary action and dismissals may be useful. The processes used within the organisation should be considered to see whether they might lead to employees experiencing high and sustained levels of stress that might lead to alcohol misuse. In addition the prevailing culture within the organisation needs to be considered. For example, is alcohol served on the premises? Is there lunchtime drinking? ^{7,8}

Involvement and Consultation

Employees and their representatives or trade unions will need to be involved in developing the policy which will then need to be subject to wide consultation and involvement to ensure ownership across all levels of the organisation. Without this the policy will be difficult to implement. Consultation is also an opportunity to raise awareness amongst staff and gauge their views^{7,8}.

Local alcohol treatment agencies may need to be included in the consultation process, particularly where the employer is a large employer in a small area.

Drafting the policy

Model alcohol policies can be obtained by following the links in Appendix I. The alcohol policy will need to work in conjunction with policies on disciplinary procedures, sickness, communication, training and welfare^{7,8}. It will need to:

- include an explanation of why the organisation is concerned about alcohol use, why it is seen as a problem
- set out clearly what the organisation will allow in terms of alcohol use by clarifying the quantity and timing to which alcohol use will be limited
- set the organisations rules and procedures for managing issues in relation to alcohol use. This will include how the organisation will identify an employee's alcohol problem and both the supportive and disciplinary elements of dealing with this.

The policy should have the following sections:

- purpose/aims and objectives
- roles and responsibilities
- application/scope
- procedures
- discipline
- support
- testing arrangements (if part of the policy)
- implementation and review^{9,10}.

Finalising the policy

The views of the board of directors, trade unions and other employee representatives should be sought on the first draft of the policy. Attention needs to be given as to how the policy will be communicated to employees. For example, it might be announced with a letter from the chief executive, be the subject

of team briefings and briefings to line managers, trade union officials and other key personnel or be displayed on notice boards. Copies could be provided to all employees⁸.

4.2 Implementing a workplace alcohol policy

In large organisations personnel from the occupational and health and safety departments are likely to be involved in implementing the policy. In small businesses trade unions, trade organisations or specialist alcohol agencies might be involved. Consideration should be given to using a range of methods both for implementing the policy and for training. For example a different approach may be needed for young workers, specific professions or groups of workers.

Lead officer

It may be beneficial to train a member of the senior management team to be responsible for operation of the policy. A database of local facilities for diagnosis and treatment of other sources and support and advice for employees with alcohol problems could also be maintained^{7,8}.

Small organisations may wish to seek help from trade organisations or specialist alcohol agencies.

Training

Training, either 'in house' or using specialist external providers, for directors, senior managers, human resources staff, line managers, occupational health staff and trade union representatives should take place^{8,10}. It should include:

- information on the effects of alcohol misuse at work
- how to implement the policy
- the help and support available to staff
- basic interviewing and advisory skills.

An awareness training programme for staff should also be put in place. This could provide information about the effect of alcohol and substance misuse in general on their health and their work performance in addition to introducing the policy¹⁰.

Policy monitoring and review

The policy should be monitored to ensure that it is understood and complied with. Data for monitoring its success will depend on the initial objectives but might include⁹:

- any decrease in sickness and absence levels especially if these can be linked with alcohol problems
- accident rates
- the number of alcohol related disciplinary cases
- the number of employees voluntarily seeking help
- the number of alcohol related problems reported by colleagues
- improvements in productivity
- improvements in staff retention.

The policy will need to be reviewed periodically in conjunction with employees and/or their representatives.

4.3 Corporate Health Standard

The Corporate Health Standard is the national mark of quality for health and well-being in the workplace. A Small Workplace Health Award is also available for smaller businesses and organisations with fewer than 50 employees. Both programmes have different levels of award to recognise each development stage achieved and cover the broad range of workplace health and well-being issues.

In relation to the alcohol and substance misuse criteria, for a bronze level Corporate Health Standard award, an employer must have an alcohol (and substance misuse) policy in place, together with support and training for managers to recognise issues relating to alcohol and substance misuse.

The Corporate Health Standard pack provides advice on the content of a suitable alcohol and substance misuse policy. For a gold level award, the policy must clearly not permit the consumption of alcohol for all staff at any time during the working day.

Larger organisations working towards the platinum level award may wish to assist smaller organisations in their locality on alcohol in the workplace issues. This would contribute towards the criteria under community engagement and may involve, for example, advising on policy development or direct Occupational Health assistance.

The Small Workplace Health Award includes alcohol and work as a healthy lifestyles topic. The requirements for an employer are developing an approach for staff becoming alcohol free whilst at work including unpaid breaks, developing guidelines for managers, identifying internal and external support, promoting responsible drinking outside of work and raising awareness of the impact of drinking on health and well-being. Advice is available within the Small Workplace Health Award pack. For further information please visit: www.healthyworkingwales.com

5. Workplace alcohol testing

Consideration will need to be given to whether the policy will include arrangements for workplace alcohol testing. But in most instances questioning and observation will be adequate and that a policy can be effective without testing⁹.

Workplace alcohol testing is a contentious issue but it could be considered to have a role in both risk reduction and following workplace accidents or incidents. If alcohol testing is to be considered a wide range of legal and human resources issues will need to be addressed⁹.

The report of the Independent Inquiry into Drug Testing at Work, which included several references to alcohol testing, concluded that 'it is inappropriate to drugs (alcohol) test as a means of policing the private behaviour of employees or improving productivity'¹¹. A key recommendation of the inquiry was that employers have a legitimate interest in alcohol use among their employees in a restricted set of circumstances only. These circumstances are:

- where employees are actually intoxicated in work hours
- where alcohol use is (otherwise) having a demonstrable impact on employees' performance that goes beyond a threshold of acceptability
- where the nature of the work is such that any responsible employer would be expected to take all reasonable steps to minimise the risk of accident
- where the nature of the work is such that the public is entitled to expect a higher than average standard of behaviour from employees and/or there is a risk of vulnerability to corruption (for example the police or prison service).

If a decision is made to include testing in the policy then the type or types of testing and the circumstances in which they will be used must be made explicit in the policy. There are three main types of testing:

- testing with probable cause (e.g. after an accident or incident)
- mass testing (testing the whole workforce either with cause or with notice)
- random testing (equal chance of each employee being tested without cause or notice).

Testing for alcohol would normally use breath analysis. Good quality control of the process is essential. Accurate testing will rely on using good quality equipment that is regularly calibrated and operated by appropriately trained personnel.

It should be noted that there is no general right to test employees and that they cannot be forced to take a test on any particular occasion. It is therefore very important that employees are made aware of disciplinary rules⁹.

Trade unions or other employee representative bodies should be involved at an early stage in any policy development discussions around the introduction workplace testing.

6. Managing staff with alcohol misuse problems

A workplace alcohol problem should be regarded primarily as a health issue rather than an immediate cause for discipline although these processes are likely to be interconnected^{8,12}. In dealing with alcohol problems the focus should be on rehabilitation.

As far as possible, it is preferable that the worker remains in work whilst their problems are addressed. In some circumstances, for example in safety critical areas or where they are dealing with the public or clients, they may need to be moved to a different role.

Any decision about continuing in their current or moving to a different role will need to consider what is practical and possible and involve a risk assessment. If employees feel that an organisation is likely to deal with their alcohol problem sensitively they may be encouraged to seek help.

6.1 Support and treatment

An employee's alcohol problem is most likely to surface as a conduct, performance or attendance issue requiring management intervention¹³. If the

alcohol problem is not identified as the cause it is likely that performance procedures will be implemented.

If an alcohol problem is suspected or admitted then the individual should be assessed. In large organisations this should be done by the occupational health service. Where this is not available the individual should be assessed by their GP or another appropriate agency.

If an alcohol problem is confirmed then a treatment regime will need to be agreed by the employer and employee. This agreement should be documented and include the employers' expectations in terms of compliance with treatment. The agreement needs to recognise that relapse is likely to occur but should indicate the number of times that this will be accepted before further action is taken.

Employees should also be given contact details of agencies where they can go for additional support, help and information.

Treatment will need to be monitored closely until the employee is deemed fit to assume their normal role or to return to work. If they do agree to or comply with treatment then their fitness for work should be assessed. If deemed unfit or a risk to colleagues or the business then the appropriate disciplinary action should be pursued.

If no alcohol, health or other substance misuse problem is identified during initial assessment the employee would return to work and the outstanding conduct, performance or attendance issue should be addressed through normal procedures.

If an employee agrees to treatment but this is unsuccessful and they are assessed as not being fit to return to work then this should be dealt with as a long term health issue.

6.2 Disciplinary and legal issues

The alcohol policy should state when and how disciplinary, performance and capability procedures will be invoked 8. This should cover:

- the consequences of reporting for work unfit because of alcohol use
- impaired performance because of use of alcohol outside the workplace
- that disciplinary or capability action will be taken if help is refused and/or impaired performance continues
- the circumstances in which dismissal action will be taken.

Disciplinary action should only be used as a last resort when someone consistently refuses to take up any offers of support or treatment.

Employers have a range of legal responsibilities with regard to their staff and alcohol use and misuse. They are required to maintain a balance between the rights of their employees and the welfare of staff as a whole.

All employers also have a duty to those who use their services. This will be of particular importance in safety critical areas, for example airlines or rail companies and in areas such as health care. In dealing with alcohol misuse at work managers

will need to consider these issues as well as the productivity and financial wellbeing of their business.

The key pieces of legislation relevant to the issue of alcohol in the workplace are:

Health and Safety at Work Act 1974¹⁴

This Act places a duty on employers to ensure the health, safety and welfare of their employees and others who might be affected by the employer's organisation. This means making sure that employees and others are protected from anything that may cause harm, effectively controlling any risks to health that can arise in the workplace. Employees also have a duty to take care of their own health and safety and that of others who might be affected by their actions. This is particularly relevant to the use of vehicles or machinery. If an employer knowingly allows an employee under the influence of alcohol to continue working and this places the employee or others at risk, the employer could be prosecuted for committing an offence.

Management of Health and Safety at Work Regulations 1999¹⁵

Under these Regulations employers have a duty to assess risks to the health and safety of their employees. This includes assessment of the risk of stress related ill health arising from work activities. Stress related ill health could include alcohol misuse. Employees also have a duty to take reasonable care of themselves and others who might be affected by what they do at work⁷.

Employment Rights Act 1996¹⁶

This act requires employers to provide written information about their disciplinary rules and procedures. The Advisory, Arbitration and Conciliation Service (ACAS) Code of Practice on Disciplinary and Grievance Procedures recommends that rules should cover sub-standard performance, misconduct and unauthorised absences¹⁷.

Human Rights Act 1998¹⁸

The European Convention on Human Rights is incorporated into United Kingdom law by the Human Right Act 1998. Under Article 8 of the Convention a person has the right to respect for their private and family life. This needs to be balanced against the employer's right to protect the reputation of their organisation. This is particularly important with regard to testing for alcohol use; Employers who undertake alcohol testing at work could be open to legal challenge if they invade the privacy of employees unnecessarily. In order to minimise the risk, the employer would need to show that alcohol testing at work is only carried out in restricted circumstances, for example, where the nature of the work is such that any responsible employer would be expected to take reasonable steps to minimise risk of accident.

Data Protection Act 1998¹⁹

An employer who undertakes alcohol testing in the workplace must comply with obligations under the Data Protection Act 1998 and in particular must ensure that the organisation complies with data protection principles in relation to the collection and processing of information on the results.

Road Traffic Act 1988²⁰

Under this Act it is an offence for specific employees to be unfit because of alcohol use whilst working on transport systems such as railways. The system operators can also be liable if they do not take all reasonable steps in their efforts to prevent the offence.

Transport and Works Act 1992²¹

Under section 8 of this Act 'occupiers of premises' who permit the supply or making or preparation of controlled drugs on their premises are liable to prosecution for committing a criminal offence.

7. Employing staff with a history of alcohol problems

Employers should have a fair and equitable recruitment policy and there is no reason why Individuals who have had alcohol problems cannot be effective employees. All new staff will require support including induction, training and ongoing line management support⁸. All applicants should be made aware of the employer's alcohol policy and procedures.

Employers will need to ensure that all new employees have the skills and competence to carry out the role effectively and have in place robust processes for performance management. In addition, when recruiting someone with a history of alcohol problems, the employer will need to consider the following:

- the nature and seriousness of the alcohol misuse
- the attitude and confidence of the individual in relation to their rehabilitation
- the commitment of the individual to their recovery
- any criminal convictions and implications of *Rehabilitation of Offenders Act 1974*²²
- implications of the *Disability Discrimination Act 2005* (some adverse effects caused by alcohol misuse may constitute a condition recognisable under this Act)²³
- offering voluntary placements or work trials as part of an individual's rehabilitation
- pre-employment health assessments to ensure that a potential employee is fit for a job are a requirement of some employers. For someone with a history of alcohol misuse a more detailed assessment might be requested
- a temporary contract or probationary period to allow for full assessment.

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Appendix 1

Sample model alcohol policies

This is not an exhaustive list of resources and inclusion in this document does not indicate that these publications have been endorsed by the National Public Health Service for Wales.

The Welsh Assembly Government's "Corporate Health Standard" award scheme offers guidance on what alcohol and substance misuse policies must contain should an organisation be working towards assessment. The **alcohol and substance misuse section** can be found on pages 26 and 27 of the Corporate Health Standard pack (Accessed 31st March 2009).

The Chartered Institute of Personnel and Development has produced a comprehensive guide on managing drug and alcohol misuse at work. It is available from **Managing drug and alcohol misuse at work** (Accessed 18th February 2009).

It provides a model workplace alcohol policy and addresses:

- Policy development.
- Recruitment including health screening.
- Providing support and taking disciplinary action.
- Supporting the substance misuser.
- Testing for drug and alcohol misuse at work.
- The legal implications of managing drug and alcohol misuse at work.

The Scottish Government and Alcohol Industry Partnership in conjunction with The Scottish Centre for Healthy Working Lives have produced a model alcohol policy to help organisations deal with alcohol related problems at work. It is available from Model Alcohol Policy (Accessed 18th February 2009).

The Northern Ireland Drug and Alcohol Campaign have produced guidelines on developing and implementing workplace drugs and alcohol policies Guidelines (Accessed 19th Feb 2009). A model alcohol policy is also available Model alcohol and drugs policy (Accessed 19th February 2009).