

**GUIDELINES FOR MANAGING SUBSTANCE USE AND ABUSE IN THE WORKPLACE**

**INTRODUCTION**

Stellenbosch University (SU) seeks to establish and maintain a work environment that is free of the adverse effects of alcohol and other substances that could undermine the productivity of the University's workforce. Furthermore, SU employees have the right to work in an environment free of substance misuse, along persons free of the effects of alcohol and other related drugs.

Under General Safety Regulation 2A to the Occupational Health and Safety Act 85 of 1993, an employer "shall not permit any person who is or who appears to be under the influence of intoxicating liquor or drugs, to enter or remain at a workplace". SU endeavors to comply with this stipulation.

**AIM OF THE GUIDELINES**

1. To provide guidelines for dealing with employees who are found to be under the influence of alcohol or other drugs while at work or entering the workplace
2. To help identify appropriate interventions regarding SU employees who are dependent on alcohol or illegal drugs and prescription drugs that are used beyond the boundaries of normal clinical practice.
3. To outline processes that will allow employees to seek treatment in alignment with the Policy: The Management of Smoking, Alcohol, and other drugs at SU.
4. To ensure a uniform and consistent approach to dealing with incapacity caused by substance use and or abuse.
5. To be corrective and preventative rather than punitive.

**DEFINITIONS**

**The following definitions apply for this guideline:**

**Substance:**

Alcohol, an illegal drug, or a prescription drug that is used beyond the boundaries of normal clinical practice.

**Abuse:**

Consumption of a substance to the extent that the employee cannot reasonably be expected to perform his/her duties in a safe and productive manner and/or to the extent that it negatively impacts on interpersonal relationships in the workplace or tarnishes the organization’s standing and reputation.

**Under the influence:**

**Being under influence:** shall be construed as a condition where the employee either shows signs of suspected intoxication or impairment to the extent that he cannot be entrusted to safely and efficiently proceed with his/her normal duties and/or tests positively on a breathalyzer test of drug screening test of which a positive result had been confirmed by a legally defensible laboratory test

**GUIDELINE** **FOR MANAGING SUBSTANCE USE AND ABUSE IN THE WORKPLACE**

**(ALSO REFER TO** **ANNEXURES A AND C)**

When an employee is suspected of being under the influence or having consumed any illegal or intoxicating substance at work or while on duty, the following procedure will apply:

**Inform the line manager**

Every employee is obliged to inform their line manager or, if the line manager is unavailable or if the line manager is suspected of being under the influence, inform the employee wellness manager if they suspect any employee of being under the influence of any intoxicating substance at work or while on duty.

**Determination of being under the influence**

1. Should a line manager suspect that an employee may be under the influence as defined in this guideline, the line manager shall take the necessary steps to establish whether the employee can safely and productively perform his/her duties. Where possible the line manager shall obtain the opinion of another management witness. In the event of uncertainty, the Employee Wellness Manager/ Employee Relation/ Campus Health Clinic nurse can be consulted
2. In determining whether an employee may be under the influence, clinical observations by a qualified professional at Campus Health Services shall constitute a primary means of identification. Should such observations suggest possible drug use and/or intoxication, the line manager shall arrange for an appropriate test to be conducted. (See in the event of suspected drug induced intoxication, the employee will be offered a multi-panel drug screening test by a qualified professional – Campus Health Services
3. Should the test result be positive, or where testing is refused and/or where clinical/behavioral signs suggests intoxication, the employee will, in the interests of workplace safety and professional standards of conduct, be deemed to be under the influence and instructed to leave the work premises. **Regardless of any test result, should the supervisor be convinced that the person's presence constitutes a safety risk or may tarnish SUs name and standing based on clinical or behavioral signs, the supervisor will instruct the employee to leave the workplace.**
4. Should the employee refuse to submit to an appropriate test he should be informed that he will be giving up an opportunity to contest the allegation of being under the influence. The employee’s refusal will then be recorded on the verification form. An employee who is deemed to be under the influence and sent home, shall not be paid for the day, should the person not be found guilty during a subsequent enquiry the employee shall be fully reimbursed for working hours which had been lost. The line manager may arrange transport to ensure that the employee can safely get home.
5. An employee who had been sent home following a positive drug confirmation test shall be suspended without pay, until such time as the employee tests negatively on a drug screening test. Blood and saliva tests will be used in the case where there is suspicion of cannabis intoxication.
6. Urine (or any other matrix e.g., blood or saliva) dispatched to pathologist for confirmatory tests shall comply with the proper chain of custody protocol as may be prescribed by the Laboratory.
7. An employee who is suspected of using or being under the influence of an intoxicating substance as described within this section will be subject to a disciplinary enquiry to investigate the matter, to ascertain whether the employee had indeed been under the influence as well as an appropriate sanction, where applicable.

**Disciplinary procedures** (to be read with Annexure C)

Disciplinary procedures are followed when an employee had been suspected of being under the influence (as contained in para. 5 and 7) or where an employee's conduct or job performance (or both) is unsatisfactory due to substance abuse. Such conduct may include, but is not limited to, abuse of sick leave, time ­ keeping abuses and consuming or being under the influence of alcohol or other drugs while on duty.

Should an employee admit to substance dependence during the disciplinary enquiry, the chair may take this into account when determining the penalty to be imposed on the employee. If the penalty is not dismissal, the employee must be referred to the Employee Assistance Programme (EAP) for assessment, counselling, or referral for treatment or all three). In the event of a referral to EAP, the results of the drug tests must be made available to the counsellor and the employee's line manager will be entitled to receive progress reports.

Attending the EAP programme will not exonerate the employee from further disciplinary actions should similar offences arise during the period of treatment.

SU reserves the right to take precautionary measures during the period of treatment to prevent the employee from working under the influence of alcohol or any other drugs, e.g., by doing random testing, assigning the employee alternative duties, suspending the employee from work, or prohibiting the employee from reporting for work.

**EMPLOYEE ASSISTANCE PROGRAM AND TREATMENT**

For staff members who require professional assistance for a substance misuse or abuse/ disorder/dependency problem, SU Employee Wellness Office shall arrange for a suitable professional to undertake the referral for assessments and/or treatment

In the event of the employee requiring in-patient treatment for a dependency problem, SU shall not be responsible for bearing the full cost of such treatment but may consider financial assistance such as may be mutually agreed with the employee and offer such treatment subject to specific terms and conditions which it may deemed fair and appropriate. Employees requiring in-patient treatment shall be entitled to full sick leave benefits.

The SU reserves the right to request reports from the treating professional regarding the employee's prognosis and cooperation with the mode of treatment. **The employee will however be assured that such reports shall not contain any personal detail divulged during counseling but will serve to give an indication of his/her commitment and co-operation towards attaining sobriety.**

**It is not appropriate to receive prognosis and/or progress reports from the treatment center if the employee referred themselves for treatment and were not referred to as a result of disciplinary action.**

In the event where the employee declines the offer of assistance following substance abuse related misconduct, substandard performance or fail to co-operate with the assistance offered, this will be documented, and the employee will be informed that any further incidents of substance misuse related misconduct occurring within a twelve-month period from the date of such a documented offer may be dealt with as amatter of discipline without repeating the offer of assistance.

If a professional report indicates that the employee had been unco-operative and/or that excessive alcohol or drug intake persists, the line manager will assess whether the employee is still capable of performing his/her designated duties satisfactorily. If the employee is no longer capable of performing his/her job satisfactorily as a result of alcohol or drug dependence, his/her employment may be terminated on the grounds of incapacity.

If the employee is capable of performing his /her job satisfactorily despite non-compliance and/or continued alcohol or drug intake, he/she shall be subject to standard disciplinary measures for any further substance misuse related offence

**ANNEXURE A**

**VERIFICATION PROCEDURE**

NOTE: To be completed by the employee's line manager. If the line manager is unavailable, most senior manager available - preferably one who knows the employee should complete the form.

1. Call the employee's manager or another senior manager, or both, as (a) witness (es).
2. Conduct this procedure in private, in the presence of the above witness (es) or observer(s).
3. Complete the details listed below.

EMPLOYEE NAME

UT NUMBER

JOB or POSITION

SUPERVISOR

DEPARTMENT

WITNESS/ EMPLOYEE OBSERVER DATE AND TIME

|  |  |  |  |
| --- | --- | --- | --- |
| **4.1** | Breath that smells of alcohol or other drugs | Strongly |  |
| Faintly |  |
| No smell |  |
| **4.2** Slurred speech | | Slightly |  |
| No slurring |  |
| **4.3** Movement of limbs | | Uncoordinated |  |
| Slightly uncoordinated |  |
| Normal |  |
| **4.4** Walking or balance | | Uncontrolled |  |
| Slightly uncontrolled |  |
| Normal |  |
| **4.5** Appearance of eyes | | Bloodshot |  |
| Slightly red |  |
| Normal |  |
| **4.6** Employee's expression | | Dazed |  |
| Slightly dazed |  |
| Normal |  |
| **4.7** In my opinion the employee ........  the influence of alcohol or other drugs. | | is under |  |
| is not under |  |
| **4.8** In my opinion the employee...........  to perform his or her duties. | | is fit |  |
| is unfit |  |
| **4.9** In my opinion the employee ......  his or her safety or the safety of other employees while in the present condition. | | could endanger |  |
| will not endanger |  |
| **4.10** Any evidence as to why the employee may be acting in an intoxicated fashion other than consumption of intoxicating drugs, e.g. trauma to the head or using medication | | Yes |  |
| No |  |

1. Management must observe the employee's appearance and behavior with reference to the following grid:

|  |
| --- |
| If present, record such evidence: .................................................... |
| 4.11 General comments (include specific notes of what the employee says or does): |

**MANAGER AND WITNESS**

**DATE:** .......................................... **TIME:** ............................................

**ANNEXURE B**

**Guidelines for TESTING FOR ALCOHOL AND OTHER DRUGS AND INTOXICATION at work**

1. Only line managers or SU officials who had been trained the operation of alcohol screening test and who had been duly authorized or delegated by their departmental heads may conduct tests.
2. If an employee is reasonably suspected of being under the influence of an intoxicating substance a test must be conducted. Should the employee be found to be intoxicated, the person must be instructed to leave the workplace or premises and the disciplinary process must be initiated.
3. If an employee unreasonably refuses to consent to any form of testing it might be concluded that the person is indeed under the influence of an intoxicating substance, and suspension and disciplinary action could follow.
4. Before an employee may be tested, it must be explained why the testing needs to be done and what the consequences will be in case of positive results.
5. A checklist of behavioral and physical characteristics is available to help line managers judge whether an employee seems to be under the influence of an intoxicating substance **{refer to Annexure A).**
6. Testing for substance abuse may be conducted immediately following an incident {such as an accident or an employee found drinking or in possession of alcohol), subject to the requirements of **annexures A and B.**
7. Employees who have been found to be under the influence must immediately be suspended for the remainder of their shift/day as unfit to perform their duties safely, in accordance with the Occupational Health and Safety Act, with the instruction to report for duty the following day. The disciplinary procedure must be applied accordingly.

**Testing clinical observation**

Clinical observation can be used to identify cases of being under the influence with reference to physical characteristics such as a staggering gait, the smell of alcohol on a person's breath, red eyes, hand tremors and uncharacteristic behavior **(see Annexure A).**

**Breathalyzing**

Once clinical observation has been made and recorded, or if the employee requests it, a breathalyzer test *may* be conducted on the employee in the presence of representatives of both the employee and the employer.

* + In the event that an employee is suspected of being under the influence of alcohol, he shall be required to take a breathalyzer test conducted by a person who had been properly trained and authorized in all aspects of operating the instrument.
  + In the event of a breathalyzer result being less 0,02gm/% or less in blood, while breath alcohol being 0.10%, the employee shall be escorted and required to wait in a safe area and another breathalyzer reading taken after an hour.
  + Should the second reading be lower than the first, the employee shall be kept in the area until such time as the breathalyzer shows a zero reading after which the employee shall be allowed to return to work unless the Supervisor is of opinion that the employee may not be fit to work for other reasonable considerations.
  + In the event of the first reading being higher than 0,02gm/% in blood, while breath alcohol being 0.10% or the second reading showing an increasing BAC, the employee shall be escorted home. In both cases the employee will be charged with being under the influence of alcohol with a rising BAC being considered as an aggravating circumstance.
  + In the event that an employee should refuse a breathalyzer test, the employee shall be informed that he/she is giving up the opportunity to refute the charges against him/her.

**Urine screening tests**

SU reserves the right to conduct immunoassay urine screening tests by referring employees to an appropriate agency (e.g., Pathcare, SANCA or related services) provided that the employees concerned have given their consent and that the employees can be taken to such facility.

Such tests could be conducted on or off site. Should the employee refuse to submit to an appropriate test he should be informed that he will be giving up an opportunity to contest the allegation of being under the influence. The employee’s refusal will then be recorded on the verification form.

Urine samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples. However, direct observation will be permitted by a collection site person of the same sex as the tested employee.

In the event of attempted substitution, adulteration, or dilution of a test sample such a sample shall not be accepted as an authentic sample and failing further efforts to secure an authentic sample the person shall be deemed to have tested positive.

The employee to be tested shall be informed that any information regarding medication or medical conditions supplied to the collection officer to verify the authenticity of a drug screening result shall be treated as confidential and not be divulged to the company.

In the event of a positive drug test result on a screening test the employee shall be deemed to have used the drug within the last 2 - 4 days and not be considered fit for duty and shall be escorted home by company transport. Another urine sample shall be taken on the same occasion, sealed in front of the employee and dispatched to a designated laboratory or pathologist for confirmation by GC-MS (Gas chromatography-mass spectrometry), the result of which shall be deemed to be definitive.

It should be noted when screening/ testing that Marijuana can be positive up to 6 weeks with regular use. A positive urine marijuana implies **use** but not intoxication. Saliva or blood is a better medium to assess for marijuana intoxication. The use of cannabis by Stellenbosch University staff on campus, which constitutes the workplace, remains prohibited in terms of the applicable legislation.

An employee who had been sent home following a positive drug confirmation test shall be suspended without pay, until such time as the employee tests negatively on a drug screening test

Urine (or any other matrix {hair, blood, or saliva}) dispatched to pathologist for confirmatory tests shall comply with the proper chain of custody protocol as may be prescribed by the Laboratory.

All drug test results will be reported directly from the testing agency to Campus Health and the employee shall be handed a copy thereof.

**SOCIAL FUNCTIONS AND PROMOTIONS**

1. The University acknowledges the right of employees to partake of alcoholic beverages during officially sanctioned functions and promotions.
2. In the event of company functions and promotions where alcohol is served, all employees are expected to behave in a respectful manner and not offend fellow guests and employees or in any manner tarnish the good name and standing of the University.
3. During social events arranged by the University, all reasonable measures will be considered to prevent immoderation and abuse inclusive but not limited to the use of coupon systems, the serving of non-alcoholic alternatives, appointing a responsible Manager to supervise events and the availability of snacks prior to the serving of alcohol.
4. Employees who partake of alcoholic beverages during such social events shall remain responsible to ensure that they do not contravene the provisions of the Road Traffic Act (Act 93 of 1996) as a result of excessive consumption.
5. Employees whose behavior during social events become offensive, cause an embarrassment to the organization, fellow employees or guests, or whose conduct jeopardizes the safety of such parties or members of the public as a result of excessive alcohol intake, shall be charged with allegedly having been under the influence of alcohol as stipulated under para. 5 and 7 of this guideline.
6. In the event where a Manager or any person designated to be in charge of a social event is of opinion that an employee may present a danger to him/herself, all reasonable steps should be taken to ensure that the person is afforded a safe passage home.
7. During social events where alcohol would ordinarily be consumed, it remains the prerogative of the University to prohibit employees from safety sensitive work areas /occupations from returning to their workstation after having consumed alcohol. Employees who transgress this rule and is considered to be under the influence in terms of the criteria contained in this policy shall be disciplined as would ordinarily be the case.

**ANNEXURE C**

**GUIDELINES for managing SUBSTANCE ABUSE at the workplace**

1. **Discipline**
   1. Drinking or using alcohol or other drugs while on duty, and being under the influence of illegal substances while on duty, are dismissible offences

1.2 As in all disciplinary enquiries, fair procedure must be observed, which includes the consideration of mitigating circumstances.

1.3 Occasionally employees plead substance dependence as a mitigating factor during a disciplinary enquiry. In such cases the disciplinary enquiry must be suspended, and an incapacity enquiry be initiated to investigate the dependence claim.

1.4 The onus of proving dependence rests on the employee. Normally, employees will not have the necessary witnesses or evidence at hand, so the hearing will need to be postponed allowing the employee time to gather evidence to substantiate the plea of substance dependence. Evidence on the original charge(s) may still be presented for purposes of the original hearing, but no conclusions may be drawn, or penalties imposed until the employee's evidence on alcohol or drug dependence has been considered. SU strongly advise that such employees be referred for assessment for alcohol or drug dependence

1. **Work performance**
   1. Employees' misuse of alcohol or other drugs can impact on their work performance, attendance, and relationships at work long before they actually violate any provision of this policy. Line managers are often aware of many of the warning signals, such as a Monday/Friday absenteeism pattern, a drop in productivity, moodiness and conflict with other employees, and repeated sick leave for headaches, flu and gastritis.
   2. It is very difficult to bring people who are substance dependent to acknowledge their problem, and generally it is counterproductive for a manager to attempt to do so. Substance dependent persons frequently experience or perceive expressions of genuine concern as lecturing and interfering, which reinforces their denial.
   3. Where an employee's performance and behavior appear to fit the pattern described, the appropriate action is to initiate incapacity-corrective counselling in conjunction with progressive discipline when deemed appropriate and to seek professional advice before taking any further action. The employee wellness manager can be consulted on this.
   4. The manager is advised to concentrate on the performance problem only. Also, ways will be proposed of suggesting to the employee that professional assistance is available for what appears to be a personal problem, which is the underlying cause of the performance problem.
   5. Should an employee accept the suggestion and agree to obtain help, arrangements must be made to facilitate attendance at rehabilitation or counselling sessions.
   6. The employee's work performance and attendance should still be monitored, and further counselling should take place if necessary.
   7. Before employees are dismissed for violating this policy, it may be appropriate to refer them to EAP.
2. **Safety**
   1. A primary concern when taking action against employees who are working while under the influence of a substance is safety. Such employees may pose a risk to themselves and others at the workplace; but, if sent home, they may pose a similar risk to the general public if they are in control of a vehicle or even if on foot. The safety of employees and members of the general public must be considered, and adequate safety measures be taken in consideration.