



UNIVERSITY *of* LIMERICK

OLLSCOIL LUIMNIGH

**POLICY & PROCEDURES ON EMPLOYEE PROTECTION –
INTOXICANT MISUSE**

Approved by Governing Authority 26 January 2010

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1. Background

- 1.1 The University of Limerick is committed to the development and maintenance of a positive, healthy and safe working environment. In pursuit of this, the University has developed a Policy and Procedures to respond to employees at risk of or experiencing problems with intoxicant misuse.
- 1.2 Subject to the provisions within this policy, the University will support staff within its community who develop problems related to the misuse of intoxicants.
- 1.3 The objective of this policy is to avoid the adverse effects of alcohol and drugs (collectively known as intoxicants) and to protect the health and safety of all our employees.

2. Misuse of Intoxicants – Definition

- 2.1 The Safety Health and Welfare at Work Act, 2005 defines the term 'intoxicant' as including drugs and alcohol and any combination of drugs or of drugs and alcohol. Intoxicants include prescribed and non-prescribed drugs. The Act places an onus on employers to manage and conduct work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put at risk the safety, health or welfare at work of employees. The Act also places an onus on the employee to ensure that he or she is not under the influence of an intoxicant to the extent that he or she is in such a state as to endanger his or her own safety, health or welfare at work or that of any other person.
- 2.2 The term 'misuse' in this document refers to the misuse of psychoactive substances including legal or illicit drug-taking or alcohol consumption that leads a person to experience social, psychological, physical or legal problems related to intoxication, regular excessive consumption and/or dependence.

3. Raising Awareness

- 3.1 The University recognises the importance of providing appropriate training to ensure that this policy is understood and implemented. Accordingly, the University will provide a series of training initiatives aimed at increasing awareness, including early recognition of substance misuse behaviours.

4. Interventions

- 4.1 Alcoholism and drug addiction are recognised as disabilities for the purpose of the Employment Equality Acts. Alcoholism and drug addiction can be treated and, as such, employees suffering from a disability will not be discriminated against on the basis of their illness. Employees who have an alcohol or drug addiction will be actively encouraged and requested to avail of professional assistance. The University's Occupational Health specialists in consultation with the employee will assist in identifying a provider of such professional assistance. Subject to the advice of the University's Occupational Health specialists, the employee will be expected to engage with or continue with treatment.
- 4.2 Should an employee fail to engage with treatment or fail to continue with treatment, he or she will be subject to disciplinary action up to and including dismissal, where appropriate.
- 4.3 The University will not tolerate or condone the misuse of any substances on the premises of the University of Limerick, and the possession or use of drugs (other than drugs under licence) on the premises of the University of Limerick will result in disciplinary action.
- 4.4 Where an employee is suspected of being under the influence of alcohol and/or drugs within the scope of the definition in Section 2 of this policy, he or she will not be allowed to commence or continue work, as appropriate. In such circumstances, the University may invoke the University of Limerick Statute on Employee Disciplinary Matters and Termination of Employment.
- 4.5 The University recognises that where an employee engages in appropriate intervention to remediate problematic work-related performance associated with substance misuse, the disciplinary process may be held in abeyance but reserves the right to reinstate it.
- 4.6 Through the Employee Support Service (ESS), the University will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on or problems with alcohol, drugs or other addictions adversely affecting their job performance. Information about the ESS is available on the HR website. Information received from employees concerning addictions will be dealt with in the strictest confidence.

5. Procedure to be followed

- 5.1 Where an individual discloses substance misuse problems and seeks help from the University to deal with them, the matter will be dealt with as a confidential welfare issue.
- 5.2 Where work-related performance problems that are related to the misuse of substances become apparent, referral to appropriate services within the University or external agencies may occur and will be supported as appropriate.
- 5.3 If a manager identifies or is made aware of a performance/disciplinary-related matter associated with a suspected substance misuse problem, he or she will discuss the matter with the staff member in question in the first instance.
- 5.4 If, following these discussions, the staff member acknowledges misuse problems and is agreeable to seeking help, a referral will be made to the Human Resources Division and disciplinary action may be suspended.
- 5.5 If the staff member is not willing to seek help/treatment for behaviours associated with a suspected substance misuse problem, the original matter that initiated the disciplinary action will continue to be dealt with under the University Statute on Employee Disciplinary Matters and Termination of Employment.
- 5.6 If the staff member successfully carries out an agreed plan of action, any suspended disciplinary action may be cancelled.
- 5.7 If, after agreeing to a plan of action, the staff member reneges on the agreement, the University reserves the right to resume suspended disciplinary action or instigate a new plan of action, as appropriate.