



UNITY IN DEVELOPMENT

Date Adopted :

Date Revised :

Date of Implementation :

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1. PREAMBLE

The council of Emalahleni Municipality believes that substance abuse/dependence is an equal opportunity disease afflicting people across all ages, genders, races, socio-economic, and educational levels.

The Council recognizes the deleterious effects of substance abuse on the safety, quality and productivity performance of the workplace and on the health of employees.

In order to assure a safe and efficient work environment and to improve the standard of psychosocial health of employees, the Council is committed to the implementation of a comprehensive workplace substance abuse prevention and treatment programme containing:

- [a] The provision of a clear policy statement ;
- [b] Employees education/ awareness;
- [c] Support and professional treatment for the afflicted and affected employees through an employee alcohol and drug dependence rehabilitation programme.

2. DEFINITIONS

“**Breathalyzer**” means an SABS approved breathalyzer.

“**Criminal drug legislation**” means any law which makes unlawful the manufacture, transportation, transfer, distribution, sale, purchase, possession or use of any illegal drug.

“**Illegal drugs/ Controlled substance**” means all forms of narcotics, depressants, stimulants, hallucinogens, and all other drug types, including marijuana or dagga, the manufacture, Transportation, transfer, distribution, dispensation, sale, purchase, possession or use of which is restricted or prohibited by law.

The term “**Illegal drugs**” excludes the use of a controlled substance by an individual to whom a valid prescription for same has been issued by a medical practitioner or other uses which have been authorized by law.

“**Intoxication**” refers to the acute effects of excessive amounts of alcohol or other drugs in the body.

“Prohibited alcohol/ drug-related activities” include the manufacture, transportation, transfer, distribution, sale, purchase, possession, or unauthorized consumption or use of alcohol or other habit-forming drugs.

“Substance abuse” means the consumption of alcohol and/ or other lawful drugs, illegal drugs or controlled substances, be a person which interferes with his/her work, performance or ability to do the work and/or his/her relationships at work. It also includes the use of such substances in quantities that render the person **“under the influence”** as defined below.

“Substance Dependence” is a clinical diagnosis characterized by specific Physiological and behavioral symptoms caused by a pattern of Pathological Substance use that leads to personal distress or significant impairment in social or occupational functioning.

“Under the Influence” means the use of alcohol, drug and/or a controlled substance to the extent that the individual:

- a) Is unable to perform in a safe, productive manner, or
- b) Is in a physical or mental condition that poses a risk to the safety/security and well-being of the individual, co-workers, customers, suppliers, the general public and Council property; or

3. PURPOSE

This document sets out the Council’s substance abuse policy. By controlling and identifying intoxication at the workplace it is desired:

- 3.1.** To prevent or reduce accidents, injuries and deaths;
- 3.2.** To prevent or reduce losses and to improve productivity;
- 3.3.** To comply with the regulations contained in the Occupational Health and Safety Act and the Road Traffic Act pertaining to intoxication.
- 3.4.** To assist in the rehabilitation of employees with substance abuse/dependency problem.

4. SCOPE

The policy applies to all political office bearers and employees of the Council regardless of the nature of their employment.

5. POLICY

- 5.1. The Council recognizes that substance abuse/dependence is detrimental to its workplace and to the employees who suffer its effects; and that it contributes to poor performance, low productivity, low morale, and absenteeism, unsafe work environment, deteriorating interpersonal behavior, poor health and industrial accidents.
- 5.2. Council further recognizes that substance abuse/dependence can be treated and that employees who are dependent on habit-forming substances such as alcohol, over-the-counter, prescription drugs or illegal drugs should be given the opportunity of rehabilitating through the Employee Assistance (EAP) and other mental health services.
- 5.3. Council is committed to providing a safe, substance-free and productive work environment that includes appropriate safeguard for employees, the public and the environment.
- 5.4. Council further has an obligation to comply with applicable legislation concerning alcohol, illegal drugs and controlled substances.
- 5.5. Council, in compliance with the Occupational Health and Safety Act (OHS) and the Road Traffic Act pertaining to intoxication, hereby prohibits all political office bearers and employees who are, or who appear to be under the influence of alcohol, drugs or controlled substances to enter into or remain at, or in any Council workplace, premises or municipal vehicle.

6. RESPONSIBILITIES

Council hereby acknowledges and approves the following responsibilities and procedures with regard to the implementation of this policy:

- 6.1. It is the responsibility of all employees under the provision of the OHS Act not to enter or remain in the workplace whilst intoxicated. Employees are also obliged to take reasonable care for the health and safety of other persons who may be affected by their acts or omissions and to carry out and obey the health and safety rules laid down by the Council.
- 6.2. Council will endeavor to identify the emergence of substance abuse/dependence in employees by monitoring factors such as deterioration in work performance, absenteeism, industrial accidents/incidents and behavioral changes towards other employees. In addition to these factors, the generally-acceptable symptoms associated with increased alcohol and other intoxicating drugs consumption will be considered and documented by supervisors of concerned, (these shall include, but not be limited to : slurred speech, irregularly and uncoordinated body movement, swaying while standing or sitting, dilated pupils and an apparent high state of euphoria).

- 6.3.** If as a result of such monitoring (observation and documentation), a supervisor concludes that an employee's work performance and/or conduct has deteriorated, he/she should undergo and receive appropriate treatment at a recognized alcohol and drug dependence rehabilitation institution.
- 6.4.** For the purpose of assuring compliance with the OHS Act and Road Traffic Act pertaining to intoxication and the identification of the intoxicated persons, the Council will develop an alcohol/drug-testing programme suitable to the specific areas of its services and workplace circumstances.
- 6.5.** Management/ Supervisors must make a reasonable attempt to-through the services of recognized alcohol and drug dependence rehabilitation institutions to recognize alcohol dependence among alcohol abusing employees.
- 6.6.** The cost of alcohol and drug dependence testing shall be borne by the Council;
- 6.7.** Council shall also bear the reasonable cost of treating an indigent employee at an alcohol and drug dependence rehabilitation institution;
- 6.8.** It shall be the responsibility of the Human Resources Manager to arrange and provide, in conjunction with recognized alcohol dependence rehabilitation institutions sufficient and suitable alcohol and drug dependency awareness training programmes to all staff;
- 6.8.1.** Once alcohol and/or drug dependency has been established, employees should be treated as being temporarily incapacitated. These employees will be expected to seek professional counseling / treatment so that an agreed plan for improvement can be implemented. In these circumstances, leave may be granted for treatment or rehabilitation as stipulated in the leave policy of the Council.
- 6.8.2.** Employees who have agreed to undergo rehabilitation are assured that their services will not be terminated, providing that they adhere to and co-operate with the treatment prescribed by an alcohol and drug dependence rehabilitation Centre and/or other health professionals involved in their treatment, improve their job performance, and are not found guilty during this period of treatment of any offence that could lead to dismissal.
- 6.9.** Employees who are undergoing rehabilitation for alcohol dependency will, however, continue to be subject to disciplinary action in terms of any breach of the disciplinary code and will therefore not be exempt from disciplinary action in respect of alcohol/drug-related offences committed whilst undergoing rehabilitation.
- 6.10.** If the result of a multi-disciplinary assessment indicates that the employee is no longer capable of performing his/her job on account of alcohol/drug dependence, he/she may be regarded as being permanently incapacitated, and the procedure contained in the Labour

Relation Act 66 of 1995, Section (10) with regard to incapacity on the grounds of ill-health ill apply.

- 6.11.** Further, where employees refuse to accept supervisory referral, or professional treatment that has been indicated, or fail to follow such treatment assiduously, or regress to the previous state of poor job performance due to alcohol/drug abuse following completion of the course of treatment, they will be subject to disciplinary practices for substandard job performance. This may lead to formal disciplinary action, up to and including dismissal.
- 6.12.** In the event of an employee reporting for duty whilst under the influence of alcohol or drugs or becoming intoxicated on duty, the supervisor shall immediately arrange for the employee concerned to be tested for alcohol or drug abuse by a medical practitioner or other qualified person and, in the event of such test proving positive, the affected employee shall immediately be suspended from performing further duties and a report on the incident, on the prescribed form shall be forwarded to the Head of Department within a period of 12 hours from the occurrence of the incident. The Head of Department shall, in turn, report the matter to the Human Resources Manager for the required attention in terms of this policy

Effective date of the policy

The policy shall be effective on date of approval by Council.

Signed by Municipal Manager and Speaker


DR SW VATALA
MUNICIPAL MANAGER

30/06/2017
Date


CLLR DS KALOLO
HON. SPEAKER