

# *Blouberg Municipality*



## CHAPTER 25: INTOXICATING SUBSTANCES ABUSE POLICY

### 1. PREAMBLE

The Blouberg Local Municipality views substance abuse and dependency as treatable health problems and accepts that staff members who experience such problems should be provided with assistance, subject to certain conditions outlined in this policy.

### 2. PURPOSE

The Municipality does not support the intrusion into the private lives of staff members; however, it does expect all staff members to report to work in a condition sound enough to safely and effectively perform their duties.

### 3. SCOPE OF APPLICATION

This policy applies to all staff members of the Municipality and contract workers whilst on duty or on the Municipality's premises, save that the standard mode of discipline, treatment and assistance shall not apply to subcontractors.

### 4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Employment Equity, 1998 (Act No. 55 of 1998)
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- South African Local Government Bargaining Council: Collective Agreements
- Prevention and Treatment of Drug Dependency Act, 1992 (Act No. 20 of 1992)
- Mental Health Care Act, 2002 (Act No. 17 of 2002)
- Hazardous Substances Act, 1973 (Act No. 15 of 1973)
- National Road Traffic Act, 1996 (Act No. 93 of 1996)

- Criminal Procedure Act, 1997 (Act No. 51 of 1977)

## **5. DEFINITIONS**

All terminology used in this policy shall bear the same meaning as in the Regulations or applicable legislation, or as defined and / or explained in the Glossary of Terminology in the Human Resources Policies Manual.

## **6. PROBLEM STATEMENT**

Substance and alcohol abuse may result in serious injuries and fatalities of municipal staff, reduces productivity and increases absenteeism of municipal staff.

## **7. POLICY PROVISIONS**

### **7.1 Discipline**

**7.1.1** The Municipality places a high premium on its statutory and common law obligations to ensure the safety of staff members and the public, and therefore takes a serious view of staff members using intoxicating substances or under the influence thereof on the premises or whilst on duty.

**7.1.2** In determining whether a staff member may be under the influence, clinical observations and / or on-site alcohol and / or drug screening tests, at the discretion of the Municipal Manager, may be considered for staff members suspected to be using or under the influence of intoxicating substances.

**7.1.3** A staff member who is suspected of being under the influence of an intoxicating substance shall be subjected to a disciplinary enquiry to investigate the matter and to ascertain whether the staff member had indeed been under the influence.

**7.1.4** The Municipality shall consider all relevant facts in determining an appropriate sanction, including whether the staff member's conduct caused a safety risk to her/himself, co-workers or the public and / or harm to the Municipality's good name and standing.

**7.1.5** The Municipality shall be guided by the Code of Conduct and therefore reserves the right to vary the sanction depending on the circumstances of each case.

**7.1.6** The following constitute particularly serious acts of misconduct which may be grounds for dismissal for a first offence, depending on the facts of each case:

- (a)** Consuming intoxicating substances whilst on duty and / or providing other staff members with such substances whilst on duty.

- (b) Driving a Municipality vehicle or operating safety sensitive equipment whilst under the influence of intoxicating substances.

7.1.7 In the event of staff members receiving counselling for substance abuse or dependency, the Municipality also reserves the right, in the case of staff members whose substance abuse may reasonably cause a safety risk to themselves, co-workers or the public, to:

- (a) suspend the staff member from such work or put him / her on alternative duties until such time as a counsellor's report and / or appropriate tests confirm that the staff member no longer abuses intoxicating substances; and / or
- (b) require the staff member to submit to routine breath and / or blood testing before commencing his / her duties for a period which may be deemed reasonable by the chairperson of the disciplinary enquiry.

## **7.2 Overtime and stand-by / call-out staff members**

7.2.1 Staff members who have been placed on overtime duty shall be subjected to the same provisions as those that apply to staff members during normal working hours.

7.2.2 Staff members instructed to perform stand-by duties shall be subjected to the same provisions that apply to staff members during normal working hours.

7.2.3 In the event a staff member is called out to work outside of normal working hours where no prior arrangement has been made with the staff member, the staff member shall inform the duty supervisor or manager whether he / she used any alcohol since his / her last shift. Should the staff member fail the test to verify intoxication, the staff member shall be sent home without any sanction.

7.2.4 Should the staff member fail to inform the duty supervisor or manager and test positive after having commenced his / her duties, normal disciplinary action shall be taken.

## **7.3 Management of suspected intoxication**

7.3.1 If the duty supervisor or manager suspects that a staff member is or appears to be under the influence of an intoxicating substance, a fellow staff member or shop steward shall be called to act as a witness. If the fellow staff member or shop steward is not available, any other manager or fellow staff member or shop steward may be called.

7.3.2 The responsible supervisor or manager shall, in the presence of the witness, test and document state of intoxication following the prescribed method.



- 7.3.3** Should the staff member refuse to submit to the prescribed test, he/she shall be informed that he / she would be giving up an opportunity to contest the allegation of being under the influence. The staff member's refusal shall then be recorded as prescribed.
- 7.3.4** Should test results be positive, or where testing is refused and/or where behavioural / clinical suggest intoxication, the staff member shall, in the interests of workplace safety, be deemed to be under the influence and instructed to leave the work premises.
- 7.3.5** Regardless of testing, should the supervisor or manager be convinced that the staff member's presence constitutes safety risk or may tarnish the Municipality's name and standing based on clinical or behavioural signs, the supervisor or manager shall instruct the staff member to leave the workplace.
- 7.3.6** The supervisor or manager shall take all reasonable steps to ensure that the staff member has a safe means of returning home by contacting a relative or friend to accompany him / her. Whilst waiting for assistance the staff member shall be accompanied to a safe area where he / she is least likely to cause harm to him / herself or others. The staff member leaving the premises without accepting assistance shall do so at his / her own risk.
- 7.3.7** Staff members who are refused entry or who are instructed to return home as provided for above shall not be paid for that portion of the day which they had missed on condition that, should the staff member be found not guilty during a subsequent enquiry the staff member shall be paid for the particular portion.

#### **7.4 Referral Modes**

- 7.4.1** The Municipality wishes to encourage staff members who may experience alcohol or other drug related problems, to confidentially discuss such problems with their Managers, the HRM Unit with the view of acquiring professional assistance.
- 7.4.2** Such a request shall be treated with confidentiality and shall not be documented on the staff member's personal file and shall not unreasonably affect the staff member's job security, service benefits or career opportunities.
- 7.4.3** The acceptance of the offer of assistance, whether voluntary or mandatory, shall not exempt the staff member from standard disciplinary measures whilst under treatment.
- 7.4.4** Supervisor and managers have the responsibility to identify unacceptable levels of performance, attendance or interpersonal relationships, to take timely corrective steps (or disciplinary action, if appropriate) and to

encourage the staff member to consult with them or the HRM Unit with the view of acquiring confidential assistance.

**7.4.5** Staff members who commit alcohol or drug related offences and/or whose performance, attendance or interpersonal relationships are detrimentally affected as a result of substance abuse, may be given the option of accepting referral for assessment, or counselling or welfare support depending on circumstances of the case. This option may be offered in conjunction with standard sanctions in the disciplinary procedure.

**7.4.6** In the event of the staff member refusing the offer of treatment / counselling following a substance abuse related offence, or absconding from the treatment centre, being non-compliant with the treatment / counselling, such lack of co-operation shall be viewed as an aggravating factor in assessing an appropriate or further disciplinary sanction in the event of future transgressions of a similar or related nature.

## **7.5 Assessment, Counselling and Treatment**

**7.5.1** The Municipality shall utilise the policy and methods within the Staff member Wellness Programme to assist staff members who request assistance relating to assessment, counselling and / or treatment of abuse related to intoxicating substances.

**7.5.2** Where a staff member, having received treatment, suffers a relapse, the Municipality shall consider the case on its merits. At its discretion, the Municipality shall seek medical advice in an attempt to ascertain and provide more treatment / rehabilitation time likely to be required for a full recovery.

**7.5.3** If after the staff member has received treatment and recovery seems unlikely, the Municipality may dismiss the staff member, provided:

- (a)** a clear warning is given to the staff member beforehand; and
- (b)** a full medical investigation is carried out, or staff member gives access to his/her medical record to the Municipality. If the staff member declines to allow the Municipality access to their medical records a decision about future employment shall be made with the information that is available to Municipality.

## **7.6 Social functions and promotions**

**7.6.1** In the event of the Municipality functions and promotions where liquor may be served, all staff members are expected to at all times behave in a becoming and respectful manner.

**7.6.2** Reasonable precautions shall be taken to prevent immoderation through measures such as a coupon system of dispensing liquor, serving food / light snacks with drinks and the provision of soft drinks or low-alcohol beverages.

**7.6.3** Staff members should also be warned of rules of the road about drunken driving.

**7.6.4** Staff members whose behaviour during such events become offensive, cause an embarrassment to the Municipality, fellow staff members or guests, or whose conduct jeopardise the safety of such parties or the public as a result of excessive alcohol intake, shall be charged with allegedly having been under the influence of alcohol.

**7.6.5** No alcohol shall be served by the Municipality during training courses or seminars except during evening functions.

**7.6.6** No staff member may consume alcohol during normal working hours, including lunchtime.

## **7.7 Roles and responsibilities**

**7.7.1** The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

**7.7.2** The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

**7.7.3** The staff members shall:

- (a)** manage their own personal health and well-being, and are required to refrain from the use and abuse of intoxicating substances in the workplace;
- (b)** proactively contact the Municipality's Staff member Wellness Programme (EWP) to obtain professional and confidential assistance;
- (c)** not present him/herself for duty in an intoxicated state;
- (d)** not become intoxicated whilst on duty;
- (e)** not offer intoxicating substances or alcohol to co-workers whilst on duty; and
- (f)** report any staff member who appears to be intoxicated to his/her supervisor.



**7.7.4 Human resources Unit shall:**

- (a) Impress on supervisors to prevent a staff member who is suspected of being intoxicated from entering or remaining in the workplace;
- (b) Assist supervisors to ensure that no persons in the workplace shall be under the influence of or have in his/her possession or partake of or offer any other person alcohol or intoxicating substances; and
- (c) Facilitate prompt referral of identified staff members to the staff member wellness programme.

**7.7.5 Staff member Wellness Unit shall:**

- (a) Carry out assessment of the staff member prior to referral for counselling;
- (b) Monitor and evaluate staff members;
- (c) provide professional counselling and supportive services; and
- (d) report on the staff member's progress to the referral manager.

**7.7.6 Supervisor shall:**

- (a) identify staff members at risk with substance abuse as early as possible and refer such individuals for professional assistance to the Staff member Wellness Programme; and
- (b) institute the necessary disciplinary procedures in line with incapacity due to performance, where applicable.

**8. POLICY MONITORING AND EVALUATION**

- 8.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 8.2** Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3** Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

**9. POLICY APPROVAL**

This policy was formulated by HR Management in consultation with the Local Labour Forum.

Authorised by Municipal Manager:

Signature:



Date:

30/07/2024

Recommended by Portfolio Committee  
on Corporate Services:

Signature:



Date:

30/07/2024

Approved by Municipal Council:

Signature:



Date:

30/07/2024