



UNIVERSITY OF
LIMERICK
OLLSCOIL LUIMNIGH

POLICY & PROCEDURES ON EMPLOYEE PROTECTION – SUBSTANCE MISUSE

1 Introduction

1.1 Purpose

1.1.1 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 substance misuse.

1.1.2 Subject to the provisions within this policy, the University will support staff within its community who develop problems related to the misuse of substances.

1.1.3 The objective of this policy is to avoid the adverse effects of the misuse of alcohol and drugs (collectively known as substances) and to protect the health and safety of all our employees.

1.2 Scope

1.2.1 To whom does the policy apply?

The Policy and Procedures apply to all employees of the University of Limerick.

1.2.2 Who is responsible for ensuring that the policy (and any associated procedure) is implemented and monitored?

The Human Resources Division is responsible for the implementation and monitoring of the policy and procedures.

1.3 Definitions

1.3.1 *Substance Misuse*

The term “substance misuse” in this document refers to the harmful or hazardous use of psychoactive substances including alcohol, illegal drugs and the abuse of prescription medicines (Department of Health, 2017 *Reducing harm, supporting recovery: A health-led response to drug and alcohol use in Ireland 2017-2025*, p. 7).

2 Context

2.1 Legal and Regulatory Context – Safety, Health, and Welfare at Work Act 2005

2.1.1 The 2005 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 the safety, health or welfare at work of its employees at risk.

2.1.2 Employees also have an obligation under the legislation, to ensure that they are not under the influence of a substance to the extent that they are in such a state as to endanger their own safety, health or welfare at work or that of any other person.

3 Policy Statements

3.1 Principles for Employee Protection – Substance Misuse

- 3.1.1** 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.
- 3.1.2** Alcohol and drug dependence are recognised as disabilities for the purpose of the Employment Equality Acts. Alcohol and drug dependence 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 dependence 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.
- 3.1.3** Should an employee fail to engage with treatment or fail to continue with treatment, they may be subject to disciplinary action up to and including dismissal, where appropriate.
- 3.1.4** 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.
- 3.1.5** Where an employee is suspected of being under the influence of alcohol and/or drugs within the scope of the definition in Section 1 of this policy, they will not be allowed to commence or continue work, as appropriate. In such circumstances, the University may invoke the University's *Statute No. 4 – Statute on Disciplinary Matters, Suspension, Termination, and Capacity*.
- 3.1.6** 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.
- 3.1.7** 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.

4 Procedures for Policy Implementation

- 4.1** 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.
- 4.2** 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.
- 4.3** If a manager identifies or is made aware of a performance/disciplinary- related matter associated with a suspected substance misuse problem, they will discuss the matter with the staff member in question in the first instance.

- 4.4** 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.
- 4.5** 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's Statute No. 4 – Statute on Disciplinary Matters, Suspension, Termination, and Capacity.
- 4.6** If the staff member successfully carries out an agreed plan of action, any suspended disciplinary action may be cancelled.
- 4.7** 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.

5 Related Documents and Links

- 5.1** The University's independent and confidential [Employee Support Service](#) is available [Here](#).
- 5.2** Statute No. 4 – Statute on Disciplinary Matters, Suspension, Termination, and Capacity

6 Document Control

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