



# **Alcohol and Drugs Policy**

## **Leeds Heritage Theatres**

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# 1. Policy overview

Leeds Heritage Theatres (LHT) recognise the need to ensure that at all times it has a highly competent workforce capable of providing the best possible customer service. LHT wishes to create and support a healthy and safe working environment, not only through its obligations to comply with the Health and Safety at Work Act 1974, but also through a supportive approach towards alcohol, drugs and substance abuse problems.

## 1.1. Scope

This policy applies to all employees as well as subcontractors (including agency and self-employed), consultants, freelancers and employees of other organisations when working on our sites and premises.

LHT places paramount importance on the health, safety and welfare of its employees at work, and those whom we do not employ but who are affected by our undertakings.

## 1.2. Key principles

During your working hours (including any paid or unpaid breaks), or at any time in any premises or work location owned or operated by Leeds Heritage Theatres, it is strictly forbidden to:

- use, possess, or sell illegal drugs or controlled substances.
- to consume alcohol, including 0% alcohol drinks as defined in this policy, except as provided for in section 3.4 of this policy.
- to attend work unable to carry out your duties safely or effectively as a result of consuming alcohol, or taking any drugs, whether legal or illegal. Please refer to section 3 and section 5.

Anyone who we reasonably suspect has broken any of these rules may be sent home and the matter may be dealt with as misconduct as set out in the staff handbook. For employees, this may be through the disciplinary procedure, and may be considered to be gross misconduct.

## 1.3. Definitions

For the purposes of this policy:

- “illegal drugs” includes substances covered by the Misuse of Drugs Act 1971, which includes but is not limited to amphetamines, methamphetamines, benzodiazepines, cannabinoids, cocaine and opiates.
- Legal drugs which are being misused, or prescription drugs being used other than as prescribed (or by someone who hasn’t had them prescribed) will be treated as “illegal drugs” for the purposes of this policy, with the exception that mere possession of those drugs for a legitimate purpose will not be considered to be misconduct.
- inappropriate use of solvents, alcohol or any other substances may be considered as the consumption of “illegal drugs” even if the substances themselves are not illegal.
- “0% alcohol drinks” includes any drink packaged as “low alcohol”, “alcohol-free”, or “de-alcoholised”, “0% alcohol”, or any other drink, the branding of which might reasonably make a casual observer believe that the drink would be alcoholic

## 2. Possession of alcohol and drugs

During your working hours (including any paid or unpaid breaks), or at any time in any premises or work location owned or operated by Leeds Heritage Theatres, you must not:

- be in possession of any illegal drugs, or
- be in possession of legal drugs which require a prescription and are not prescribed to you, unless you have good reason for possessing them (for example, because you have collected a prescription for someone you care for earlier in the day, and intend to take it home with you).

## 3. Consumption of alcohol and drugs

### 3.1. At work, or during working hours

During your working hours (including any paid or unpaid breaks), or at any time in any premises or work location owned or operated by Leeds Heritage Theatres, you must not take illegal drugs, to misuse legal drugs, or to consume alcohol (including 0% alcohol drinks).

Whilst it is recognised that the drinking of 0% alcohol in the workplace is not illegal, as it impacts on public perception LHT has decided **not to permit** it to help us support and promote a positive culture of safeguarding and Health & Safety.

### 3.2. Before work

You must not attend work if you are impaired by the consumption of alcohol or illegal drugs to the extent that you cannot carry out your duties safely and effectively or if your presentation or behaviour are such that a reasonable person might conclude that you are under the influence of alcohol or illegal drugs (except as permitted under section 5.1 or 5.3).

### 3.3. Before the end of the working day

Once your working days starts, you must not drink alcohol (including 0% alcohol) or take illegal drugs until your working day has ended.

### 3.4. At hospitality events, press nights (internal and external), and product training

As an exception to sections 3.1 to 3.3, colleagues attending hospitality events, press nights, or one-off celebratory occasions (internal or external), etc. as part of their role may consume a moderate amount of alcohol (including 0% alcohol) with the approval of their SLT departmental lead.

On such occasions, colleagues are representing Leeds Heritage Theatres (LHT) and must behave professionally and responsibly at all times. In line with the policy's key principles, alcohol must not be consumed to the extent that it affects your ability to perform duties safely or effectively.

Alcohol must **not** be consumed under this exception if you are:

- Performing a role with specific health and safety responsibilities (e.g. Duty Manager, on-call keyholder, Fire Marshal).

- Acting as a safeguarding lead, officer, or chaperone.
- Likely to be called upon to undertake any duties where the risk assessment identifies a moderate or substantial risk or specifically requires the person to be free from the influence of alcohol or drugs.
- Likely to be called upon to undertake duties that would be illegal under the influence of alcohol or drugs (e.g. driving).

If you are uncertain whether the exception applies to you on a given occasion, you must check with your manager before consuming any alcohol, including 0% alcohol.

Additionally, alcohol must **not** be consumed under this exception if, within the next eight hours, you could reasonably be expected to:

- Undertake any of the roles listed above,
- Work on stage, or with technical equipment
- Use power tools or other dangerous machinery

Where practical (e.g. at a press night), a **designated manager** who is not drinking should be present, with the authority to:

- At their absolute discretion, instruct colleagues to stop drinking
- fulfil managerial responsibilities outlined in section 5.4

All colleagues attending the event who have been given permission to drink, must be informed of the identity of this designated manager, who must be provided with relevant information held under sections 5.1 and 5.2 of this policy.

### **3.5. Alcohol in Product Training**

Colleagues may only consume alcohol as part of product training with approval from a member of the Senior Leadership Team (SLT). A **designated manager**, nominated by the SLT member, must be present during the session (see section 3.4 of this policy).

## **4. Selling or distributing illegal drugs**

During your working hours (including any paid or unpaid breaks), or at any time in any premises or work location owned or operated by Leeds Heritage Theatres, you must not sell or otherwise distribute illegal drugs.

## **5. Being under the influence of alcohol or drugs**

Colleagues are expected to arrive for work in a fit condition to perform their duties safely and effectively and to remain so until the working day is completed. No colleagues are permitted to be under the influence of alcohol or illegal drugs whilst at work, other than as set out in section 3.

### **5.1. Legal drugs and medication**

Similarly, your performance must not be impaired through taking prescription drugs or other legal medication.

If you believe that your performance **might be** impaired by prescription drugs or over-the-counter medication you must discuss this with your management at the earliest opportunity and before carrying out any duties for which you may be impaired.

In some circumstances it may be possible to temporarily alter duties to allow you to remain in the workplace, or to put in place additional monitoring or other safeguards to ensure safety. Your management must conduct an appropriate risk assessment, and complete an Individual Inclusion Agreement.

## **5.2. Illegal drugs**

Individuals must not use, possess, conceal or deal in, prohibited substances on any LHT premises or arrive to work under the influence of such substances. Any breach will be reported to the police and may constitute gross misconduct.

## **5.3. Medical symptoms which may be mistaken for the effects of drugs or alcohol**

If you have a medical condition that may have similar symptoms to being under the influence of alcohol or illegal drugs, you must inform your management at the earliest opportunity.

## **5.4. If someone may be unable to carry out their duties safely or effectively**

Suspicious of a colleague being under the influence of alcohol or drugs during working hours should be reported immediately to the relevant manager. Managers receiving such reports or suspecting someone to be under the influence of alcohol or drugs should:

- Speak to the person privately and ask if they require a witness
- Inform the person of their concern that the person is under the influence of alcohol or drugs and the reasons for this belief
- Listen to any representation the person makes
- Make notes of the discussion

### **5.4.1. Sending someone home or suspending them**

In determining whether someone is unfit for duty the manager needs a reasonable belief that the individual is under the influence of alcohol or drugs. Any witnesses should be asked to make a written statement as soon as possible following the incident.

If the manager considers someone to be under the influence of alcohol or drugs and unfit for duty, the manager may suspend the person. The disciplinary procedure may then be implemented. Suspension is a neutral act to protect all parties and ensure compliance with our legal duties, and is not a punishment, nor should it be seen as prejudging the outcome of any future disciplinary action. Any suspension will be without loss of pay.

In certain circumstances it may be appropriate to send someone home but not under suspension.

Managers who suspend someone or send them home should consider whether it is appropriate to arrange a taxi but only if in line with the taxi use policy.

In all cases where someone is suspended or sent home the Human Resources and Support Services Manager, and the Head of Support Services must be advised at the earliest opportunity.

#### **5.4.2. Note regarding the ill-health policy**

Managers should also note that the ill-health policy sets out circumstances under which a manager may send someone away because they reasonably believe they are too ill to be in work.

## **6. Drug and/or alcohol misuse or dependence**

### **6.1. Indicators**

The following characteristics, especially when arising in combination, may indicate the presence of a drug and/or alcohol related problem. However, it is recognised that these characteristics will also be exhibited from time to time in people who do not have a drug or alcohol related problem.

#### **6.1.1. Absenteeism and time keeping problems**

Indicators may include: poor time keeping, arriving late/leaving early, unexplained disappearances, long coffee/lunch breaks, imprecise medical certificates, increased unauthorised leave, increased Friday/Monday absence, excessive levels of sickness absence, improbable excuses for absence.

#### **6.1.2. Reduced work performance**

Indicators may include: difficulty in concentrating, higher accident levels, impaired memory, lower quality/quantity, confusion, missed deadlines and appointments, periods of high and low productivity, increased mistakes.

#### **6.1.3. Personality changes**

Indicators may include: mood changes, irritability and aggression, friction with colleagues, over reaction to criticism, depression, paranoia, confusion, unreasonable resentments

#### **6.1.4. General signs**

Indicators may include: falling asleep, misuse of breath purifiers, attempts to borrow money, dishonesty, petty theft, court appearances, deterioration of relationships with friends/family

This list is not an exhaustive list of common signs of drug or alcohol misuse/dependence.

### **6.2. If drug and/or alcohol misuse or dependence is suspected**

#### **6.2.1. Awareness**

It is possible that a colleague with an alcohol, drugs or substance abuse problem will come to the notice of a department through the observation of colleagues or through inadequate or deteriorating work performance. It is in the interest of such colleagues with such a problem to be offered help as soon as possible.

### 6.2.2. Role of colleagues

The first approach should normally be for colleagues to encourage the Individual to recognise they have a problem and seek advice, through their GP. If this fails, colleagues are encouraged to alert their manager to the situation so that more formal support may be provided.

All colleagues are reminded of their duty to report any matters which could cause a health and safety risk to themselves or others.

### 6.2.3. Role of the Employee Assistance programme (EAP)

LHT also has an independent Employee Assistance programme (EAP). The EAP is a confidential employee benefit designed to help you deal with personal and professional problems that could be affecting your home life or work life, health, and general wellbeing.

The EAP service provides a complete support network that offers expert advice and compassionate guidance 24/7, covering a wide range of issues. Further details are available through the intranet, from your management, or through the Human Resources team.

### 6.2.4. Role of management

The manager will, after consultation with the Head of Support Services or the Human Resources and Support Services Manager, arrange to meet with the colleague to discuss the matter. In the case of subcontractors or other persons not directly engaged by LHT a referral may, instead, be made to the person or organisation who engaged the person, for example asking a contractor to address concerns with one of their own staff.

The discussion will be to cover aspects of work performance, attendance, behaviour and/or attitude. In these circumstances the first step will most likely be to suggest referral, advice, support and/or treatment.

The manager may also suggest an **employee** meets with Occupational Health or other appropriate professionals to diagnose an alcohol or drug dependency related problem.

Where an **employee** fully and actively participates in a referral and treatment programme, LHT will make reasonable allowances to allow the person to remain in employment, and may at our absolute discretion suspend disciplinary or performance measures while a referral is processed and/or while treatment is ongoing. Where a colleague fails to co-operate in referral or treatment arrangements, any failure in work performance and/or behaviour will be dealt with through the disciplinary procedure or performance improvement procedure as appropriate.

Where the colleague is a **volunteer** or is on **casual terms**, then the Senior Manager (after taking advice from Human Resources) may choose to end the person's relationship with LHT, to suspend offers of work (or of volunteering opportunities) or take other action which is no more favourable than would be offered to an employed colleague.

Where the colleague is a **freelancer**, subcontractor, or other person not directly engaged by LHT, then the Senior Manager (after taking advice from Human Resources) may choose to end the relationship with LHT in line with contractual arrangements, or take other action which is no more favourable than would be offered to an employed colleague.

## 7. Illegal activity

Involvement with illegal drugs, or drug or alcohol misuse may lead to criminal proceedings, even if that involvement does not breach the rules in this policy.

All colleagues are reminded of their duty to keep us informed if they are arrested or charged with criminal offences. LHT will undertake appropriate risk assessments and consider what action is appropriate, in all the circumstances.

Where LHT believes that criminal activity may have taken place we may, at our absolute discretion, report that activity to appropriate authorities such as the police.

## 8. Key legislation

**Health and Safety at Work Act 1974** - section 2 - places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees.

**Management of Health and Safety at Work Regulations 1999** - places a duty on an employer to assess the risks to the health and safety of employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or drugs and their behaviour places the employee themselves or others at risk.

**Misuse of Drugs Act 1971** - makes it an offence for someone to knowingly permit the production, supply or use of controlled drugs on their premises except in specified circumstances (for example drugs prescribed by a doctor).