

MUNICIPAL SUBSTANCE ABUSE POLICY

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1. PREAMBLE

The Matatiele local Municipality is concerned about Drug and Alcohol Abuse as the long term effects of substance abuse are far reaching. The individual, his/ her family and work are often seriously compromised. The effects of alcohol abuse are often chronic in terms of ill health. Social effects include family disharmony, divorce, role conflict, physical and mental abuse, lack of performance at work, disharmony with fellow employees and dismissal.

The important elements of this policy in terms of Occupational Health is education, rehabilitation and the identification of the individual with a substance abuse problem not related to the disciplinary procedure. The Municipality deems it as its responsibility to deal with the issue of drugs and alcohol abuse due to the nature of the services offered to the public.

2. PURPOSE OF THE POLICY

2.1 As the use of alcohol and drugs in the workplace cannot be allowed or condoned, the purpose of this policy is to promote a substance abuse programme within the Municipality with the primary focus on the following: -

2.1.1 To minimize/eliminate the abuse and dependence on Alcohol and/or Drugs amongst employees and to assist, where possible, in the rehabilitation of those who have an alcohol and/or drugs problem.

2.1.2 To enhance employee well-being, safety, health and productivity in the workplace (and at home).

2.1.3 To comply with the applicable National Legislation.

3. APPLICATION OF THE POLICY

3.1 This policy shall apply to all Matatiele local Municipality employees and Councillors

4. DEFINITIONS

4.1 Alcohol – a substance taken to infuse drunkenness.

4.2 Breathalyser means a SABS approved breathalyser. A positive breathalyser test shall be a reading which is consistent with a blood alcohol Level of 0.05g per 100 ml of alcohol in blood or higher or as determined by the Road Traffic Act.

It is important to bear in mind that a breathalyser is an objective way of assessing the employee with regards to alcohol consumption. Signs and symptoms of alcohol misuse and abuse are very subjective and employees who abuse alcohol will usually deny this as they fear discrimination. An objective test which is applied scientifically with good control measures is therefore essential.

4.3 Council the Matatiele local Municipality

- 4.4 Counsellor** a person appointed by the Municipality who is charged with the responsibility of endeavouring to counsel employees suffering from substance abuse and /or dependence.
- 4.5 Drugs** medicinal or natural substance causing addiction that will impair your ability to concentrate
- 4.6 Drunkenness substance.** When rendered incapable by alcohol/drug
- 4.7 Employee** Any permanent employee, trainee, contract Or temporary excluding an independent contractor, who works for the Matatiele Local Municipality.
- 4.8 Machinery** means any article or combination of articles assembled, arranged or connected and Which is used or intended to be used for converting any form of energy to perform work, or which is used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy. *(by interpretation this, inter alia, would include a vehicle, vessel, train or aircraft; plant and machinery)*
- 4.9 Premises** includes any building, vehicle, vessel, train or aircraft.
- 4.10 Rehabilitation dependency.** Restore to normal life by training after
- 4.11 Substance Abuse** the consumption of alcohol or drugs by an employee which interferes with his /her work or which detrimentally affects his/ her performance or ability to do the work and or his/ her relationships at work and it includes intoxication / stupor at work.
- 4.12 Workplace** means any premises or place where a person performs work in the course of his/her employment.

5. CORPORATE RESPONSIBILITY

- 5.1** The Municipality prohibits the consumption of and the possession of drugs or alcohol, during working hours, excluding prescription medication and then only when certified by a medical practitioner.
- 5.2** No alcohol will be served on Municipal premises during working hours (including lunch time) nor will alcohol drinks be available at social events on Municipal workplace unless prior permission is granted by the Municipal Manager.

- 5.3 The Municipality will provide opportunities for all its employees to be educated in and informed of the hazards of substance and of the contents of this policy.**
- 5.4 No drugs shall be allowed on the premises of the Municipality.**
- 5.5 The only exception is where the medicines were supplied to the employee on prescription by a registered medical practitioner and are taken in accordance with the prescription.**
- 5.6 The Municipality shall only allow employees taking such medicines to perform duties at the workplace if the side effects of such medicines do not constitute a threat to the health or safety of the employee concerned or other persons at such workplace.**
- 5.7 No employee shall be allowed to drive a Municipal vehicle, operate any machinery, maintain/repair vehicles and/or machinery or perform any duty after consumption of any intoxicating substance.**
- 5.8 No employee with alcohol in his/ her blood stream shall be allowed in the municipal premises.**
- 5.9 Any employee with alcohol in the blood will be deemed unfit to work and disciplinary measures will be instituted accordingly, where applicable.**

6. EMPLOYEE RESPONSIBILITY

- 6.1 Any employee found to be under the influence of alcohol / drugs may not enter or remain on the premises of the Municipality and, and if he /she does so shall be liable for disciplinary action.**
- 6.2 An employee has a responsibility to ensure that he/ she renders his/ her service to the best of his / her ability. This would include ensuring that he / she is not under the influence of a substance that could impair normal functioning in any manner whatsoever.**

7. AWARENESS

- 7.1 Education will commence with induction and will be ongoing thereafter in the form of posters, videos, discussions, lectures and one on one counselling because an understanding of the problem and the philosophy behind our policy is essential for the success of the programme.**
- 7.2 Education will be comprehensive giving participants a broad understanding of substance abuse. Basic counselling skills will also be taught.**

8. IDENTIFICATION OF THE PROBLEM

8.1 Work Groups

- 8.1.1 Management and the Trade Unions will jointly establish work groups for all the employees employed by the Council.**
- 8.1.2 Work groups will consist of employees from the same Department.**
- 8.1.3 Members of working groups will receive appropriate training and skills.**
- 8.1.4 They will meet periodically to consider the problem of substance abuse and to give consideration to methods of assisting an employee within the work group referred for and undergoing treatment or counselling.**

8.1.2 Each work group will be encouraged to identify and consider substance abuse problems in their workplace and to urge any of their members to make use of the assessment and treatment facilities provided in terms of this policy if any such member is a substance abuser.

8.1.3 A work group may require an employee of that group to meet with the Counsellor to consider whether or not that employee should undergo assessment, counselling and /or treatment in terms of the policy.

8.1.4 The employee shall be entitled to have his / her shop steward present in that meeting.

8.2 Employer Identification of the Problem

The Employer will attempt to identify the emergence of substance abuse/ dependence in an employee by monitoring factors such as deterioration in work performance, absenteeism (especially over weekends and on Mondays and Fridays), sick leave (especially Fridays and Mondays), accidents at work and behavioural changes towards other employees. The employee will be given counselling, using the interaction management framework and refer him/ her to a professional Counsellor if a problem is identified and the employee is in agreement with this referral.

8.3 Monitoring of Substance Abuse

8.3.1 Accidents whilst on duty

8.3.1.1 All employees operating machinery including driving a motor vehicle whilst at work and are involved in accidents or injured whilst on duty will be tested for alcohol / drug abuse.

8.3.1.2 A breathalyser will be used for the screening of alcohol presence and a urine test will be used for the screening of drug abuse.

8.3.2 Suspected Substance Abuse

8.3.2.1 If at any stage of the employee's work supervisor is of the opinion that the employee may be under the influence of alcohol or drugs, that supervisor may require an employee concerned to undergo the relevant test.

8.3.2.2 The test will be conducted by an individual trained to do so.

8.3.2.3 A breathalyser will be used to detect alcohol abuse whilst a urine test will be used for the screening of drug abuse.

8.3.2.4 An employee to be tested has a right to be accompanied by a Union member or colleague.

8.3.3 Searches

Searches may be conducted by an authorized municipal Official when there is a:

- (1) Suspicion and/or a situation of disputed possession of a substance of abuse.**
- (2) No consent is necessary for a specific search. Any substance of abuse found on the employee shall be confiscated and be submitted as proof of possession.**

8.3.4 Standard Procedure for Testing

- (a) Prior to the test the Supervisor shall: -**
 - (i) note the name, pay number and Department of the employee to be tested;**
 - (ii) inform the employee that he / she is entitled to have a shop steward or colleague / peer present during the test**
- (b) Test Procedure: -**
 - (i) Testing for Alcohol – a regular calibrated Industrial breathalyser to be used for all testing.**
 - (ii) The test to be administered by an individual specially trained to do so.**
 - (iii) The testing procedure as outlined by the manufacturer to be adhered to.**
 - (iv) The procedure and test result to be witnessed by the Supervisor, the employee and the employee representative.**
 - (v) In the event when the employee runs away or refuses from testing, he/she will be regarded as absent from work and a principle of no work no pay shall apply.**
 - (vi) Testing for Drugs – The test to be used accordingly will be by means of a registered medical practitioner. The Municipality will incur the costs. The procedure and results to be witnessed by the Supervisor, employee and employee representative.**
 - (vii) Inform the employee that he/she is entitled to have a shop steward or colleague/peer present during testing on condition that they are readily available.**
- (c) After the test, the employee concerned, the Supervisor and any shop steward or colleague / peer present shall be informed of the results of the test, which results shall be recorded in writing and signed by all parties present.**
- (d) In the event of the result being negative, no further action would be taken.**
- (e) In the event of the result being positive, the Supervisor shall: -**
 - (i) inform the employee in the presence of a shop steward, that he is not in a fit state to render his service, that he will not be paid for that remaining portion of the shift, and that he is to return at the start of the next shift in a fit state.**
 - (ii) Ensure that the employee does not leave the premises for home until he is fit to do so.**
 - (iii) Forward a written report of alleged misconduct to the relevant General manager.**
 - (iv) The same report should also be forwarded to the Municipal Manager who will ensure that correct disciplinary measures are implemented.**
 - (v) If an employee is suspected to be under the influence of alcohol, supervisors shall take a responsibility to subject such employee on an industrial Breathalyzer in the presence of a union**

representative or any other employee. Supervisors can only use the industrial Breathalyzer after they have been trained. Law enforcement officers may be called in the event where he/she runs away or refuses.

- (vi) The limit for alcohol or substance presence in the blood of Municipal functionary is 0.00%.

9. REHABILITATION

- 9.1 The Municipality recognizes substance abuse, involving alcohol and/or drugs as a treatable and curable condition.
- 9.2 Rehabilitation covers a wide range of treatment options, depending on the nature and severity of the problem and it may range from counselling sessions to hospitalization and in/out patient treatment.
- 9.3 Workplace confidentiality plays a key role in the rehabilitation process.
- 9.4 All medical information shall be protected and treated as confidential.
- 9.5 Release of information shall be in accordance with signed authorization by the employee.
- 9.6 Those employees identified as possibly dependent on alcohol and/or drugs shall be referred by their line managers to HR for assessment and possible referral for a rehabilitation programme in consultation with their Trade Unions (where applicable).
- 9.7 Employees who have been placed on a rehabilitation programme shall not be victimized, but should they abuse the scheme, the rehabilitation shall be terminated and disciplinary action shall be re-instated.
- 9.8 When an employee is undergoing a rehabilitation process the matter shall be treated confidentially between management/supervisor and the employee.

10. DISCIPLINE

- 10.1 The disciplinary hearing would be conducted in the normal manner up to the verdict stage.
- 10.2 Should the employee, in mitigation of guilt, admit that he has an ongoing problem with alcohol /drugs, the hearing shall be adjourned pending the results of an assessment (whether or not the employee is a suitable candidate for rehabilitation) by the Counsellor.
- 10.3 Whilst the assessment is being conducted the Presiding Officer of the disciplinary hearing shall determine the appropriate penalty notwithstanding the fact that the results of the assessment have not been decided.
- 10.4 The hearing shall reconvene and the Presiding Officer shall be informed by the Counsellor of the results of the assessment.
- 10.5 The Presiding Officer shall inform the employee of the appropriate penalty decided upon which shall: -

- (a) be implemented if the assessment indicates that the employee is not a suitable candidate for rehabilitation.
- (b) be suspended if the assessment indicates the employee is a suitable candidate for rehabilitation. Such suspension of the penalty will be for a maximum period of 6 months and shall be conditional upon the compliance by the employee with the rehabilitation programme requirements. Should the employee at any stage refuse to take part in the programme or default during the programme the Counsellor will report such to the Presiding Officer who will reconvene the hearing and reinstate the penalty with immediate effect.

11. HELPING EMPLOYEES TO HELP THEMSELVES

11.1 The Municipality is committed to helping those who seek help.

11.2 All employees who believe they may have a substance abuse problem are encouraged to come forward and seek help and support.

11.3 Employees should request assistance through their line manager, Human Resources Department or family doctor.

12. COMMENCEMENT OF THIS POLICY

12.1 This policy will come into effect on the date of adoption by Council.

13. INTERPRETATION OF THIS POLICY

13.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.

13.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.

13.3 The Municipal Manager shall give a final interpretation of this policy in case of a written dispute.

13.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ or Arbitration.

14. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

14.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation with Management and Trade Unions.

14.2 Notwithstanding clause No. 14.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

15. AMENDMENT AND/OR ABOLITION OF THIS POLICY

This policy may be amended or repealed by the Council after consultation with Management and Trade Unions.

16. COMPLIANCE AND ENFORCEMENT

16.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

16.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

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