



# **Workplace Substance Misuse Management Programme (SMMP).**

## **The Need for Legality & Risk Management / Mitigation**

**IOSH Offshore Group Webinar 19/5/20**

## **Some contact details:**

[www.hallandangus.com](http://www.hallandangus.com)

[Info@hallandangus.com](mailto:Info@hallandangus.com)

[t.hall@hallandangus.com](mailto:t.hall@hallandangus.com)

[Info@tox247.com](mailto:Info@tox247.com)

# Types of Substance Misuse in the Workplace / Society

- Controlled drugs under the misuse of Drugs Act (Illegal)
- Misuse of prescribed medication **On** Prescription (Legal / Illegal)
- Misuse of prescribed medication **Off** Prescription (Illegal)
- Misuse of Psychoactive substances, what were legal highs (Illegal)
- Self medication by over the counter legal medications (Legal / Illegal)
- Self medication by use of black market / internet products (Illegal)
- Alcohol (Legal)
- Alcohol (Illegal / Counterfeit)
- Solvents / Glues / Gasses (Legal / Illegal)
- Anabolic Steroids (Legal / Illegal), Discuss used needle protocols
- Mixing any combination of the above

# Some Substance Misuse Statistics

- **UK Private & Public sector employment pool 35+ million, globally?**
- Studies have shown that using hair analysis, 1 in 4 potential employees test positive at pre-employment testing
- 76% of substance misusers are in employment, 44% admit to selling to work colleagues, *Psychomedics Corporation*
- Of those UK substance misusers who are in treatment, 15-20% are in employment
- 70% of substance misusers have mental health issues & vice-versa
- Policies & Testing protocols need to reflect a variety of test mediums used under a variety of circumstances **Policy = Procedures Testing = Evidence, Hall & Angus**

# Some Substance Misuse Statistics continued

- 38% of UK drug users with a psychiatric disorder were receiving no treatment for the disorder
- Poor mental health costs UK employers £8.4 billion in sickness absence and £15.1 billion in reduced productivity (***Advisory, Conciliation & Arbitration Service ACAS***)
- Alcohol & Drugs policies should be used to ensure problems are dealt with effectively and consistently (***ACAS***)
- Employers have legal obligations under the Health & Safety at work Act 1974, The Transport and Works Act 1992 and the Misuse of drugs Act 1971 (***ACAS and others***) **woolly and not focused: Trevor Hall.**

# Universal Definition of CORPORATE GOVERNANCE

Rules

Practices

Policies

Processes

**Corporate Governance (CG) is the system of Rules, Practices, Policies and Processes by which a company is directed and controlled. CG essentially involves balancing the interests of a company's many stakeholders, such as shareholders, management, customers, suppliers, financiers, insurers, government and the community.**

PIP

EAP

SAMP


POT

The Hall & Angus Substance Misuse Management Programme (SMMP)

# **What is a Substance Misuse Management Programme (SMMP)?**



**The Hall & Angus Group of Company's SMMP is: A modular approach to the provision of four elements to protect a client within in its own CG in the subject area of substance & alcohol misuse management and its correlation to criminality. Each element controls the culpability of directors and responsibility of managers when dealing with its day to day business operations. Each element needs to comply with: Criminal / Civil applications, Statutory requirements, Enhanced T&C's of employment all applied within a wider risk management capability to make fair presentation to: Its insurance provider, its own CG and those charged with its enforcement.**



**The four elements in order are: The Programme Implementation Process (PIP), The Employee Assistance Programme (EAP), The Substance & Alcohol Misuse Policy (SAMP), The Programme of Testing (POT)**

## **Why is it important to practice good CG?**



**It encompasses the Rules, Practices, Policies & Processes that a company relies on to make formal decisions, manage the company and to manage / mitigate risk. Employing good CG helps the company to regulate risk, mitigate criminal & civil legislations and reduce the opportunity for loss within the company's control. It also helps the company manage the negatives out of the business while enhancing the good practices, for the benefit of the company, its employees & contractors.**



## **Route to Success**



**PIP (Amnesty)**



**EAP**



**POLICY**



**POT**



**The Hall & Angus simple definition of a Substance & Alcohol Misuse Policy (SAMP) is:  
“A set of standards that are applied to a set of people that when breached have a range of consequences within the SMMP” The SAMP should be a RISK MANAGEMENT / MITIGATION protocol, not a RISK GENERATOR**



**The Rules, Practices, Policies & Processes by which the company builds and communicates each step of the development of the SMMP, who it applies to and when from.**



**The Rules, Practices, Policies & Processes by which the company manages its employees with regard to a recovery-oriented assistance programme and assessment of fitness for duty.**



**The Rules, Practices, Policies & Processes developed to integrate standards & breaches of standards into T&C's of employment in order to enforce the employees “Fiduciary Duty to be Fit for Work”**



**The Rules, Practices, Policies & Processes to legally measure and report the employees Fiduciary Duty to be Fit for Work within a framework of test mediums and defensible toxicology cut-offs**

# Recovery Oriented - Four Phase EAP

- 1. Treatment History (includes permission to obtain relevant GP records)**
- 2. Identification of any unmet needs (additional treatment)**
- 3. Treatment Profile**
- 4. Treatment outcome**

**The EAP will help the company manage the employee in a number of situations:**

- 1. Suspension during treatment.**
- 2. A reasonable adjustment during treatment (possible pay adjustment)**
- 3. A phased return to work**
- 4. A full return to work**
- 5. A not fit for work decision**

# What is a Programme of Testing (POT)

**“ The use of narrow & wide window test mediums to test an employee’s fitness for duty and compliance with terms & conditions of employment and or compliance with specific criminal & civil legislations / statutory requirements. The test mediums are either:**

- 1. Non-evidential (Due Diligence) screening devices which are the start of a process.**
- 2. Evidential analytical testing processes to prove or disprove a sample analysis, the end of the programme of testing”. Trevor Hall.**

**Thank You & Questions**