

## **POLICY REGARDING TREATMENT OF EMPLOYEES WHO SUFFER FROM SUBSTANCE ABUSE/DEPENDENCY**

<b>Item B-HR (02-2008) MC 13/03/2008</b>	<b>POLICY REGARDING TREATMENT OF EMPLOYEES WHO SUFFER FROM SUBSTANCE ABUSE/DEPENDENCY</b>
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### **RESOLVED:**

- 1. That** the contents of the report in respect of a Policy Regarding Treatment of Employees who suffers from Substance Abuse/Dependency **BE NOTED**.
- 2. That** the Policy Regarding Treatment of Employees who suffers from Substance Abuse/Dependency, attached to the report as **Annexure "A"**, **BE APPROVED**.
- 3. That** all similar previous policies **BE RESCINDED**.

## ANNEXURE A

# Policy regarding treatment of employees who suffer from substance abuse/dependency

### Definition

- The term **substance abuse/dependency** includes all kinds of addictions that can be hazardous to an individual's health and/or well being including but not limited to, the abuse/use of alcohol, drugs, the internet and gambling,
- The Diagnostic and Statistical Manual of Mental Disorders (DSM IV) defines **Substance Abuse** as follows:

*“A maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by one (or more) of the following occurring within a 12-month period:*

- (1) recurrent substance use resulting in a failure to fulfil major role obligations at work, school, or home (e.g. repeated absences or poor work performance related to substance use; substance-related absences, suspensions, or expulsions from school, neglect of children or household)*
- (2) recurrent substance use in situations in which it is physically hazardous (e.g. driving an automobile or operating a machine when impaired by substance use)*
- (3) recurrent substance-related legal problems (e.g. arrests for substance-related disorderly conduct)*
- (4) continued substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance (e.g. arguments with spouse about consequences of intoxication, physical fights)*

Term	Definition
"Employee"	<p>Means</p> <p>a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and</p> <p>b) any other person who in any manner assists in carrying on or conducting the business of an employer, and "employed" and "employment" have a corresponding meaning;</p>
"Ill health"	Means a physical or mental condition in which the employee is declared, partially or totally unfit to perform his/her duties, by a registered medical practitioner
"Incapacity"	Means a condition in which an employee, temporarily or permanently does not have the physical, mental or attitudinal ability to perform the duties of the post in which he/ she was appointed
"Medical Practitioner"	Means a person entitled to practice as a registered medical practitioner in terms of section 17 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974) and registered Traditional Healer.
"Rehabilitation"	Means the process of recovery to an acceptable level of physical, psychological, vocational and social functioning.
"Sick leave"	As described in the applicable Conditions of Service.

### Legislation

All applicable and related Acts and the Conditions of Service:  
 Basic Conditions of Employment Act, 1997, (Act No 75 of 1997);  
 Collective Agreement on Conditions of Service dated 29 December 2003;  
 Labour Relations Act (Act No. 66 of 1995 as amended 2002);  
 Occupational Health and Safety Act, 1993, (Act No 85 of 1993);  
 Incapacity Policy.

**Conditions**

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Special paid sick leave shall be granted to an employee who is certified by a registered medical practitioner as an alcoholic, a drug addict or suffering from any other recognised addiction, and who is prepared to receive treatment voluntarily. Provided that:

- The employee shall subject him/herself for treatment as a patient at an approved institution for a period of at least two weeks, or in accordance with the directions of the institution: Provided further that where the employee lives far away from such institution, the council may grant permission for the treatment of the employee by a local registered medical practitioner as an out-patient in accordance with the directions of such institution.
  - The employee must complete the full period of treatment as prescribed by the institution.
  - Should the employee not complete the prescribed period of treatment, the period that had actually been completed be regarded as normal sick leave, unless the Director: Employee Well-Being in consultation with his/her registered trade Union representative or fellow employee, found that the reasons for not completing the treatment were warranted
  - After the expiry of the prescribed period, the employee shall attend lectures at the institution or by the registered medical practitioner in accordance with the directions of the institution or the registered medical practitioner for a further period of one month and to the satisfaction of the institution or registered medical practitioner, as the case may be.
  - After the periods stated above, the employee shall submit written evidence to the Director: Employee Well-Being from the Head of the institution or the registered medical practitioner, as the case may be, that he/she has complied with all the treatment procedures as specified above.
  - Special paid sick leave as stated above shall not be granted to an employee on more than one occasion without the express permission of the Executive Director: Human Resource Management and Development, in terms of the delegated powers of Council and shall not be unreasonable withheld.
  - An undertaking be signed by the employee to adhere to all the conditions as set out above.
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**Process prior to admission**

The following process covers the actions to be followed prior to admission of an employee to a rehabilitation institution

Stage	Description
1	Referral comes from the following sources: <ul style="list-style-type: none"> <li>• Employee;</li> <li>• Family member;</li> <li>• Supervisor;</li> <li>• Disciplinary process.</li> </ul>
2	If the employee voluntarily decides to go for rehabilitation, follow the procedure for admission.
3	If the employee denies that he/she has a problem or refuses to go for rehabilitation, one or more of the following actions may be taken: <ul style="list-style-type: none"> <li>• The EAP Counsellor counsels the employee with regard to the need and benefits of rehabilitation.</li> <li>• The EAP Counsellor arranges a meeting with concern parties, e.g. facilities constructive confrontation.</li> </ul> The EAP Counsellor informs the employee of the consequences of his/her refusal, for example disciplinary action.
4	If no co-operation is obtained from the employee, the EAP Counsellor refers the matter back to the source of referral for appropriate steps, by line Management as contemplated in Stage 3.

**Process admission to an institution**

The following process covers the admission of an employee to a rehabilitation institution:

Stage	Description
1	The employee acknowledges that he/she has a substance dependency, or related problem.
2	<ul style="list-style-type: none"> <li>• The EAP Counsellor counsels the employee to inform him/her of the medial options needed and available.</li> <li>• The employee consent to an admission option</li> </ul>

Stage	Description
3	The EAP Counsellor discusses remedial options decided upon with the employee's supervisor.
4	<p>The EAP Counsellor establishes if the employee has medical aid. If he/she:</p> <ul style="list-style-type: none"> <li>• <i>has</i> medical aid, then the Counsellor obtains authorisation from the medical aid, provided that the fund caters for such expenditure.</li> <li>• <i>does not have</i> medical aid, then the Counsellor obtains authorisation from the Manager: Psychological Services for the Council to pay for the treatment.</li> </ul> <p>(The number of days for institutionalised rehabilitation is determined by the institution and differs for alcohol and drug dependency).</p>
5	The EAP Counsellor discusses different rehabilitation institutions with the employee and reaches agreement on preferred option. (Request rehabilitation centre to assess for any additional addictions and inform the employee accordingly).
6	<p>The EAP Counsellor:</p> <ul style="list-style-type: none"> <li>• arranges the employee's admission with the selected institution;</li> <li>• informs the employee, family and supervisor of the arrangements;</li> <li>• compiles the undertaking to be signed by the employee to adhere to all the conditions as set out in the policy.</li> </ul>
7	The employee submits an application for special paid sick leave to his / her supervisor.
8	The employee is admitted to the rehabilitation institution.

**What happens during and after rehabilitation?**

The following process applies during and after formal rehabilitation:

Stage	Description
1	The EAP Counsellor: <ul style="list-style-type: none"> <li>• monitors the employee's progress and family well-being;</li> <li>• involves the supervisor in the process.</li> </ul>
2	On completion of period of treatment, the rehabilitation institution: <ul style="list-style-type: none"> <li>• discharges the employee;</li> <li>• provides the EAP Counsellor with a letter confirming completion of formal treatment;</li> <li>• provides the EAP Counsellor with a report covering:                             <ul style="list-style-type: none"> <li>• evaluation of treatment;</li> <li>• prognosis;</li> <li>• recommendations.</li> </ul> </li> </ul>
3	The EAP Counsellor and employee compile an individual after-care programme in collaboration with the supervisor.
4	The EAP Counsellor monitors the employee's attendance of the prescribed after-care group sessions. <b>Example:</b> AA meetings. Institution formal aftercare sessions. In-house aftercare sessions.
5	The EAP Counsellor obtains regular feedback on the employee's progress at work from the supervisor.
6	The EAP Counsellor monitors the employee's progress until a satisfactory level of work performance has been established.
7	If no co-operation is obtained from the employee, the EAP Counsellor follows steps 3-4 of the <b>Process - prior to admission</b> .

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**Rescind**

This Policy rescinds all previous policies of a similar nature.

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**Recourse on  
Implementation:**

Disputes arising from the implementation of this policy shall be dealt with in terms of the Dispute Resolution Procedure of the Council.

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