



DRUG-FREE WORKPLACE POLICY

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1 Introduction

The Da Vinci Institute is an accredited private higher distance education provider offering qualifications on NQF levels five to ten, which are registered on the Higher Education Qualifications Sub-Framework (HEQSF). This policy forms part of the institutional Integrated Quality Management System and details the principles for ensuring that programme offerings adhere to academic standards and empower students to contribute to the transformation of their communities, society and the economy of the future. This approach is underpinned by the Business- and Community-based Action Learning discourse on the co-creation and distribution of relevant knowledge.

The Institute is committed to providing a drug-free environment, since our employees are our most valuable resource. We have developed this policy to help contribute to the solution of this very difficult health and social problem. Our policy is to detect and deter the use and abuse of drugs and alcohol, while respecting the privacy and dignity of all our employees.

2 Definitions

Term	Definition
Compliance	Conforming to a rule, such as specified in the policies, standards, regulations, or law. Regulatory compliance describes the goal that the institution aspires to achieve in their efforts to ensure that personnel are aware of, and take steps to comply with the relevant laws and regulations
Misconduct	Cheating, falsification, fabrication, misappropriation, plagiarism, or other practice that seriously deviates from those commonly accepted as proper
Safety	The condition of being protected from, or unlikely to cause danger, risk, or injury

3 Legislative Compliance

This policy is benchmarked against and should be read in the context of the relevant legislation underpinning the principles against which institutional policies and operational procedures are developed, implemented and maintained. These include:

A. Relevant Legislation

- I. CHE: Distance Higher Education Programmes in a Digital Era: Good Practice Guide.

- II. CHE: Higher Education Quality Committee (HEQC) Criteria for Programme Accreditation: November, 2004
 - III. Constitution of the Republic of South Africa: 1996
 - IV. Higher Education Act (Act 101 of 1997)
 - V. Labour Relations Act (Act 66 of 1995) as amended
- B. Applicable Da Vinci documents
- VI. All Human Resources Policies and Procedures

4 Scope

This policy covers all individuals working at all levels and grades, including senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, casual and agency staff and volunteers (collectively referred to as **staff** in this policy).

- 4.1 All staff must comply with this policy at all times to protect the interests of our institution and our employees.
- 4.2 Breach of this policy may be dealt with under our Disciplinary Procedure and, in serious cases, may be treated as gross misconduct which could result in immediate suspension, summary dismissal or dismissal.

5 Purpose

- 5.1 To provide a drug- and alcohol-free environment for all employees
- 5.2 To maintain a safe and healthy workforce, free from the influence of substance abuse
- 6.3 To create awareness and therefore prevent substance abuse and misuse
- 5.4 To identify and encourage employees affected by substance abuse, to get assistance
- 5.5 To assure employees of the institution's support.

6 Responsibility for Implementation of The Policy

- 6.1 The Human Resources Manager has overall responsibility for the effective operation of this policy

- 6.2 The Human Resources Manager is responsible for monitoring and reviewing the operation of this policy and making recommendations for changes to minimise risks to our operations
- 6.3 All staff are responsible for their own compliance with this policy and for ensuring that it is consistently applied. All staff should ensure that they take the time to read and understand it. Any breach of this policy should be reported to the Human Resources Manager
- 6.4 Questions regarding the content or application of this policy should be directed to Human Resource Manager.

7 Drug-Free Workplace

The policy is to maintain a workplace that is free of substance abuse and misuse. The following must be adhered to:

7.1 Substance Abuse/Misuse on Institution Premises

- 7.1.1 Employees are forbidden to report to work or to perform work while under the influence of any drugs or alcohol
- 7.1.2 The consumption of alcohol on the premises or at any work-related event is strictly prohibited, except for certain special functions (Oral Defences, Year-end functions, other celebrations/functions), and if it is approved by the CEO or Senior Leadership Team member
- 7.1.3 Poor performance or misconduct arising from substance abuse will result in disciplinary action being taken against the offending employee
- 7.1.4 It is unlawful to manufacture, distribute, dispense or use any prohibited substance in the workplace while on duty or on stand-by
- 7.1.5 Only medication that is prescribed by a registered healthcare provider may be brought onto premises, but if misuse is suspected, each case will be dealt with on its own merits
- 7.1.6 A breach of these rules will be treated as misconduct, which may lead to dismissal
- 7.1.7 Employees will be given a copy of the policy and must abide by the terms as a condition of employment and are to be informed of the consequences of any violation of the policy.

7.2 Training and Awareness

All staff must be made aware of the Drug-free Workplace Policy through:

- 7.2.1 Appropriate training programmes, e.g. induction and orientation training
- 7.2.2 Informative campaigns, such as health awareness days, posters, leaflets
- 7.2.3 Counselling of individuals with addictions and
- 7.2.4 Institution communication channels, such as email and newsletters.

7.3 Identifying Substance Abuse

If an employee realises that he/she may have a drug or alcohol abuse problem, they are encouraged to seek assistance.

Should a manager or supervisor have reasonable reason to believe that an employee may be under the influence of drugs or alcohol, they should follow the guidelines below:

- 7.3.1 The manager should consult with the HR representative; thereafter they should request an appropriate person to conduct a substance abuse test
- 7.3.2 The manager should conduct a hearing in terms of the institution's misconduct policy
- 7.3.3 Should the outcome of the hearing be that the employee has a substance abuse problem, they should offer him/her the Employee Assistance Programme and monitor their progress.

7.4 Pre-Employment Drug and Alcohol Testing

The Institute's Occupational Health Practitioner or other suitable person can conduct pre-employment drug testing in the form of a urine/blood/breath test, where written consent has been given.

7.5 Current Employees

Should the need arise, and where there is a suspicion that an employee has been misusing a substance that impacts on the workplace and performance, The Institute reserves the right to request that the individual undergoes an appropriate alcohol/drug test.

Disciplinary action may be taken should the employee refuse to cooperate.

7.6 Employee Assistance Programme (EAP)

- 7.6.1 The Institute encourages voluntary treatment for substance abuse.

7.7 Searches

Searching employees is a sensitive matter. In the event that it is reported that an employee is in possession of an illegal or unauthorised substance, a search of the employee as well as his possessions (e.g. handbag, vehicle, office) may be conducted. The employee needs to be informed of the reason for the proposed search.

When conducting searches make sure privacy is respected by conducting the search in a private area. Body searches must take place with a witness present of the same sex as the employee and may only be conducted by a person of the same sex as the employee. Appoint appropriate staff or a contractor to conduct searches and ensure that they are trained adequately. Any foreign or illegal object found on a person will be removed immediately and be handed over to a member of SLT.

Searching of employees must be applied fairly; there may be no discrimination.

8 Employee behaviour

- 8.1. Drinking alcohol on duty will not be tolerated and will be grounds for summary dismissal (except at approved work functions without exceeding the legal limit).
- 8.2. Driving a company vehicle under the influence of alcohol, no matter what the circumstances, will be grounds for summary dismissal.
- 8.3. Any use of, sale of, or dealing in illegal drugs will be grounds for summary dismissal.
- 8.4. Employees who have been informed by their medical practitioner that their use of a legal drug may present a safety risk or may interfere in any aspect of their job performance, are required to report such drug use to their departmental head. A letter with recommendations from the medical practitioner will be required.
- 8.5. Alcohol and drug dependent employees who refuse assistance, who do not cooperate with the treatment programme as agreed, or who suffer continual relapses, shall face disciplinary procedures for further alcohol and drug-related offences and/or poor performance in the workplace.
- 8.6. The Institute reserves the right to take disciplinary steps, which may include dismissal for alcohol and drug-related offences which represent a serious safety risk to the employee concerned, colleagues or members of the public, and which contravenes the institution's disciplinary code.

9 Treatment and Counselling

- 9.1. The employees' treatment programme is agreed upon by the employee and the counsellor concerned. The manager may be informed about the steps to be followed in the treatment plan, provided that the employee agrees, and operational requirements are taken into account.
- 9.2. Should all reasonable steps be taken to bring an employee's work performance up to standard and/or to end continued substance abuse, the institution shall determine whether the employee is still able to produce satisfactory work in accordance with his/her contract and then take the following steps:
 - Should an employee be unable to produce satisfactory work as a result of continued substance abuse, the service contract may be terminated due to disability.
 - Should an employee still produce satisfactory work despite failure to cooperate and/or continued unacceptable behaviour due to substance abuse, disciplinary steps may be taken.

10 Relapse

In the case of relapse, the following factors may be taken into account to determine whether further assistance may be rendered and what the nature of such assistance shall be:

- Period since previous admittance for substance abuse
- Behaviour within the workplace
- The employee's ongoing support in the treatment programme
- Personal and social circumstance.

11 Testing for substance abuse

11.1. Testing based on reasonable suspicion

- 11.1.1. Should a manager or any other responsible person, based on observation, suspect that an employee is under the influence of alcohol or psycho-active substances, the employee may be requested to take a breathalyser test to establish the alcohol level in their blood, or an appropriate test for psycho-active substances.
- 11.1.2. It should be explained to the employee that the test is aimed at affording him/her the opportunity to refute the allegations against him/her. By refusing to take the test, the employee is forfeiting the opportunity, and the deduction may be made that he/she is indeed under the influence of a psycho-active substance. Refer to Annexure A.

11.1.3. This investigation shall be undertaken in the presence of another manager to serve as witness if the occurrence happened during working hours. The employee may request a representative if applicable.

12 Signs of possible substance abuse

Signs of possible substance abuse	Detail
Speech	<ul style="list-style-type: none"> i. Slurred speech ii. Incoherence iii. Slow measured speech iv. Unduly talkative
Eyes	<ul style="list-style-type: none"> i. Red, swollen ii. Staring, unseeing iii. Drooping eyelids iv. Excessively enlarged or contracted pupils
Co-ordination	<ul style="list-style-type: none"> i. Shaky hands ii. Poor hand and eye co-ordination iii. Poor judgement (e.g. judgement of time) iv. Hyperactive
Smell	<ul style="list-style-type: none"> i. Breath reeks of alcohol
Walk and balance	<ul style="list-style-type: none"> i. Balance is slightly upset ii. Swaying movements when person stands still iii. Stumbling iv. Uncertain on his/her feet
General	<ul style="list-style-type: none"> i. Loss of self-control ii. Uncontrolled laughter or giggling at trivialities iii. Hyperactive iv. Fearful, nervous v. Aggressive vi. Does not remember orders/warnings vii. Restlessness viii. Nausea/Vomiting ix. Exceptionally calm/sleepy

13 Steps to be taken upon suspicion of substance abuse

Behaviour	Identification	Steps to be taken
Presumably under the influence of a psycho-active substance	Symptoms or signs of intoxication	<ol style="list-style-type: none"> 1. Call a witness (another manager or supervisor). 2. Consider, with the assistance of the witness, whether the employee may possibly be under the influence and document the symptoms/signs. 3. Should there be reasonable suspicion, the employee may be requested to take a breathalyser or blood test. 4. Document the refusal or agreement as well as the test result in the presence of the employee, witness or representative. 5. Should the employee, upon observation or testing, be regarded as being under the influence, request the employee to leave the premises. 6. At first and repeated offences, take appropriate disciplinary action and inform employee of available help.
Suspected dependence or psycho-active substance	Symptoms or signs of deteriorating work performance	<ol style="list-style-type: none"> 1. Identify and document all incidents of deteriorating work performance on an ongoing basis and keep a record. 2. Take appropriate corrective/disciplinary steps after every incident and explain consequences. 3. Should none of the aforementioned steps have the desired effect, document the fact, repeat the offer of assistance and/or take appropriate disciplinary action.
Repeated relapses		<ol style="list-style-type: none"> 1. Take the same appropriate steps as during the first intervention

14 Signs or symptoms of deteriorating work performance

Sign/symptom	Detail
Attendance	<ul style="list-style-type: none"> i. Regular absence ii. Often absent on Monday/Fridays/Pay-days iii. Vague medical certificates iv. Exceptionally high use of sick leave
Punctuality and time-keeping	<ul style="list-style-type: none"> i. Late for work ii. Sluggish or leisurely time-keeping iii. Long and frequent visits to the toilet
Attitude	<ul style="list-style-type: none"> i. Conflict with colleagues/manager/other persons ii. Loss of interest in work iii. Negativity
General behaviour	<ul style="list-style-type: none"> i. Overreaction to correction or advice ii. Constant criticism of others iii. Drinking at work iv. Hides alcohol
General appearance	<ul style="list-style-type: none"> i. Regular hangovers ii. Tiredness iii. Tremors iv. Reeks of alcohol v. Excessive perspiration vi. Red eyes vii. Unkempt appearance of body and clothing
Productivity	<ul style="list-style-type: none"> i. Deterioration in quality of work ii. Unreliable iii. Does not keep to deadlines iv. Tiredness v. Wastes materials vi. Works in starts and fits vii. Errors of judgement viii. Unsatisfactory workmanship ix. Forgetful/does not follow instructions x. Negligence/repeated mistakes

15 Review of This Policy

Regular review and amendment of this policy will be done in line with the approved institutional policies and regulatory requirements. This will take place in consultation with the relevant quality assurance structures at departmental and institutional level, under the auspices of the official custodian of this policy, namely the Human Resource Manager.

16 Annexure A – Request to take a test for Psycho-active substance abuse

Employee name and surname		
Employee agreed to take test	Yes	No
Reason for refusal to take the test		
Result of breathalyser if applicable		
Signature of manager/security who requested the test		
Signature of witness		
Signature of employee representative		
Signature of employee		
Date		

17 Annexure B – Psycho-active substance abuse form

Psycho-active substance abuse Form	
Employee name and surname	
Date	
Time	
Department	
Form completed by	
Title	
Name of witness if during working hours	
Name of employee representative	
Title/designation of employee representative	
Comments on observed behaviour of employee	
Signature of manager/security	
Signature of witness	
Signature of employee representative	
Signature of employee	

17. Version Control

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V1		01/01/2015	Council
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