

Supporting Employees impacted by Intoxicant Misuse



Policy owner Culture & Engagement, UCD HR **Approval date and body** UMT, 20 January 2026

1. Purpose

This policy is one of a suite of policies that sets out the University's commitment to supporting the health and wellbeing of employees and promotion of a healthy work environment. It is the aim of the University to create a supportive, empathetic and positive environment which contributes to and fosters good wellbeing for all our colleagues.

This policy outlines the approach the University will take to meeting its obligations under the *Safety, Health and Welfare at Work Act, 2005*, the supports the University can offer under this and other policies, and the provision of guidance and information on external supports available to employees in relation to intoxicant misuse. This policy should be read in conjunction with the University's obligations under the *Misuse of Drugs Acts 1977–2016*, the *Employment Equality Acts 1998–2015*, and the *Data Protection Act 2018* (including the General Data Protection Regulation).

The objective of this policy is to raise awareness about the misuse of intoxicants (alcohol and/or drugs, including prescribed and over-the counter medication, psychoactive substances and illegal drugs) in the workplace and provide sources of information and support to individuals and line managers.

2. Scope

The policy applies to all employees.

3. Definitions

Intoxicants – alcohol or drugs or other substances, or a combination of same. This includes prescribed and over-the counter medication, and substances that have a psychoactive effect including illegal drugs and chemical agents. This does not extend to tobacco (See Smoke-Free Workplace Policy and Smoke Free Campus Policy).

4. Principles

- Misuse of intoxicants in the workplace is a breach of the Safety, Health and Welfare at Work Act, 2005, and may impact on an individual's productivity and poses a danger to the health and safety of others. Misconduct or breaches of this policy will be managed in accordance

with the University's Disciplinary Policy and will adhere to the principles of natural justice and fair procedures.

- Employees are individually responsible under the Act to ensure that they are not under the influence of intoxicants to such an extent that they may endanger their own or another's safety or health; this includes informing their manager or Human Resources Partner (HRP) if any prescribed drugs which they are taking may impact on their fitness to work.
- In accordance with the University's duty of care under the *Safety, Health and Welfare at Work Act 2005*, UCD reserves the right to remove an employee from safety-critical duties or temporarily from the workplace where there is reasonable cause to believe that their fitness for work is impaired by intoxicants. Such action will be a precautionary safety measure, not a disciplinary sanction, pending advice from Human Resources and/or Occupational Health.
- The University will not tolerate or condone the misuse of any intoxicants (including prescribed and unprescribed medications and substances that employees may have access to in their workplaces) on the premises of the University, and the possession or use of drugs (other than over-the-counter drugs, drugs used under prescription, or drugs handled or used for work purposes as outlined below) on the premises of the University may result in disciplinary action and reporting to the relevant authorities.
- It is acknowledged that some employees will have access to intoxicants, including controlled substances, as part of their work, and the handling and use of such materials must be done in accordance with the provisions of any relevant statutory or regulatory approvals, relevant risk assessments, and for work related reasons only.
- Where there is reasonable evidence or suspicion of the possession, supply, or use of controlled substances on University premises, other than for work purposes as outlined above, the matter will be reported to An Garda Síochána in compliance with the *Misuse of Drugs Acts 1977–2016*.
- Employees who have an alcohol or drug dependence will be actively encouraged and requested to avail of professional assistance, which may include referral to occupational health. The University's Employee Assistant Service (EAS) in consultation with the employee will assist in identifying a provider of such professional assistance.
- Employees disclosing a problem with alcohol and/or drugs will be treated with sensitivity and discretion. This may include problems with intermittent or persistent misuse or episodes of misuse. Alcohol and/or drug dependency may require a significant effort on the employee's part if recovery is to be achieved and sustained. Employees who disclose intoxicant misuse and are offered support are expected to engage meaningfully with the support measures and demonstrate a sustained commitment to their recovery.
- Alcohol and drug dependence are recognised as disabilities for the purpose of the Employment Equality Acts and the University is required under the legislation to make

reasonable accommodation for the needs of a person with a disability to allow that person to undertake their duties. Recognition of alcohol or drug dependence as a disability does not preclude the University from taking appropriate disciplinary action in cases of misconduct, unsafe behaviour, or unlawful activity. Reasonable accommodation applies to supporting recovery and rehabilitation, not to excusing breaches of conduct or safety obligations.

- Where alcohol or drug dependence is disclosed, UCD will consider appropriate reasonable accommodations in accordance with the Employment Equality Acts and the UCD Policy on Supporting the Employment of People with Disabilities where the employee will be facilitated to take necessary actions to support their recovery. Any such adjustments will be informed by Occupational Health guidance and the nature of the employee's role.
- Where alcohol is permitted at work-related events, it is always the employee's responsibility if consuming alcohol to limit this to a safe and reasonable amount, so as not to create a safety risk to themselves or others. See UCD Consumption of Alcohol on Campus Policy in the Governance Document Library.
- All information disclosed by an employee under this policy, including any medical or support needs, will be treated as sensitive information, in line with the requirements for processing special category data under the Data Protection Act 2018 and GDPR. Only those with a legitimate business or medical need will have access to such information, and it will be stored securely. Information will be processed on the lawful basis of compliance with employment and health & safety obligations under Article 9(2)(b) and (h) of the GDPR. Records will be retained only for as long as necessary for employment, health, or legal purposes and will then be securely deleted or anonymised.
- Employees will be made aware of the limits of confidentiality in terms of disclosures that indicate a risk to themselves, to the UCD community or in relation to wider criminal behaviour.

5. Roles and responsibilities

University Management Team

- Takes an active role in promoting a supportive culture and attitude to addressing issues of intoxicant misuse.
- Support the implementation of this policy.
- Ensure confidential supports are in place internally and externally to support those experiencing issues of intoxicant misuse.
- Facilitate the provision of information and resources to equip managers to effectively assist employees who may be experiencing issues related to intoxicant misuse, and to support employees in managing their own substance-related challenges and support others where appropriate.

Healthy UCD Steering Committee

- Act as a consultative group in terms of best practice, shared learning and experiences.
- Promote ongoing engagement with the University community on awareness of this policy and the support available.
- Act as champions in this area and work towards the elimination of discrimination and stigma often associated with intoxicant misuse.

Line Managers

- Recognise and address alcohol and/or drug misuse as early as possible.
- On becoming aware of a potential problem, consult with appropriate HRP and act on the advice received.
- If a manager observes behaviour by an employee that raises immediate concerns about their functional capacity, they can request that the employee return home pending consultation with appropriate HRP and/or Occupational Health.
- Managers should ensure, insofar as is reasonable, the safe departure of the person concerned from the campus or other associated location and arrange appropriate transport as necessary. It may be appropriate in certain circumstances to arrange transport to ensure the safety of the person concerned. If the behaviour of the employee is of significant concern, the manager should contact appropriate HRP/Estate Services to obtain further support.
- Raise with the employee in a supportive way any concerns over intoxicant misuse that are having an impact on their work, behaviour or attendance including any concerns raised by colleagues.
- Advise the employee of this policy and encourage them to make contact with the Employee Assistance Service and/or their doctor where they acknowledge that alcohol and/or drug misuse are a contributory factor in the underperformance.
- Refer the employee to the Occupational Health Service engaged by the University, where there is an impact on their ability to perform their role by liaising with the appropriate HRP.
- Advise that, subject to any legal provisions, the employee's confidentiality will be respected and absence from the workplace for treatment/rehabilitation/counselling will be treated as sick leave. An employee's treatment plan will be considered should disciplinary actions prove necessary for underperformance, misconduct, or unsatisfactory behaviour.
- Secure a commitment that any related misconduct, unsatisfactory behaviour or underperformance will be addressed by the employee and set a review date to establish progress. Managers must document all actions, communications, and decisions related to

intoxicant misuse concerns in a confidential record, retained in line with the University's Data Retention Schedule and HR protocols.

- Act quickly to address issues of underperformance, unsatisfactory behaviour or misconduct in line with University policy if an employee does not acknowledge an alcohol and/or drug related problem or refuses to seek or follow the necessary treatment.
- Treat as serious misconduct the possession, use or distribution of unlawful drugs in the workplace and consult with appropriate HRP.

Employees

- Are responsible for ensuring that their own behaviour and work performance remains appropriate whilst engaged in University business and is not affected by excessive alcohol consumption or substance misuse.
- Not attend work while unfit for duty due to misuse of alcohol or drugs.
- Inform their line manager if they are on any medication or treatment that may affect their work performance and safety at work, or of any impairment of function that may be a side effect of treatment for a drug and/or alcohol problem.
- Disclose to their line manager if they have or are developing an alcohol and/or drug misuse problem. In such a situation, the person will be facilitated with time off in order to attend appropriate treatment, rehabilitation and counselling in accordance with normal sick leave regulations.
- Take reasonable care in the workplace of themselves and others who are affected by what they do. Being under the influence of alcohol and/or drugs whilst in a work environment as well as affecting work output can have serious consequences for both personal safety and the safety of colleagues or students.
- Understand that the possession, use or distribution of unlawful drugs is not permitted in the workplace, other than as required for work purposes, as outlined above, and will be treated as serious misconduct.
- It is acknowledged that some employees will have access to intoxicants, including controlled substances, as part of their work, and the handling and use of such materials must be done in accordance with the provisions of any relevant statutory or regulatory approvals, relevant risk assessments, and for work related reasons only.
- Where an issue related to alcohol or drug misuse is identified, the employee is expected to take appropriate steps to engage constructively with relevant interventions or treatment pathways. The University will provide necessary support to facilitate this process, particularly in cases where there are signs of dependency or ongoing risk of harm.

- Where relapse occurs, the University will work with the employee, Occupational Health, and relevant providers to reassess fitness for work.
- Be sensitive to the needs of colleagues who are recovering from alcohol and/or drug related problems.
- Failure to constructively engage with the agreed-upon support, treatment, and recovery plan may be managed under the University's Disciplinary Policy regarding performance and conduct.
- Where an employee has a genuine concern that a colleague is unfit for duty due to intoxicant misuse, they are encouraged to report this to their line manager or appropriate HRP in confidence.

Human Resources

- Ensure that Employee Assistance and Occupational Health services are accessible for all employees.
- Support employees and provide information and advice if an individual discloses an intoxicants misuse issue.
- Make referrals to Occupational Health as required.
- Advise on the UCD Policy on Supporting the Employment of People with Disabilities.
- Offer advice and support for managers in dealing with instances of intoxicants misuse and on how to promote a culture of support and understanding within their area of responsibility.
- Where disclosures are made that indicate a risk to the employee, to the UCD community or in relation to wider criminal behaviour, support the line manager to report the information to the relevant authorities.
- Liaise with managers over return-to-work arrangements following a period of absence due to intoxicant misuse.
- Ensure that any documentation or data relating to intoxicant misuse cases is securely stored, accessed only by authorised personnel, and retained according to GDPR and University data retention schedules.
- Review this policy at least every three years, or sooner if required by changes in legislation or best practice.

6. Related documents

UCD Information

- Employee Assistance Service (Culture & Engagement website)
- Consumption of Alcohol and Campus Policy
- Mental Health and Wellbeing Support Colleagues
- Supports in relation to provision of Reasonable Accommodation(s)
- UCD Managing Attendance and Sick Leave Policy
- Data Protection Act 2018
- Employment Equality Act 1998 – 2015
- Health, Safety and Welfare at Work Act 2005
- UCD Mental Health & Wellbeing Supports

External sources of support

- Drugs.ie and Askaboutalcohol.ie are HSE websites with information about drug and alcohol services. Each has a directory of services that can be searched to find specific services for each local area.

Relevant Legislation

- Misuse of Drugs Acts 1977–2016
- General Data Protection Regulation (EU) 2016/679

7. Version history

Version	Date	Description	Author
1.0	November 2025	Policy Drafted	Culture & Engagement