

The festive season is over; "dry" January is upon us. Surely a time for employers to relax, safe in the knowledge that alcohol (and/or drugs) are off the menu, for a month at least, while employees abstain temporarily? Not necessarily. Not only do we have the Chief Medical Officer telling us that there are no safe limits to drinking alcohol, but we are also being told that the use of legal highs is on the increase. With 129 deaths during 2014 where reported new psychoactive substances were implicated, an employer's Alcohol and Drug Policy may need updating (or even introducing where there is not one in existence). Many employers are unaware of what legal highs are and how they should be tackling them.

What are they?

Usually they are substances that are not illegal, but which imitate the effects of illegal drugs (such as speed and cannabis) when taken. Many are already illegal under the Misuse of Drugs Act, but there are a considerable number that are not. Most generally cannot be sold for human consumption and are often marketed as plant food, incense or bath salts. They mainly contain synthetic, chemical compounds. Given their nature they often contain ingredients that have not been tested on humans and therefore their effects are hard to predict.

Why is this so topical?

In May 2015 the government announced new legislation to try to control the use of psychoactive substances. The draft legislation places a blanket ban on all psychoactive (or mind altering) substances, and includes a list of exemptions for those in everyday use, such as alcohol, coffee and medicines, which are regulated elsewhere.

In addition, ACAS has just produced new advice on the issue of legal highs (an indicator perhaps of how much of an issue this is becoming).

What should you be doing?

If your university doesn't have an Alcohol and Drugs policy, consider seriously the need to have one. Review whether alcohol and drug use is causing a problem in your institution. Such policies don't have to be limited to what is currently legal. Clearly, the use of alcohol is not illegal, yet most employers will have a ban or limit on alcohol consumption during working hours. Legal highs should be treated in the same way and built into those policies.

Some policies include drug testing, especially where staff are working in "safety critical" jobs, but this may be more challenging when trying to identify legal highs, as the compounds they contain change regularly.

It may be easier for the policy to focus on the effects the drugs have on employees in terms of their behaviour and ability to work, rather than the drugs themselves. Policies should encourage users to seek help for their problems, educate staff and line managers on the signs of drug use and what to be aware of.

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