



MOGALE CITY LOCAL MUNICIPALITY

# **SUBSTANCE ABUSE POLICY**

## 2026-2027

## DOCUMENT MANAGEMENT

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## 1. EXECUTIVE STATEMENT

Mogale City Local Municipality (MCLM) values the safety, health, and wellbeing of all its employees and their families.

Substance and drug abuse is strictly prohibited, and all reported cases shall be dealt with in accordance with procedures outlined in this policy.

## 2. INTRODUCTION

Substance abuse impairs the rational thinking and actions of employees, inflicting additional responsibility on colleagues, and may lead to workplace accidents, poor job performance, and unsatisfactory customer service. Therefore, MCLM has compiled this substance abuse policy to protect both its employees and customers, and to ensure a safe and healthy work environment for all.

## 3. ABBREVIATIONS AND DEFINITIONS

According to Diagnostic and Statistical Manual of Mental Disorder 3d ed. (DSM-III), substance abuse is an “abuse of or dependence on all substances that modify mood or behavior including alcohol, sedatives, hypnotics, opioids, cocaine, amphetamine-like drugs, hallucinogens, cannabis, phencyclidine, medicine (Codeine) and even tobacco”. An employee’s occupational functioning may deteriorate due to intoxication at work caused by the abuse of or dependency on any of the said substances. His or her social functioning may be impaired resulting in risks to self and others e.g. accidents.

### a) Definitions

For the purpose of this policy, the following definitions apply:

TERM	DEFINITIONS
IMMEDIATE FAMILY	Employee’s spouse or life partner, parents, adoptive parents, grandparents, children, siblings, legally adopted children, grandchildren, and parents’ in-law
Employee	Any person, excluding an independent contractor, who works for another person or for the Municipality and who receives, or is entitled to receive, any remuneration

TERM	DEFINITIONS
Pass- out	Is a weekend/ leave that the rehabilitation give to the employee while at the rehabilitation
“Legal Drug”	Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured; this includes the recently legalised use of Marijuana or Cannabis
Cannabis	Also known as marijuana among other names, is a psychoactive drug from the Cannabis plant. the plant has been used as a drug for both recreational and entheogen purposes and in various traditional medicines for centuries

**b. Abbreviations**

ABBREVIATION	ACRONYM
MCLM	Mogale City Local Municipality
HCM	Human Capital Management
CC&CC	Marketing and Communication
DSM-III	Diagnostic Statistical Manual of Mental Disorder 3d ed.
EWS	Employee Wellness Services
HCA	Human Capital Administration
ERM	Employee Relation Management
SDS	Social Development Services
ACS	After-Care-Services
OHS	Occupational Health and Safety

#### **4. POLICY OBJECTIVES**

The objectives of this Policy are as follows:

- 4.1. To create an environment where the adverse effects of substance abuse on job performance are minimized and employee health is improved.
- 4.2. To define employer and employee responsibilities with regard to prevention of substance abuse in the workplace.
- 4.3. To create an awareness of substance abuse-related problems, by defining standards of behavior and providing educational programs, thereby preparing individuals to act responsibly.
- 4.4. To create an environment where productivity will increase, safety and employer liability are reduced.
- 4.5. To provide counselling and refer employees accordingly.

#### **5. LEGISLATIVE FRAMEWORK**

This section is guided by the following legislations:

- a) The General Administration Regulation, 1996 of the Occupational Health and Safety Act, 1993 states that no person shall be allowed to enter or remain in the workplace under the influence of intoxicating liquor or drugs.
- b) The General Safety Regulations, 1996 of the Occupational Health and Safety Act, of 1993 states that "No person at the workplace shall be under the influence of or have in his or her possession or partake of or offer any other person intoxicating liquor or drug.
- c) In cases where a person is taking medicine, the employer may only allow a person to perform duties at the workplace if the side effects do not constitute a threat to the health or safety of the person concerned or other persons at such workplace.
- d) The Public Service Regulations, 2000 (Chapter 2, part C.5.2) require an employee to act responsibly as far as the use of alcohol beverages or any other substance with an intoxicating liquor or drugs or any other substance with an intoxicating effect is concerned.
- e) Occupational Health and Safety Act, 1993 (Act No. 85 Of 1993) places specific obligations on the employer in regard to the health and safety of employees.
- f) Schedule 8 of the Labour Relations Act 1995 (Act No. 66 of 1995) places certain obligations on the employer on how to handle alcoholism.

*These laws require the Municipality to protect employees and the public from exposure to second-hand / passive smoking.*

## **6. PURPOSE**

The Municipality is committed to maintaining a safe, healthy and productive work environment, free from the risks posed by alcohol, drugs and other intoxicating substances. Toxicology testing assists in detecting, preventing and managing impairment that may endanger employees, customers, or municipal property.

## **7. SCOPE AND APPLICABILITY**

- a) The policy is applicable to all MCLM employees and their families as well as the Councilors in regard to counselling and advice.
- b) Compliance to this Policy extends to the Municipal clients, visitors and other stakeholders

## **8. POLICY PRINCIPLES**

- a) Accessibility: Assistance with regard to substance abuse problems will be open to all employees and their immediate family members.
- b) Confidentiality: All information will be dealt with as confidential. Any information disclosed during counselling shall not be disclosed to anyone including management without the employee's written consent.

## **9. APPOINTMENT OF AN ACCREDITED SERVICE PROVIDER**

- 9.1. The Municipality shall appoint an accredited Occupational Health Medical Surveillance Service Provider to conduct all toxicology testing, in accordance with the Occupational Health and Safety Act, 1993.
- 9.2. All testing must be performed by qualified medical personnel following lawful chain-of-custody procedures

## **10. TOXICOLOGY TESTING**

### ***10.1 Toxicology testing may include:***

- a) Scheduled/periodic testing as part of medical surveillance.
- b) Unplanned testing, where circumstances pose immediate safety risks.
- c) Random testing on a risk-based, non-discriminatory basis.
- d) Post-incident/accident testing where an employee was involved in or may have contributed to an incident.
- e) Reasonable suspicion testing, based on observable signs of impairment.

## **10.2 Circumstances Warranting Unplanned or Random Testing**

### Testing may be required when:

- a) An employee displays physical or behavioural symptoms of intoxication.
- b) An employee is involved in a workplace accident, near-miss, or unsafe incident.
- c) An employee performs safety-critical or high-risk functions (e.g., operating machinery, driving fleet vehicles, managing hazardous chemicals, working at heights).
- d) There is suspicion of possession, dealing, or use of illegal substances on municipal premises.

## **10.3. Employee Consent and Rights**

- a) Testing shall comply with the Labour Relations Act (Schedule 8), the Employment Equity Act, and OHS legislation.
- b) Employees shall provide informed consent; refusal without valid reason may constitute misconduct.
- c) Test results remain confidential and may only be shared with authorised parties: EWS, ERM, HCM, and line management.

## **10.4. Positive Test Results**

### If an employee tests positive:

- a) They shall be removed from duty immediately and safely transported home when necessary.
- b) They shall be referred to Employee Wellness Services for psychosocial assessment and support.
- c) Disciplinary action may be instituted depending on the circumstances, safety risks, job profile, and recurrence.
- d) Clearance from a medical practitioner may be required before resumption of duties.

## **10.5. Chain-of-Custody and Record Keeping**

- a) All tests must follow strict chain-of-custody procedures to ensure accuracy and integrity.
- b) All records shall be retained in accordance with occupational health laws and the Protection of Personal Information Act (POPIA).

## **11, SMOKING IN PUBLIC SPACES**

### 11.1. Prohibition of Smoking in Municipal Premises

- a) Smoking is prohibited in all enclosed municipal buildings, including offices, meeting rooms, corridors, ablutions, storerooms, workshops, and customer-serving areas.
- b) Smoking is prohibited in municipal fleet vehicles at all times.

c) No smoking is allowed within 10 metres of entrances, air vents, open windows, or public congregation points.

#### 11.2. Protection of Non-Smokers (Passive Smokers)

- a) The Municipality must protect all employees and the public from inhaling second-hand or passive smoke.
- b) Employees may not eat, work, or occupy areas where smoking is occurring.
- c) Adequate signage must be displayed throughout municipal premises.

#### 11.3. Designated Smoking Areas

*The Municipality shall identify and designate smoking areas:*

- a) Such areas must be clearly demarcated and located away from entrances and public walkways.
- b) They must comply with fire safety requirements and must not obstruct emergency evacuation routes.
- c) Employees must use these areas responsibly and keep them clean.

#### 11.4. Smoking Breaks and Work Shift Guidance

*To ensure fairness and maintain productivity:*

- a) Employees may take two smoking breaks per 8-hour shift, each not exceeding 10 minutes.
- b) Breaks must be coordinated with supervisors to ensure operational continuity.
- c) Abuse of smoking breaks (e.g., frequent or extended absences) may lead to corrective or disciplinary action.
- d) Managers must enforce equitable break arrangements for smokers and non-smokers.

### **12. E-CIGARETTES, VAPING AND RELATED DEVICES**

#### 12.1. Definition:

E-cigarettes (vapes) include all battery-powered devices that heat liquid (with or without nicotine) to produce an inhalable aerosol. This includes disposable vapes, refillable devices, cartridges, pod systems, and electronic hookahs.

#### 12.2. Legislative Context

Although e-cigarettes are regulated separately from traditional tobacco products, the Municipality shall treat them as equivalent to smoking for the purpose of health, safety, and workplace behaviour because:

- a) Aerosols may contain harmful chemicals.
- b) Exposure may pose health risks to non-users (passive vaping).

- c) The devices may cause fire hazards due to batteries and heating elements.

### 12.3. Restrictions on Use of E-Cigarettes

- a) Use of e-cigarettes is prohibited in all enclosed municipal spaces, including offices, buildings, vehicles, and customer-serving environments.
- b) E-cigarette use is prohibited within 10 metres of entrances, windows, or ventilation systems.
- c) Employees may only use e-cigarettes in designated smoking areas.

### 12.4. E-Cigarette Breaks

- a) E-cigarette/vaping breaks fall under the same rules as smoking breaks:
  - o Maximum two breaks per 8-hour shift, not exceeding 10 minutes each.
  - o Coordinated with supervisors.
  - o Subject to disciplinary action if abused.

### 12.5. Storage, Charging, and Handling

*To prevent fire risks:*

- a) E-cigarettes must not be charged at workstations, municipal vehicles, or near flammable materials.
- b) Devices must not be left unattended while charging.
- c) Damaged or leaking devices may not be brought onto municipal premises

## 13. ROLES AND RESPONSIBILITIES

### Responsibilities of Employees and Management

#### **i) Employees must:**

- a) Smoke only in designated areas.
- b) Adhere to break times.
- c) Avoid exposing others to second-hand smoke.

#### **ii) Management must:**

- a) Enforce compliance with legislation and municipal rules.
- b) Ensure signage is visible and maintained.
- c) Address non-compliance appropriately.

## 14. Municipal Manager

- a) Approval of the Substance Abuse Policy

## 15. Executive Managers

- a) Oversee the implementation of this policy in different departments

## **16. Managers and Assistant Managers**

- a) Ensure the implementation of the policy in their respective divisions.
- b) Manager and assistant managers will be responsible to refer employees to EWS after identifying the employees who needs assistance.

## **17. Human Capital Management**

- a) The EWS subdivision will provide counselling to both the client and family members.
- b) The EWS will facilitate the referral of employees to external institutions (rehabilitation).
- c) The EWS will provide after-care service to the employees should the rehabilitation not be able to provide it.
- d) The EWS will provide **Psychosocial Assessment and** evaluation of an individual's mental health and social well-being

## **18. Corporate administration**

- a) Auxiliary services will be requested to provide transport for employees who do not have transport to go to the rehabilitation centers.

## **19. Corporate communications and customer care**

- a) Will notify employees about the programs that EWS is providing for the employees.

## **20. Departments/divisions/subdivisions**

- a) Affected department/division/sub- division must identify employees who may be at risk/ or who appear to be under the influence of drugs and/or alcohol/ substances.
- b) Employees must be referred to EWS for psychosocial intervention.

## **21. INSTITUTIONAL ARRANGEMENTS**

- a) Supervisors must manage performance and address substance-related behaviour immediately, referring affected employees to Employee Wellness Services (EWS) as soon as practicable for professional intervention.
- b) Employees are responsible for their rehabilitation costs.
  - i) Those with medical aid must use their medical benefits.
  - ii) Those without medical aid must pay their own costs and may make independent rehabilitation arrangements.

- c) Rehabilitation is voluntary, but refusal followed by continued substance-related behaviour may result in disciplinary action. Such cases must be referred to Employee Relations Management (ERM).
- d) Employees must participate in after-care where required and are responsible for their own transport to rehabilitation and after-care sessions, including pass-outs.
- e) EWS must provide follow-up and after-care for at least three months, unless provided by the rehabilitation centre or support groups (e.g., Alcoholics Anonymous).
- f) If EWS pays for an external assessment, the employee must repay the cost if sobriety is not maintained within two years. The Municipality will only fund one assessment per employee during their employment.
- g) HCA must supply leave information for employees going into rehabilitation. Special leave may only be requested when all sick and annual leave are depleted.
- h) Employees who fail to complete rehabilitation or self-discharge may be subjected to disciplinary action if work performance is affected.
- i) Employees who relapse within 12 months after completing rehabilitation may be granted one additional opportunity, at their own cost and subject to available leave.
- j) Employees who continue relapsing after 12 months, or persist in alcohol/drug-related misconduct, must be referred to Employee Relations for disciplinary processes.
- k) Substance-related misconduct or poor performance remains subject to disciplinary procedures even if the employee is undergoing treatment.
- l) Supervisors may request a breathalyser test when intoxication is suspected and must coordinate with the Public Safety Division.
- m) Supervisors must record observable signs of intoxication (e.g., smell, slurred speech, unsteadiness) when unexplained, and such recordings may be used as evidence.
- n) Employees believed to be under the influence must be removed from duty, and under no circumstances may they perform work—especially when driving municipal vehicles, operating machinery, or handling municipal finances.
- o) When all supportive and corrective measures fail and the employee continues consuming intoxicating substances at work, the employer reserves the right to dismiss the employee.

## **22. MONITORING AND EVALUATION**

- a) Monitoring and evaluation of the programme will be a continuous process by the EWS Sub-Division.
- b) The EWS Sub-Division of HCM will also monitor and evaluate the effectiveness of the policy.
- c) Should there be reasonable grounds to suspect that an employee has sold, purchased, used or is in possession of alcohol, drugs or drug paraphernalia on MCLM premises, an inspection may be carried out on the employee's personal effects (lunch boxes, tool boxes) or vehicle or any MCLM property.

### **23. LEGAL DRUGS**

- a) The use of legal drugs may affect the safety of the employee or co-workers or members of the public, the employee's job performance, or the safe or efficient operation of the workplace or facility.
- b) Any employee who is taking any legal drug which might impair safety, performance, or any motor functions must advise his/her supervisor before reporting to work under such medication.
- c) If the Supervisor determines that such use does not pose any safety or product quality risk, the employee will be permitted to work under constant strict supervision.

### **24. IMPLEMENTATION OF THE POLICY**

- a) The implementation of the Substance Abuse Policy shall be affected a day after the approval by Council or immediately after being signed by the Municipal Manager.

### **25. FINANCIAL IMPLICATIONS**

- a) The implementation of the Substance Abuse policy has financial implications for the municipality.
- b) Implementation of some of the provisions of the Substance Abuse policy shall be subject to the financial viability of the municipality

### **26. POLICY COMMUNICATION**

- a) The Substance Abuse policy shall be socialised by HCM to all municipal employees using the full range of communication methods available to the municipality.

### **27. COMPLIANCE**

- a) Any violation of this Policy may be grounds for termination (as per the clause 2.7 of Sanctions for misconducts of the South African Local Bargaining Council- Disciplinary Procedure Collective Agreement

### **28. POLICY AMENDMENT AND REVIEW**

- a) The Policy shall be reviewed every second (2) year as necessary.

### **29. APPROVAL**

Municipal Manager	
Signature:	
Date approved:	
Effective Date:	

Approved