



Universität Hamburg

DER FORSCHUNG | DER LEHRE | DER BILDUNG

This is a translation of the German original. In the event of any discrepancy,
the German text prevails

Service Agreement
to prevent risky consumption and
manage addiction problems in the workplace

by and between

Universität Hamburg

and

Technical, Library and Administrative Staff Council (excepting UKE) (TVPR)

and

Academic Staff Council (excepting UKE)

(WIPR)



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Preamble

Risky substance abuse or addictive behaviors pose significant risks for all staff, for workplace health and safety, and workplace relationships. Thus, Universität Hamburg is committed to ensuring the health and well-being of its employees and a high degree of occupational safety and health protection. The central goal of this service agreement, therefore, is to prevent risky consumption and offer help in case of addiction. Addiction develops gradually and often becomes noticeable to those affected only when it manifests itself psychologically, physically, or socially. Early and consistent intervention in the workplace is among the most effective steps toward prevention or a constructive solution to addiction. This service agreement should facilitate a suitable response to at-risk and addicted staff members and the offer of help at an early stage.

§ 1 Scope

This service agreement applies to all Universität Hamburg employees.

§ 2 Objectives

This service agreement aims to:

- maintain and foster the health of staff and to avoid job loss;
- counter substance abuse and risky consumption;
- create understanding of the complexities of addiction;
- offer support to those who tend to problematic consumption and help them return to work;
- help supervisors recognize at-risk staff members so that they can offer timely help;
- give supervisors greater certainty when dealing with staff members at risk of or suffering from addiction;
- ensure that staff receive advanced training on the topic;
- prevent risk, e.g., the risk of accidents that may be caused by the use of addictive substances and thus to increase occupational safety;
- reduce addiction-related sick-days and absenteeism;
- ensure equal treatment for the addicted staff member and provide conduct guidelines to all involved as well as to create transparency.

§ 3 Addiction counseling

- (1) Universität Hamburg offers addiction counseling.

(2) Its focus areas include:

- advising on taking responsibility with regard to risky consumption or addictive behavior;
- acting as a contact for all work areas facing the problem;
- providing the HR staff responsible with practical guidelines for prevention and intervention;
- advising managers on how to cope with risky consumption in the workplace;
- offering advanced training to supervisors and staff on addiction-related topics;
- confidential personal advising for those affected, supervisors, and colleagues;
- group and/or team advising;
- prevention in the form of raising awareness, PR, and providing advanced training opportunities;
- supporting affected staff members during and after out- or inpatient treatment and as they return to work;
- participating in conversations between addicted staff members and their supervisors pursuant to the chain of intervention;
- networking with internal and external support providers;
- participating in external networks for workplace addiction counseling.

(3) Addiction counselors are independent with regard to their expertise. Working time must be adapted to the needs of the task area. Addiction counseling staff members will be given opportunities for subject-related advanced training and supervision. The work area is responsible for ensuring sufficient staff.

(4) Addiction counselors are sworn to confidentiality.

(5) Personal information about seeking counseling or the content of counseling may be shared only if the individual in question agrees explicitly in writing.

§ 4 Dealing responsibly with potential addictive substances and behavior with potential for addiction

(1) For reasons related to occupational safety and health protection, anyone under the influence of alcohol, illegal substances, and other intoxicating or perception-altering substances is not suitable for work. When taking medication, observe the information about restrictions related to working or driving/mobility. Anyone who engages in risky non-substance-related behavior (e.g., excessive media consumption) or is suffering from an eating disorder and thus may also be impaired is also not suitable for work. Consequences may include: exhaustion, lack of concentration, reduced performance, and increased number of sick days.

- (2) Employees are prohibited from drinking alcoholic beverages or consuming intoxicating substances of any kind during work or in the workplace. There are minor exceptions for special social occasions, e.g., after a grade is announced following a successful colloquium.
- (3) All employees, especially managers, are obligated to comply with the provisions above.

§ 5 Endangering occupational safety

- (1) If staff members are not in a position to perform their duties without endangering themselves or others due to the consumption of alcohol, illegal substances, medication, or other intoxicants or perception-altering substances, or due to an eating disorder, they may not be permitted to work.
- (2) The following procedure is agreed in the case of acute impairment endangering safety:
 - a) If there are visible signs that a staff member is not in a position to perform duties without posing a danger to him or herself or others, the supervisor must intervene. Reports from colleagues must also be taken seriously.
 - b) If possible, the supervisor should also seek witnesses.
 - c) Decisions to remove staff members from the workplace must be based on observations of the respective staff member's behavior. The supervisor is expected to make a reasonable, understandable decision about the staff member's ability to work. No tests are required.
 - d) The supervisor must inform the staff member in question about the possibility of taking a blood test for addictive substances as proof that the staff member is not under the influence of intoxicants or, if the staff member is taking medication, to have a doctor attest to the staff member's ability to work. Any proof must be provided directly and without delay. Test results must be submitted in writing.

Furthermore, the staff member in question can be referred as an emergency case to the staff medical service to determine acute alcohol consumption or substance intoxication. A blood test only occurs with the consent of the individual in question.
 - e) If the individual in question continues to behave in an abnormal or dangerous manner, he or she cannot be permitted to continue working even if the test results are negative. In this case, however, no disadvantage should accrue to the individual in question.

- f) If the individual affected is sent home or to a doctor, the supervisor is obligated to ensure that individual can do so safely, if necessary via accompanied transport. The work area is responsible for any costs arising and a note pursuant to Appendix 6 must be prepared.
 - g) If the individual affected is at fault for an inability to work, he or she is not entitled to compensation or salary payments for the time missed. In this case, the individual bears the costs for transport.
- (3) Reduced occupational safety can also be the result of engaging in risky behavior unrelated to substances. In these cases, proceed in accordance with point 2 above.
- (4) If an employee is at fault for being unable to perform or continue work duties for reasons of safety, his or her supervisor must conduct a level 1 meeting in accordance with the chain of intervention pursuant to Appendix 1 if the chain of intervention has not yet been initiated.
If meetings within the chain of intervention have already taken place, the next meeting will be scheduled for the near future.
- (5) Meetings pursuant to subsection 4 are among the supervisor's obligations.

§ 6 Addressing abnormal behavior—duty-of-care meetings—initiating the chain of intervention

- (1) Early and consistent intervention in the case of abnormal behavior is the most effective measure when dealing with addiction in the workplace. The longer risky and endangering consumption and behavior continues, the greater the negative effects in all areas of life. Thus, as part of duty-of-care, the supervisor should initiate a meeting when they have become aware of abnormalities related to personal relations, health, or social relations but indications of addictive substance consumption or displays of clearly addictive behavior have not yet manifested. In this confidential meeting, the changes and abnormalities perceived should be specifically named. The supervisor should offer support and provide information about support services, especially addiction counseling at the University or external providers (for example, self-help groups). This duty-of-care meeting is strictly confidential. It is in no way disciplinary. The goal is to indicate to the staff member at an early stage that changes have been noticed and that the staff member can expect managerial support if desired. Duty-of-care and clarification are the primary goal. The duty-of-care meeting does not necessarily have to take place prior to initiating the chain of intervention. To prepare for the meeting, use Appendix 3.

- (2) The chain of intervention pursuant to Appendix 1 is initiated if there is a violation of labor or civil-service legal obligations or these are neglected or there is a disturbance at the workplace and there is reason to suspect that the risky consumption of addictive substances or addiction-related behavior may be the cause. The chain of intervention is a systematic sequence of meetings intended to offer help to the individual whose behavior has become problematic and to sanction the dereliction of duty accordingly. The chain of intervention is an integral part of the service agreement and provides a framework of action for managers.
- (3) With regard to the duty-of-care meeting and/or initiating the chain of intervention for professors, see Appendix 2.
- (4) If the disturbances in the workplace or “abnormalities” in the form of neglect of duties or civil service legal obligations could be related to the consumption of addictive substances or addiction, the supervisor should contact addiction counseling for advice about the next steps. If both parties conclude that disturbances and violations could be linked to risky consumption of addictive substances, the supervisor must meet and discuss with the individual in question in accordance with level 1 in the chain of intervention.
- (5) The staff member responsible for the case will be provided with guidelines for preparing and conducting the first meeting in the chain of intervention (see Appendix 1). The supervisor must again consult with addiction counseling before each intervention meeting. Further meetings are prepared by the people directly involved (see Appendix 1) without the individual in question. Addiction counseling advises everyone involved about the next steps. In particular, the evaluation of abnormalities must be agreed, as well as any consequences, which offers of help are made, or which requirements need to be fulfilled, and which sanctions, if any, will be levied. Furthermore, it will be decided who plays which role at the meeting.
- (6) For serious violations, the chain of intervention can be set aside in individual cases. In these cases, far-reaching steps related to labor or civil service law can be taken immediately.

§ 7 Procedure in case of continued abnormal conduct

- (1) If during the chain of intervention the individual in question changes behavior only temporarily or, subsequently reverts to neglecting or violating obligations related to labor or civil service law, the next stage of action is set into motion.
- (2) If, following successful treatment, the individual relapses into abnormal behavior, then everyone involved in the last meeting in the chain of intervention must meet without delay to discuss the next steps. Addiction counseling must be notified if not yet involved in the other meetings.

§ 8 Returning to work

- (1) Immediately following treatment or therapy, the supervisor and addiction counseling have a meeting with the individual in question to discuss the best ways to ensure a successful return to work. A representative of the staff council or another person who enjoys the trust of the individual in question can take part in the meeting.
- (2) At this meeting, it must be made clear that a relapse can have serious occupational or legal consequences.
- (3) The supervisor will have duty-of-care meetings with the individual in question at least every six months for the following two years.
- (4) Applications from employees previously fired due to problems with addiction who reapply to Universität Hamburg after successfully completing treatment will be considered with benevolence. If they are rehired, there will also be a return-to-work procedure.

§ 9 Validity

- (1) This service agreement enters into force when signed. It rescinds and replaces the service agreement of 15 May 1997.
- (2) This service agreement can be terminated by the conflicting parties at any time with three months notice.
- (3) This agreement may be terminated only upon written notice that bears an original signature. If the work area in question terminates the agreement, it must notify both staff councils. If a staff council terminates the agreement, it must notify the work area. Termination by one staff council does not affect the validity of the service agreement between the other staff council and the work area in question. A new agreement must be negotiated without delay. In case of termination, this service agreement remains effective until a new agreement and/or for a maximum of 12 months.
- (4) This service agreement can be suspended or amended at any time via written agreement by the conflict parties; this does not require termination. As long as any changes or a suspension of the service agreement affect only those represented by the staff council, the change or suspension can be made via written agreement by the work area and relevant staff council. The other staff council needs to be notified.
- (5) If individual provisions of this service agreement are invalid, this does not affect the validity of the other provisions in the agreement.



Hamburg, _____

Univ.-Prof. Dr. Hauke Heekeren
President

Dr. Martin Hecht
Head of Administration

Univ.-Prof. Dr. Peter Burger
Chair of the Academic Staff Council (WIPR)

Björn Pamperien
Chair of the Technical, Library and Administrative Staff Council (TVPR)

Appendix 1—Chain of Intervention Pursuant to Section 6 of the Service Agreement

The chain of intervention gives all managers at Universität Hamburg a binding framework for dealing with colleagues suspected of risky consumption of addictive substances or addictive behaviors impacting their work.

The chain of intervention is divided into five levels and starts as soon as a staff member violates obligations pursuant to labor or civil service law in connection with possible addiction. In individual cases, deviations from the chain of intervention are possible.

Levels should be conducted at no more than six to eight week intervals. After this period (eight weeks maximum), subsequent meetings must take place. If the behavior of the individual in question has changed or if the individual has sought therapy or entered treatment, there is a feedback meeting to acknowledge the positive developments. If behavior hasn't changed and/or there are any new problematic behaviors, the chain of intervention proceeds to the next level.

Before starting the chain of intervention, the supervisor must consult with addiction counseling on how to proceed in the chain of intervention. Contact information is available on the homepage or in Universität Hamburg's Staff Service Portal.

Level 1

In the case of violations related to labor or civil service law or disruptions to daily operations that may be related to risky consumption or addiction, the supervisor must have a meeting with the individual in question.

Measures:

- The manager notes the meeting (Appendix 4).
- The manager must agree a date and time for a subsequent meeting in six to eight weeks.

Participants:

- individual in question
- direct supervisor
- addiction counseling
- staff council (upon request of the individual in question)
- if applicable, disability representative (upon request of the individual in question)

Discussion topics:

- information about confidentiality
- concrete facts, times, places, incidents
- expressing concern that the staff member may have a problem impacting work and performance and/or workplace
- addressing noticeable behavioral issues in the workplace, expressing suspicion that behavior is associated with risky or addictive consumption or conduct
- allowing the individual in question to defend their position regarding the facts and incidents presented
- expressing supervisor's expectations for future work conduct
- pointing out levels in chain of intervention and procedures in case of further problems (providing individual in question with this service agreement)
- informing about counseling services
- arranging a time and place for a subsequent meeting in six to eight weeks and informing individual in question that their behavior will be subject to observation during that time

This discussion is strictly confidential but must be documented, including date and results (Appendix 4). Documentation or notes taken by the supervisor must be stored securely and in confidence. At this point, the documentation is not yet added to the personnel file. The individual in question receives a copy and confirms receipt by signing.

Feedback meeting (only in case of positive change in behavior)

Where behavior improves, a feedback meeting is scheduled within the agreed-upon time frame (eight weeks maximum). The goal of this meeting is to acknowledge the positive changes. In case of positive changes, the documentation for the initial meeting is destroyed after six months.

Participants in the feedback discussion:

As in the previous discussion.

Level 2

If there are new violations with respect to labor or civil service law or disruptions in the workplace in connection with behavior that may be related to risky consumption or addiction, the supervisor responsible must schedule another meeting.

Measures:

- potential introduction of sanctions (related to labor or civil service law)
- arranging a date and time for a subsequent discussion in six to eight weeks
- meeting documented by HR (Appendix 5)
- documentation filed in personnel file

Participants:

- individual in question
- direct supervisor
- HR
- addiction counseling
- staff council (upon request of the individual in question)
- if applicable, disability representative (upon request of the individual in question)

Discussion topics:

- listing facts and relating them to the content of the previous meeting
- re-identifying suspected link to addiction or use of addictive substances
- allowing the individual in question to defend their position regarding the facts and incidents presented
- repeating information about support services
- recommending the individual contact counseling services
- announcing consequences in the event of further problems (e.g., doctor's note starting from first day, contacting the staff medical service for civil servants); repeating information about the chain of intervention — for civil servants, review to initiate disciplinary proceedings and possible written statement of concern
- arranging a time and place for a subsequent meeting in six to eight weeks and observing behavior of the individual in question

HR will add the meeting documentation to the personnel file.

The individual in question receives a copy of the documentation and confirms receipt by signing.

Furthermore, the documentation from the first meeting with the supervisor is forwarded to HR and added to the personnel file. The individual in question is notified.

Feedback meeting (only in case of positive change in behavior)

A feedback discussion is scheduled for positive behavior within the agreed-upon time frame (eight weeks maximum). The goal of this meeting is to acknowledge the positive changes.

The individual in question is informed that in case of any new concerns within a year, the chain of intervention will proceed to level 3. If positive behavior continues after a year (and longer), any new concerns will be addressed starting again at level 1.

Participants in the feedback discussion:

As in the previous discussion.

Level 3

If there are new violations with respect to labor or civil service law or disruptions in the workplace related to risky consumption or addiction, the supervisor responsible must schedule another meeting.

Measures:

- introduction or, if applicable, continuation of sanctions with respect to labor or civil service law
- arranging a date and time for a subsequent discussion in six to eight weeks
- meeting documented by HR (Appendix 5)
- documentation filed in personnel file

Participants:

- individual in question
- direct supervisor
- HR
- addiction counseling
- staff council
- if applicable, disability representative (upon request of the individual in question)

Discussion topics:

- listing new facts and relating them to the content of the previous meeting
- again identifying suspected link to addiction or use of addictive substances

- urgently recommending that the individual seek help, including direct counseling, therapy, or treatment providing addresses and telephone numbers and once again listing addiction counseling support offers
- notifying the individual that staff medical service is being contacted
- If the individual denies an addiction and expresses no willingness to make changes, the supervisor makes clear that any further violations of obligations related to labor or civil service law or disruptions in the workplace can lead to a termination of contract or have disciplinary consequences. The supervisor also provides information about the further steps in the chain of intervention. At level 3, possible sanctions in accordance with labor or civil service law (for pay scale employees) include, for example, a warning or (for civil servants) disciplinary proceedings.
- arranging a time and place for a subsequent meeting in six to eight weeks and observing behavior of the individual in question

If the individual in question demonstrates that misconduct or low performance might be related to addiction, he or she is requested to seek counseling, therapy, or treatment. The individual is also assured that he or she will receive support from addiction counseling services.

The meeting is documented and added to the personnel file. The individual in question receives a copy of the documentation and confirms receipt by signing.

Feedback meeting (only in case of positive change in behavior)

Where behavior improves, there are no further legal consequences. The feedback meeting is held after six to eight weeks and again every three months for three years.

In case of any new problems within two years, the chain of intervention will continue with level 4. If positive behavior continues for two years (and longer), any new concerns will be addressed starting again at level 1. The individual in question is notified.

Participants in the feedback discussion:

As in the previous discussion.

Level 4

Another meeting is held if there are any new violations related to labor or civil service law or disruptions in the workplace due to risky consumption or addictive behavior and if the individual in question does not seek help.

Measures:

- expanding or, if applicable, continuing sanctions with respect to labor or civil service law
- arranging a date and time for a subsequent discussion in six to eight weeks
- meeting documented by HR (Appendix 5)
- documentation filed in personnel file

Participants:

- individual in question
- direct supervisor
- HR
- addiction counseling
- staff council
- if applicable, disability representative (upon request of the individual in question)

Discussion topics:

- listing facts and relating them to the content of the third meeting
- emphasizing possible connection to risky consumption / addictive behavior
- recommendation / request from HR in writing to seek counseling services and/or therapy or treatment without delay as addiction risk can no longer be discounted
- making clear that supervisor/employer is no longer prepared to accept problematic behavior and/or low performance and that (further) sanctions related to labor or civil service law are likely or are being applied for pay-scale employees: clarify that termination is the next step for civil servants: disciplinary measures will be taken
- arranging a date and time for a subsequent discussion in six to eight weeks supervisor observes subsequent development

The meeting is documented and added to the personnel file. The individual in question receives a copy of the documentation and confirms receipt by signing.

Feedback meeting (only in case of positive change in behavior)

Where behavior improves, there are no further legal consequences. The feedback meeting is held after six to eight weeks and again every three months for three years.

In case of new problems within the next two and a half years, the case continues at level 4. If positive behavior continues after two and a half years (and longer), any new concerns will be addressed starting again at level 1. The individual in question is notified.

Participants in the feedback discussion:

As in the previous discussion.

Level 5

If the individual in question has not changed his or her behavior and if there are further violations related to labor or civil service law and improvement can no longer be expected, the case proceeds to the last level of the chain of intervention.

Measures:

- initiating measures to terminate employment
- meeting documented by HR (Appendix 5)
- documentation filed in personnel file

Participants:

- individual in question
- direct supervisor
- HR
- addiction counseling
- staff council
- if applicable, disability representative (upon request of the individual in question)

Discussion topics:

- listing new facts and relating them to the content of the previous meeting
- ascertaining that offers of help have failed
- information about terminating employment (for pay scale employees) or continuation of disciplinary proceedings (for civil servants)

If the individual has not sought help, HR must initiate measures to terminate employment.

Appendix 2—Recommendations for Handling Suspected Addiction Issues (Professors)

The president oversees professorial staff despite limited contact. Generally, abnormalities are observed by colleagues and students rather than the president. This means that the president needs to be informed of any abnormalities using the appropriate channels.

Colleagues' perceptions

If a professor's colleagues notice troubling behavior, they are urged to contact addiction counseling at Universität Hamburg to verify their perceptions and discuss possible further steps.

In many cases, the first step is a confidential one-to-one discussion between colleagues, that is, between the person seeking advice and the professor in question; this should include information about support services offered by addiction counseling at Universität Hamburg.

If the professor does not wish to participate in such a discussion, or if the troubling behavior does not cease, or increases or even endangers workplace safety or operations, the procedure is as follows:

- the person who has observed the behavior writes a note to the president,
- providing the professor's name and precise information (who, what, when, where).
- If desired, addiction counseling can help composing the note.
- The note is then forwarded to the president.

Based on the note, the president decides whether or not to arrange a meeting with the professor in question.

Based on the incidents described, the president decides whether the meeting is a duty-of-care meeting within the meaning Section 6 of the service agreement or the parties should proceed to level 1 in the chain of intervention. In individual cases, addiction counseling can be invited to the meeting.

If there are further problems, there will be a review to determine whether the chain of intervention pursuant to Appendix 1 should be used.

University Staff and/or Student Perceptions

If University staff members or students perceive a professor's behavior as troubling, they should write and send a note to the president with precise information (who, what, when, where). Based on the note and the behavior, the president decides what



kind of meeting should take place and with whom (e.g., possibly a one-to-one meeting with the head of the department or dean) or whether the meeting will be conducted by the president.

Based on the perceptions provided, a decision will be made about whether to add the note to the personnel file or if the president will file and store the note confidentially. If there is positive change or no further incidents or troubling behavior, the note must be destroyed after six months.



Appendix 3—Preparing for the Duty-of-Care Meeting

Which behaviors / incidents are worrying you or have raised concern?

- work conduct
- social conduct
- health
- unusual incidents

What do I wish to achieve in this meeting?

How do I wish to initiate the meeting?

How should the employee behave in the future?

What are the consequences if nothing changes?

What help can I offer?



Appendix 4—Noting the Meeting to Clarify Matters

Meeting held on _____ with (First and Last Name)

Supervisor _____

Reason for meeting

Abnormalities

Offers of help

Next meeting:

Signatures:



Appendix 5—Levels in Chain of Intervention Minutes

Meeting held on _____ with (First and Last Name)

Supervisor _____ Level _____

Further participants: _____, _____, _____,

_____, _____

Minute-taker: _____

Troubling behavior in the workplace (What? Towards whom? Where? When?)

Other/further troubling behavior

Offers of help

Announced consequences

Agreements / conditions

Next meeting:

Signatures:

Appendix 6—Transport Home

It is important to ensure that the employee arrives safely at home or, if necessary, at the hospital. If it seems that the individual in question is not able to get home independently by taxi, relatives should, if possible, be notified. If no relatives can be contacted, a colleague may also be released from work to accompany the individual in question home. If the state of the relative is also of concern, immediately contact an ambulance.

Under no circumstances should the individual in question be permitted to drive or bicycle home. If the individual in question cannot be prevented from doing so, the police must be notified without delay.

Note: It is not permitted to have another employee drive the individual in question home using a private vehicle.

1. How is a trip home / the pick-up handled?

- Notify relatives
- Ambulance / transport to hospital
- Taxi
- Notify police / police detention
- Public transport
- Not necessary

2. Who is notified? (mark accordingly)

- Relatives
- HR Service / 6
- Police
- Municipal social and psychiatric services / emergency medical service

3. Participants:

- a) Supervisor who has ordered transport home / pick-up:

Last Name, First Name, Department / Area

- b) Witness

Last Name, First Name, Department / Area

- c) Escort



Last Name, First Name, Department / Area

d) If picked up by relatives

Last Name, First Name

e) In case of ambulance transport to hospital or police detention

Hospital or police station

4. Costs for transport home

a) Amount?

b) Who paid for the transport?

Date, time of incident, supervisor's signature