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## ALCOHOL AND DRUGS POLICY

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### 1. INTRODUCTION

Under the Health and Safety at Work Act 1974, companies have a legal requirement and responsibility to provide a safe working environment for all their employees.

This policy applies to all employees working for the Company. In addition, before embarking on a working relationship with a third party (e.g. an employment agency), the Company will ensure that they agree to compliance with the policy irrespective of their own existing policies and practices.

The Company will aim to ensure all of its employees are clear about the rules concerning alcohol and drug misuse and the consequences of breaching those rules. However, the company also recognises that many alcohol and drug problems can be resolved successfully with early medical intervention, counselling and treatment, and with commitment and understanding on both sides. In such circumstances, so long as the problem has been identified and/or admitted before serious misconduct issues have arisen, the company will be understanding and may offer the employee help and assistance in making a satisfactory and speedy return to full fitness and work.

### 2. DEFINITION OF TERMS USED IN THIS POLICY

**Substances** – includes but is not limited to alcohol, drugs and solvents.

**Alcohol** – includes, but is not limited to distilled spirits, liquor, beer, wine, malt liquor, or any other intoxicants used for beverage purposes.

**Drugs** – any psychoactive substance (those drugs that affect mood, thought process or perception), available both legally and illegally. A non-exhaustive list would

include all those drugs covered by the Misuse of Drugs Act (1971) and The Medicines Act (1968).

**Illegal drugs** – all those drugs covered by the Misuse of Drugs Act (1971).

**Dependency / addiction** – where the user has adapted physically and/or psychologically to the presence of a substance and would suffer if it were withdrawn abruptly.

**Company premises** – to include all premises the Company has responsibility for and includes all Company vehicles.

**Impaired / intoxicated** – (Alcohol) In terms of this policy, any person who has Breath Alcohol Concentration that exceeds 35 micrograms per 100 millilitres of breath or equivalent in Blood Alcohol Concentration, (to be confirmed by an appropriate test) is deemed to be intoxicated and therefore be impaired.

**Impaired** – (Drugs) In terms of this policy, any person found to have consumed illegal drugs or used drugs in an unsanctioned or reported way (to be confirmed by an appropriate test) is deemed to be impaired through drugs.

**Misuse** (of substances) – this applies to using substances in an unsanctioned way. For example any illegal drug use, or using drugs for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical doctor or pharmacist. It also applies to substances that are harmful or hazardous to the individual or to others and is likely to distort perception and response to the user's environment and can impair normal functioning and development.

### 3. RULES

The undernoted rules exist primarily to protect the safety of employees and the public alike, and disregard of them will be treated as serious misconduct and lead to disciplinary action and possibly dismissal (either with or without notice, depending on the merits of the case).

- a. Staff must not report for work under the influence of alcohol as this may lead to impairment in the performance of their duties.
- b. Staff must not consume alcohol during working hours (including whilst on standby) or during lunchtime / other work breaks.
- c. Staff who are representing the Company outwith working hours e.g. by entertaining or being entertained by clients or who have to stay overnight whilst on business will be required to take a sensible approach to social drinking and act in a responsible manner. Any behaviour which is seen to damage the reputation of the Company may be treated as misconduct.

- d. Staff must not use, sell, possess, be under the influence or be impaired by the use of opiates, cocaine, marijuana, heroin, amphetamines, solvents, tranquillisers, or any other drugs for non-medical reasons, whilst on Company premises and work sites or whilst on Company business. Staff found to be selling or in possession of any illegal substance will be reported to the police without exception as these are classed as criminal offences under the Misuse of Drugs Act 1971.

In connection with any of the above, staff may be required to present themselves for examination by one of the Company's Medical Advisers which may include testing.

#### **4. PRESCRIBED/OVER THE COUNTER MEDICATION**

Staff on prescribed or over the counter medication must seek advice from a pharmacist or GP regarding any side effect which could cause impairment before reporting for duty. If an employee is advised that there is likelihood that the impairment will have an effect on their ability to perform their duties, they must inform their Line Manager or if they feel unable to do so, their local HR Manager. Their Manager/Human Resources Manager may seek advice from an Occupational Health Advisor, following which alternative duties may be considered. This information will be kept confidential and held in a secure file with limited access.

#### **5. TESTING PROCESS**

In order to monitor the effectiveness of the policy and ensure compliance, testing will be used as a means to detect any breaches in its rules. Depending on the circumstances, following a positive result, Employees may be given support to help them resolve the problem or dealt with in accordance with the Company's Disciplinary Procedure.

Testing for the use of unauthorised substances as outlined in this section below will be carried out in the following circumstances:

- i. **Pre-employment medical**

All prospective Employees will be asked a series of questions to establish if they have a current or past dependency on drugs or alcohol. Depending on the results, they may or may not be offered employment with the company. All prospective employees may be randomly tested as part of the screening process. Any person who tests positive for the substances noted below will have their offer of employment withdrawn. Any candidate who refuses the test will not be offered employment with the Company.

- ii. **With cause or post incident**

Where there is a reasonable belief that an employee may be under the influence of alcohol or drugs, "with cause" testing may be used. Employees who receive a positive result will be referred to a Medical Adviser for further

review. It should be noted that this will require two tests, the first will give a result at the time of testing, and the second will be sent to a laboratory for confirmation. As the second result cannot be produced immediately, the Company may suspend an Employee or offer them alternative duties on the grounds of Health and Safety until such time that the test results have been confirmed. In any case, test results should be confirmed within 3 working days unless this is not reasonably practicable.

The same process may be applied following an incident which is subject to a safety/disciplinary fact finding investigation.

### iii. **Customer requirement**

It may be necessary to agree to the provision of testing as part of the tendering process involved in gaining a new contract. As such contracts will be necessary for the continued growth of the business, the customers testing clause will supersede any provision the Company may have in their policy. Employees will therefore be required to submit themselves for testing (random or otherwise) should it be required under the terms of a customer contract.

Failure to submit to testing in such circumstances will automatically be deemed a fail and dealt with in accordance with the Company's disciplinary procedure. The employee may not be able to continue working on the particular contract.

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### **Random**

Employees, agency workers and contractors who carry out high risk or safety critical tasks at work may be subject to random testing.

Individuals would not be notified until their test was about to be carried out.

### **Testing Provisions**

A urine or breath sample will be used to detect the following substances:

- a. Alcohol
- b. Stimulants including amphetamines, ecstasy, cocaine and crack cocaine
- c. Barbiturates including high strength tranquilisers
- d. Benzodiazepines including high strength tranquilisers and valium
- e. Canabinoids including cannabis, grass and resin
- f. Hallucinogens including LSD
- g. Opiates including heroin and morphine

Levels that will determine a positive result/fail in accordance with the list above:

- a. Anything above the Government's legal drink/drive limit (currently 35 micrograms of alcohol per 100ml of breath or 107 milligrams of alcohol per 100ml of urine).
- b-g. In accordance with established legal and medical practice.

Refusal to submit a specimen of breath or urine for testing will automatically be deemed as a fail and may be dealt with in accordance with the Company's Disciplinary Procedure.

Test results will be sent back to the Company as positive (fail) or negative (pass).

## **GENERAL GUIDANCE**

As some general advice, the following lists, whilst not exhaustive, may give an indication that an employee is under the influence of alcohol or drugs:

### **Signs of current intoxication:**

- Smell of alcohol or solvents
- Unsteadiness
- Mood swings including aggressive behaviour
- Appearing to be unaware or detached from reality
- Incoherent speech / slurred words
- Poor communication and inappropriate comments to colleagues
- Anxious and irritable
- Glazed eyes
- Inappropriate giggling

### **Signs of long term problems:**

- Poor attendance / timekeeping
- Erratic periods of absence with no apparent underlying cause
- Poor work performance including variations in both quality and quantity of work
- Prone to accidents particularly slips, trips and falls
- Overall presentation of employee is deteriorating
- Lack of concentration / poor attention span
- Argumentative and irritable with no rational explanation
- Gradual/dramatic changes in a previously reliable employee

Managers should not rely solely on one particular element and individual circumstances should be taken in to consideration. They should also take any concerns expressed by fellow colleagues seriously as they have more close contact with the individual that may be affected.