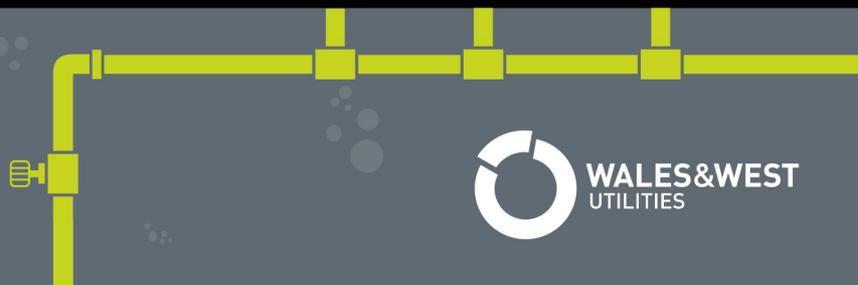


# Managing drugs & alcohol in the workplace



Version 2  
April 2015



### What is this document about?

This document sets out our policy on using and supplying drugs and alcohol, and describes the action we may take to protect the health, safety and wellbeing of our employees and the wider public. It also summarises our approach to 'for cause' testing.

### Who does it apply to?

This policy is jointly agreed and applies to all colleagues working for us and contractors working on our behalf.

### Important

We have written this policy for our employees, so where it says 'you', 'your' and so on, this means the employee.

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### 1. Policy statement

We want to be a safe and responsible company when it comes to our people, the environment and the communities we serve. Drug and alcohol misuse can have a negative effect not just on an individual worker, but on their colleagues, customers and the public. Having a safe working environment, providing excellent customer service and being able to make sound business decisions are all critical to our success.

Under the Health & Safety at Work Act 1974, Misuse of Drugs Act 1971, Corporate Homicide & Corporate Manslaughter Act 2007 and the Management of Health & Safety at Work Regulations 1999 we have legal responsibilities. We also have a duty of care to protect the health, safety and wellbeing of our employees and the public. As a result, we have a zero-tolerance approach to using or supplying alcohol or recreational drugs during working time, immediately before working time or during breaks in the working period whether paid or unpaid (for example, lunch breaks).

Contractors and agencies are responsible for making sure that their own policies and arrangements provide at least the same standard as ours, and for issuing this policy to individuals they ask to carry out our work.

## 2. Introduction – why we test for drugs and alcohol

We take the health, safety and wellbeing of our employees very seriously, and we expect our employees to take responsibility for their actions. Our attitude to drugs and alcohol is an important part of this. We believe that drug and alcohol misuse is unacceptable under any work-related circumstances and we will carry out 'for cause' testing and take strict disciplinary action if we feel this policy has been broken.

### Important

We have also designed this process to encourage those with dependency issues to come forward for help and support.

## 3. General principles

- We have a zero-tolerance policy on the misuse of all drugs and alcohol while at work.
- We will not accept anyone possessing, producing or supplying (selling or giving) illegal drugs on our sites, and will report them to the police.
- You must not drink alcohol on our sites during paid or unpaid time, for example your lunch breaks.
- You must not come to work in an unfit state for work as a result of taking drugs or alcohol. This includes if you are on standby or call-out.
- It is your responsibility, along with your general practitioner or pharmacist, to make sure that prescribed or over-the-counter medication does not affect your ability to work safely. If you have concerns about this, please talk to your line manager or Occupational Health.
- We will make sure that individuals who honestly declare that they are experiencing drug- or alcohol-related problems get appropriate and reasonable support at work.
- We will handle these situations sensitively and confidentially as long as you are not breaking the law. By offering support we expect you to make improvements. Your line manager will monitor progress over a period of time with support and advice from Occupational Health and a HR Business Partner, (HRBP) and other specialist support where appropriate.
- If you are returning to work after treatment for a drug or alcohol use problem, we may carry out random testing over a set period to make sure you can work safely and are not breaking the law.
- If you discontinue an agreed course of treatment for drugs or alcohol without good reason, we may take disciplinary action against you.
- We will carry out a drug and alcohol test on all new employees before they start working for us. If someone fails this pre-employment test, we will withdraw the offer of employment. This will apply to direct employment with us or with a contractor (and we will tell the contractor). The person applying for the job will not be allowed to work on our network, with us or with any other contractor who works for us.

- While we have a zero-tolerance approach to drinking alcohol during working time, we may occasionally buy alcoholic drinks for employees at formal functions. In these situations, your manager will agree authorised paid leave. If you have to work the next day it is your responsibility to make sure you are fit to attend work at your set start time and carry out your normal duties, for example, you must be fit to drive within the legal limit.

**Important**

Be aware your medicine could restrict your ability to work safely. If you have any concerns, please contact your GP, pharmacist or our Occupational Health Department.

**4. Confidentiality**

Results from drug and alcohol tests are treated as 'health data' and so are considered sensitive personal information under the Data Protection Act 1998. As a result of this, concerns raised under this policy are confidential. Access to information will be on a need-to-know basis, and all information must be treated as confidential. Breaking this confidentiality (including informal discussions with colleagues) may result in us taking disciplinary action.

We will keep records confidential within our Occupational Health Department and in line with the Data Protection Act 1998, which does allow us to release the information to certain people if they ask. The act states that we should only keep information that we still need. As a result, we will delete any information we no longer need.

**Important**

We may reveal documents if legal proceedings are taken.

**5. Management guidance**

If a drug or alcohol use problem is identified, it is the line manager's responsibility to manage the situation at work appropriately in line with this policy, as well as telling the affected employee about the support available through Health Matters on 08009 888 809 or Occupational Health on 02920 278 789. Managers must make themselves aware of the variety of policies and procedures which may be used to support employees depending on the circumstances of each case. HR Business Partners (HRBP) and Occupational Health will be available to support managers with this.

We will encourage you to get confidential help from your general practitioner or local drug and alcohol services. Your line manager may agree to you taking time off work to go to your GP or a self-help group.

**6. Roles and responsibilities**

**Human Resources are responsible for:**

- maintaining the policy;
- making sure that the policy is regularly reviewed;

- proposing any appropriate changes;
- making sure appropriate consultations are carried out with recognised trade unions;
- issuing the policy to new employees;
- making sure people are aware of the policy within the company;
- giving advice and support to employees and managers when a problem is identified; and
- making sure that managers and safety representatives are trained and aware of how to apply this policy and deal with these matters.

### Occupational Health

It will usually be necessary to refer you to Occupational Health. Following the referral, you will be contacted with a date for a face-to-face assessment. OH will also provide:

- briefing material for employees and managers on the effects of drugs and alcohol, their effect on health and work, and how to get help;
- advice to managers who have specific queries;
- support for employees who come forward with an alcohol or drug abuse problem; and
- counselling or other appropriate medical specialist advice.

### 7. Raising your concerns

If you have any concerns about you or a colleague, speak to your line manager. If you cannot discuss this with your manager, you can speak to a HR Business Partner or your senior trade union representative. However, if you make any malicious claims (without proof or good reason) we will take disciplinary action.

### 8. For cause' testing basically means a test taken when there is a reasonable cause to do so.

To make sure the controls stay effective in managing the misuse of drugs and alcohol at work, we may carry out 'for cause' testing on employees for drugs and alcohol in the following circumstances.

- An accident involving any vehicle on our premises or any site under our control.
- Damage to property (ours or someone else's). When this happens, a manager (normally the front-line manager) will go and assess the situation as part of their normal immediate on-site incident assessment. As part of the review they will have to carry out a risk assessment and provide this to a senior manager and HR, who will jointly make a decision on whether to ask for a test based on the content.
- Damage or injury to yourself or others.
- Behaviour or evidence that could indicate that someone is under the influence of drugs or alcohol.
- An alleged incident of alcohol or drug misuse that has been brought to our attention by an employee or member of the public.

**Important**

Only a panel made up of an authorised senior manager and a member of the HR team can authorise 'for cause' testing. We will give the appropriate training to all panel members. Please see guidance note 2.

**9. The Process**

If we have reasonable cause to test for drugs or alcohol, the testing will be carried out professionally by a specialist independent provider, Alere Toxicology Plc managed by our Occupational Health Department. Alere will have an effective procedure in place to make sure:

- any drugs and alcohol tests are carried out in line with the requirements of this policy and in line with the Health & Safety at Work Act 1974, the Misuse of Drugs Act 1971, the Corporate Homicide & Corporate Manslaughter Act 2007 and the Management of Health & Safety at Work Regulations 1999;
- the sample is produced by the employee and has not been tampered with;
- the laboratory analysis and interpretation of the results are accurate;
- the highly sensitive data is kept secure; and
- there are arrangements to make sure the dignity of the employee is not affected. (For more details, please see guidance note 1.)

We cannot force employees to provide samples. However, we believe this to be a reasonable request from management. As a result, if you refuse or deliberately interfere with the test procedures, we will treat this as you breaking this policy and take disciplinary action which would be the same as if you gave a positive result. Samples may test for both drugs and alcohol.

**10. Responding to a positive result**

If you test positively for drugs or alcohol, your manager will deal with you based on the effect on people's safety and on property. We can deal with you through either our sickness absence procedure or the disciplinary procedure. If your line manager has told you that you have had a positive result, you will go through the following steps.

1. You will be referred to our occupational specialist provider for more advice.
2. We will take advice from a HR Business Partner if we need to suspend you on medical grounds.
3. We will begin an investigation under stage 3 of the disciplinary process so we can assess all of the facts surrounding the case.

The outcome of these actions will support any decision that needs to be made.

**Important**

Cases will be managed by a grade-6-level manager with a senior trade union representative and advice from a HRBP.

The only exception is when the level of drug detected is consistent with a medical dose and **you have declared, before testing**, any drug named in the Misuse of Drugs Act 1971 and any future amendments to that act. It is important to note that you can declare prescribed medication at any point to our Occupational Health Department. Again, if you are in any doubt about this, get advice from your GP or pharmacist.

### **Important**

We will measure the effects of this policy and the monitoring process after 12 months. We can then make changes, where necessary, alongside the trade union.

### **Other related policies and more information**

- Health & Safety Policy
- Health & Wellbeing Policy
- Disciplinary Procedure
- Managing stress in the workplace
- MIND for better mental health
- General Rules of Conduct
- Drivers and operators handbook
- Alcoholics Anonymous (A.A.) Great Britain
- UK Narcotic Anonymous
- Cocaine Anonymous – And All Other Mind-Altering Substances
- Drug and alcohol – Live Well – NHS Choice