

1. Introduction

- 1.1 The Company is committed to maintaining healthy, safe and productive working conditions for its entire staff. The Company recognises the impact that both alcohol and drugs may have upon an individual's ability to work safely and correctly, including the serious potential health and safety risk to the individual and others. As such, the Company is committed to maintain a working environment free from the inappropriate use of substances and where its employees can carry out their duties in a safe and efficient manner.
- 1.2 The Company recognises that in certain circumstances an alcohol or drug problem can be an illness. Depending on the nature of the role (and whether there is any underlying illness/addiction and any other relevant factors), the Company may be able to address the issue as a capability matter. This is unlikely to be possible where the role is health and safety critical, in which case the disciplinary rules set out below will be applied. For the avoidance of doubt, the Company considers all site workers to have health and safety critical roles given that there is, to some degree, access to tools and/or equipment, working at height or otherwise the potential to present a health and safety risk on site.
- 1.3 This policy is designed to prevent and address problems created in the workplace by inappropriate alcohol consumption and drug usage.
- 1.4 Matters concerning alcohol or drug misuse will be kept confidential as far as possible though in certain circumstances it will be necessary to inform an employee's manager of alcohol/drug issues.

2. Policy Objectives

- 2.1 To safeguard the health and safety of all those working on site and also to safeguard the future of the Company given the serious financial and reputational implications of workers attending sites with drugs in their system (and the 'red card' system operated by main contractors for failing drugs tests).
- 2.2 To alert all employees to the risks associated with drinking alcohol and using drugs and to promote good practice and a progressive change of behaviour and attitude concerning use.
- 2.3 To encourage and assist employees who suspect or know that they have an alcohol or drug problem to seek help at an early stage.
- 2.4 To offer (where appropriate) an employee a referral to an appropriate agency or department for assessment and, if necessary, specialist help. This may not be possible where the role carried out by the employee is a health and safety critical role.

3. Policy Application

- 3.1 This policy applies to all employees within the Company. For the purposes of this policy the term 'drug' includes:
- 3.1.1 substances covered by the Misuse of Drugs Act 1971 (referred to as 'controlled drugs');
 - 3.1.2 prescribed and over the counter drugs;
 - 3.1.3 solvents and any other similar substances; and
 - 3.1.4 'legal highs', psychoactive drugs and new psychoactive substances (even where these may not be banned under the Misuse of Drugs Act 1971)
- 3.2 In addition to the Company's employees, this policy shall be observed by all agency staff, contractors, consultants and any other individual working for, at or on behalf of, the Company.

4. Disciplinary Rules

- 4.1 The standards are as follows:
- 4.1.1 The Company operates a zero tolerance approach to drugs and accordingly, we will not accept staff arriving at work under the influence of alcohol or drugs, and/or with drugs in their system (to the extent that this has resulted in a failed drug test) and/or whose ability to work is impaired in any way by reason of the consumption of alcohol or drugs, or who consume alcohol or take drugs (other than prescription or over the counter medication, as directed) on our premises.
 - 4.1.2 The consumption of alcohol by members of staff is prohibited at any time when working or before work whenever work performance might be adversely affected, except in a genuine case of client entertaining.
 - 4.1.3 The use of drugs (as defined above) by members of staff is prohibited at any time when working or before work whenever work performance might be affected. Employees who are prescribed by their doctor drugs that may affect their ability to work and/or drive and/or operate machinery must immediately discuss the problem with their manager.
 - 4.1.4 Dispensing, distributing, possessing, using, selling or offering to buy controlled drugs at work is prohibited. Any such activity (including reasonable suspicion of it) on the Company's premises will be reported immediately to the police.
 - 4.1.5 Any employee who is found to be in breach of these rules will be liable to dismissal on the grounds of gross misconduct under the Company's Disciplinary and Dismissal Procedure.

5. Medical Examination

- 5.1 If the Company suspects that there has been a breach of the above provisions, or an employee's work performance or conduct has been impaired through drug or alcohol abuse the Company will immediately invoke its disciplinary procedure which may result in the employee's dismissal or other disciplinary action. In investigating the incident, however, the Company may require the employee to undergo a medical examination to determine the cause of the problem.
- 5.2 If, having undergone a medical examination, it is confirmed that the employee has no underlying drug or alcohol problem, the Company will continue to deal with the issue under its disciplinary procedure.
- 5.3 If, having undergone a medical examination, it is confirmed that the employee has been positively tested for alcohol or a controlled drug, or the employee admits to having a drug and/or alcohol problem, the Company reserves the right to suspend the employee from work on full pay to allow the Company to decide whether to deal with the matter under the terms of the disciplinary procedure or to refer the employee for treatment and rehabilitation pursuant to paragraphs 8.2 and 9 below.

6. Random Screening

- 6.1 Where employees work on site, the use of drugs poses a serious health and safety risk. All site based employees utilise tools, work at height and/or have the potential to present a health and safety risk to others should they be under the influence of drugs.
- 6.2 In addition, some of the Company's main contractors operate random drug screening for all staff working on their sites. Should a Company employee fail a contractor's or the Company's drug screen, this can result in severe financial implications for the Company including removal from the contract and the withdrawal of further work. It may also impact on the Company's ability to tender for work (as this might, in itself be enough to rule out the Company in the pre-qualification stages of a bid). This may lead to wider reputational implications that affect the Company's ability to secure work from other contractors/clients.
- 6.3 In light of the serious consequences, both in terms of health and safety and financial implications, all employees who carry out any duties on site will be required to participate in a rolling programme of random drug testing.
- 6.4 Drug screening will be conducted by an external accredited or approved provider.

- 6.5 If an employee refuses to comply with the random screening procedure, such refusal will normally be treated as amounting to gross misconduct and will entitle the Company to take disciplinary action.

7. 'With Cause' Testing

- 7.1 To assist in the effective implementation of this policy, the Company reserves the right to have tests carried out on employees following any incident or act of misconduct, where there is a suspicion that drugs and/or alcohol may have been a contributory factor.
- 7.2 Where testing takes place the individual will be expected to sign a written consent to be tested. Failure to give consent, or refusal to supply the urine sample, will be considered to be a breach of these rules and may lead to disciplinary action being taken.
- 7.3 The Company reserves the right to search employees and any employee property held on the Company's premises, including the employees' work spaces or their Company car at any time if the employee's manager believes that the prohibition on substances is being or has been infringed.
- 7.4 If an employee refuses to comply with the 'with cause' testing procedure, such refusal will normally be treated as amounting to gross misconduct and will entitle the Company to take disciplinary action.

8. Identifying the need for referral

- 8.1 An individual employee may choose to seek help on a completely voluntary basis. Employees who believe that they have an alcohol and/or drug problem should seek specialist help as soon as possible. The Employee should speak to the managers responsible for HR to initiate such help.
- 8.2 If an employee requests assistance voluntarily from their manager, prior to management being aware of poor work performance, the matter will be kept confidential as far as possible. If time off work is needed for a recovery programme, or there is a requirement to change an employee's duties or working environment, other managers may need to be informed.
- 8.3 An employee's manager may identify them as having poor health, attendance or work performance which may be due to a drug or alcohol related problem.
- 8.4 The managers responsible for HR are available to provide advice and assistance to managers and employees as required.
- 8.5 A colleague who identifies a possible drug or alcohol related problem should draw this to the attention of the employee's relevant manager, who will then arrange to interview the employee.

8.6 The purpose of the interview is to:

- 8.6.1 discuss with the employee their deteriorating work and/or behaviour and ask if they wish to comment;
- 8.6.2 inform the employee of the possible disciplinary consequences in continuing with the present pattern of work/behaviour;
- 8.6.3 offer the employee referral to occupational health for medical advice; and
- 8.6.4 determine whether disciplinary action will be taken with regard to the original incident.

8.7 If the employee rejects an offer for referral to occupational health, then the manager should make a full assessment of the situation deciding whether it is appropriate to take disciplinary action at that stage.

9. Referral

9.1 Where the employee in the course of the interview accepts referral to occupational health for assessment, the company should immediately telephone occupational health to arrange an appointment.

9.2 If occupational health does not confirm the existence of an alcohol or drug related problem or any other health problem about which it may become involved, the manager should make a full assessment of the situation and decide whether it is appropriate to take disciplinary action.

9.3 If occupational health confirms the existence of an alcohol or drug related problem, the Company may consider referring the employee to a specialist agency. If the employee rejects an offer of referral by occupational health, the employee's manager should make a full assessment of the situation, deciding whether it is appropriate to take disciplinary action.

9.4 The specialist agency could recommend a treatment programme which might be:

- 9.4.1 on an in-patient basis;
- 9.4.2 on a day care basis;
- 9.4.3 on an out patient basis: or
- 9.4.4 at home

9.5 If the employee rejects the treatment programme offered, the employee's manager should make a full assessment of the situation and decide whether disciplinary action is appropriate at this stage in relation to the original incident(s).

- 9.6 If the employee accepts the treatment programme offered and is considered unfit to work, the Company will seek medical input in relation to the time recommended that they be off work and/or relocation to a different area of work.
- 9.7 Following treatment, the manager should interview the employee to convey management's expectations of work performance and/or behaviour in future. It must be emphasised that disciplinary action can be started or resumed at any time if work performance or behaviour warrants management action.
- 9.8 Where any employee is taking part in a recovery programme but is not on sick leave, but occupational health considers that in the meantime a return to post or continuation in post carries with it a risk of recurrence of the problem, or a risk of jeopardising the health and safety of staff and the public, then the employee may be put on unpaid leave.

- 9.9 If the treatment programme is discontinued:

- 9.9.1 by the employee; or

- 9.9.2 by the treatment agency because of lack of progress,

The employee's manager should interview the employee and determine whether disciplinary action should be taken.

- 9.10 The Company will consider taking disciplinary action under its disciplinary procedures which may lead to dismissal where either:

- 9.10.1 a second or subsequent relapse occurs after encouragement/support from an organisation providing help; or

- 9.10.2 an employee:

- (a) declines to accept referral for assessment and/or specialist help; or
 - (b) discontinues help before the satisfactory completion and continues to put in an unsatisfactory level of work performance or conduct at work.

10. Organisational Responsibility

- 10.1 The Company will endorse this policy and periodically consider the need for review. The Company will ensure that it complies with its obligations under the General Data Protection Regulations and

Substance Misuse Policy

the Data protection Act 2018 in respect of this policy and any information obtained under it, including but not limited to carrying out a Data Impact Assessment.

10.2 Managers will, in respect of their own unit:

- 10.2.1 promote the policy and ensure its effective implementation;
- 10.2.2 ensure that managers understand their responsibilities for action and confidentiality to ensure consistency of approach; and
- 10.2.3 be alert to the signs of misuse of alcohol and drugs and deal with individual cases in accordance with this policy.

10.3 All employees are expected to:

- 10.3.1 take personal responsibility for their own alcohol consumption and/or drug use; and
- 10.3.2 co-operate with management in assisting colleagues who have an alcohol or drug use problem.

Name: Andrew Norris

Position: Managing Director

Signed: 

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