

# Alcohol and Drug Policy

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## PURPOSE

The Company recognises its responsibility under the Health and Safety at Work Act 1974 to ensure the health, safety and welfare of all associated individual. The Act also places a general duty on associated individual to take reasonable care of their own health and safety and of any other persons who may be affected by their acts or omissions while at work.

It is the purpose of this policy to ensure that the use of drugs or alcohol does not impair the safe and efficient running of the business or put at risk the health, safety or welfare of our associated individual, customers, suppliers or members of the general public.

## SCOPE

All permanent and temporary associated individual of the Company and subcontractors who are working on behalf of the Company who are working on contracts who are under the control of the Company – “associated individual”. Please note – there are different legal levels for Scotland compared with England, Wales and Northern Ireland.

The levels indicated apply in the following circumstances:

Activity	England, Wales and Northern Ireland	Scotland
Driving within the geographical boundaries	Must not exceed 35 mcg/100 ml Breath Alcohol Concentration	Must not exceed 22 mcg/100 ml Breath Alcohol Concentration
Working in the geographical boundaries	Must not exceed 35 mcg/100 ml Breath Alcohol Concentration	Must not exceed 22 mcg/100 ml Breath Alcohol Concentration
Driving across geographical boundaries	Must not exceed 35 mcg/100 ml Breath Alcohol Concentration	Must not exceed 22 mcg/100 ml Breath Alcohol Concentration
Working across geographical boundaries	Must not exceed 35 mcg/100 ml Breath Alcohol Concentration	Must not exceed 22 mcg/100 ml Breath Alcohol Concentration
Working for specific clients	Must not exceed 13 mcg/100 ml Breath Alcohol Concentration	Must not exceed 13 mcg/100 ml Breath Alcohol Concentration

Please also note – any overseas travel and work will be governed either the “law of the land” or by the rules for England, Wales and Northern Ireland.

**For the avoidance of doubt – this policy and procedure does not form part of an associated individual’s contract of employment and the Company may amend or withdraw the policy and procedure from time to time.**

## POLICY STATEMENT

The Company has a responsibility towards associated individual, contractors, subcontractors and the general public to provide a safe and healthy working environment and recognises that this may be jeopardised by those who abuse alcohol or drugs. The Company will, therefore, take appropriate action to combat alcohol and drug abuse to protect the health, safety and welfare of all associated individual, and any others that may be affected by their acts or omissions, company property and the efficiency and success of our business.

The Company is aware that in some instances, alcohol and/or drug dependency is defined as an illness. We actively encourage those associated individual who are experiencing difficulties

with alcohol or drugs to seek help. Where appropriate, we will offer assistance in seeking relevant and evidence based treatment. In these cases, normal sickness absence procedures will apply. Confidentiality is assured in these cases.

**This Policy will be reviewed annually to ensure it reflects current legislative requirements and best practice. Any changes will be brought to the attention of all associated individual.**

## **DEFINITIONS**

**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. Any enhancing drugs that may have the potential to impair judgment or the safety of the associated individual or others. A non-exhaustive list would include all those drugs covered by the Misuse of Drugs Act (1971) and The Medicines Act (1968). Also includes solvents or any other substances that have the potential to impair.

**Illegal Drugs** - All those drugs covered under the Misuse of Drugs Act (1971) and Psychoactive Substances Act 2016 and any amendments.

**Dependency** - Where the user has adapted physically and/or psychologically to the presence of alcohol or drugs and would suffer if they were withdrawn abruptly.

**Company Premises** - To include all premises the Company has responsibility for and includes all Company vehicles. This policy also applies to all occasions and places/locations where associated individuals are on Company business, including working on client premises.

### **Impaired (Alcohol) –**

- **FOR ASSOCIATED INDIVIDUAL WORKING WITH SPECIFIC CLIENTS THAT SET A MINIMUM STANDARD** (including, but not limited to, Network Rail and National Grid) - any person who has Breath Alcohol Concentration that exceeds 13mcg per 100ml or equivalent in Blood Alcohol Concentration, (to be confirmed by an appropriate test) is deemed to be impaired due to the use of alcohol and therefore in breach of this policy.
- **FOR ALL OTHER ASSOCIATED INDIVIDUALS (ENGLAND, WALES AND NORTHERN IRELAND)** - any person who has Breath Alcohol Concentration that exceeds 35 mcg/100 ml (to be confirmed by an appropriate test) is deemed to be impaired due to alcohol and therefore in breach of this policy.
- **FOR ALL OTHER ASSOCIATED INDIVIDUALS (SCOTLAND)** - any person who has Breath Alcohol Concentration that exceeds 22 mcg/100 ml (to be confirmed by an appropriate test) is deemed to be impaired due to alcohol and therefore in breach of this policy

**Impaired (Drugs)** - In terms of this policy, any person found to have consumed illegal drugs or misused drugs (to be confirmed by an appropriate test) is deemed to be impaired due to drugs and therefore in breach of this policy.

**Abuse/misuse** - This applies to using alcohol or drugs 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 using alcohol or drugs in a way that are harmful / hazardous to the individual or to others and which are likely to distort perception and response when at work.

**Associated individual** – This means a directly employed person of the Company or any other person who carries out work for the Company both on and off Company premises, and includes but is not limited to agency associated individual, contractors and sub-contractors.

## **GUIDELINES AND RULES**

The intention of the policy is that the working environment should be free from the influence of alcohol and drugs. This policy will help to ensure that the health and safety of our associated individual, and others with whom they come into contact, to maintain the efficient and effective operation of the business, and to ensure our customers receive the quality and safe service they require. For those reasons the following rules will be strictly enforced. No associated individual shall:

- Report or try to report to work whilst impaired due to alcohol or drugs (whether illegal or not). Associated individuals who are “on-call” are treated as “at work” and therefore expected to be able to comply with this policy whilst on call.
- Be in possession of illegal drugs on Company premises.
- Be in possession of alcohol on Company premises, unless this has been authorised.
- Consume alcohol, illegal drugs or take any substance in an unsanctioned way whilst at work or whilst representing the Company.
- Attempt to sell, distribute or supply drugs which contravene the Misuse of Drugs Act 1971, the Psychoactive Substances Act 2016 and the Medicines Act 1968, whilst on Company premises or whilst representing the Company. Any contravention of this, without exception, will be reported to the Police.

Associated individuals may consume alcohol at Company arranged functions where such consumption has been authorised by the appropriate director. Such functions will, where possible be arranged for times when associated individuals do not have to return to work having recently consumed alcohol. However, if alcohol is consumed they must not drive a vehicle or return to work on any of the Company’s premises/sites whilst over the limits set out within this policy.

Associated individuals must remember that they are acting as ambassadors of the Company and their behaviour is appropriate, lawful and does not offend, harass or irritate others present, nor does it in any way, bring the Company into disrepute or undermine our brands. Contravention of these rules is a very serious matter and the Company will take disciplinary action in the event of an infringement under the Company’s disciplinary procedures, which may include dismissal.

**Medication** - It should be recognised that prescribed and over-the-counter medicines may cause impairment to an individual’s performance at work. It is therefore the associated individual’s responsibility to seek advice from their GP or pharmacist on any medicines they are taking. Associated individuals should inform their line manager or any other manager they wish, of any possible side effects of their medication. Any medical information will be treated in strictest confidence.

## **SUPPORT**

The Company will endeavour to ensure that advice and specialist help are made available to any associated individual who feels he/she has a problem relating to alcohol or drugs and seeks help from the Company.

Any associated individual who seeks the assistance of the Company in obtaining help and support for an alcohol or drug dependency problem is assured of his/her confidentiality being respected.

Early identification and treatment is essential to ensure that problems for both the associated individual and the Company are avoided. It is very important, therefore, that associated individuals who feel that they may have a problem with alcohol or drugs should come forward and seek assistance at the earliest possible opportunity. Associated individuals should contact their line manager or the HR team who will arrange for the appropriate course of treatment or rehabilitation programme to be made available.

During any period of absence from work for agreed treatment, the Company's normal sick pay arrangements will apply and absence for treatment will be treated as normal sickness.

If an agreed or recommended course of treatment is not followed by an associated individual or is ineffective and occurs concurrently with lapses in the associated individual's performance, conduct or attendance then he/she will be dealt with in accordance with the Company's normal disciplinary or sickness absence procedures as appropriate. This includes any matter arising prior to the disciplinary procedure being initiated.

Testing may be carried out to ensure compliance with the treatment and recovery programme. This option will be agreed with the associated individual before the commencement of the treatment and recovery programme.

The aim of treatment and rehabilitation is to ensure optimum recovery and return to work.

Any associated individual with a dependency to alcohol or drugs who only declares he/she has a dependency when a serious misconduct issue has arisen or before a test takes place or where he/she is proven to be in breach of this policy will be subject to the same disciplinary procedures as any other associated individual who breaches this policy.

## **DISCIPLINE**

Where the rules of this policy are contravened, dismissal may result on the grounds of gross misconduct under the Company's disciplinary procedure. Associated individuals should refer to the Company's disciplinary procedures for information. If an associated individual is not an employee of the Company – he/she will be removed from the Company and his/her own employer will consider how the associated employee will be managed.

## **SCREENING/TESTING**

Screening and testing applies to all associated individuals. The purpose of screening and testing is to ensure that due diligence is exercised and to deter and/or detect individuals working on Company premises whilst being impaired due to alcohol or drugs. Screening and testing will take place in the following circumstances:

- **New Starter** - As a part of the new starter process, successful applicants may be required to undertake an alcohol and/or drug screen. Where an applicant either refuses to provide a sample or attempts to falsify or tamper with evidence or produces a positive result their offer of employment will be withdrawn by the Company. Where possible, The Company will endeavor to action this alcohol/drug screening prior to induction starting, however where this is not possible the testing may take place during the first month of employment.
- **For-Cause Testing** - Where it is suspected that an individual is in breach of this policy or where it is suspected that an individual is impaired due to the use of alcohol or drugs, testing may be used as part of an assessment process.
- **Post-Accident/Incident Testing** – As part of an accident/incident investigation, testing may be carried out on those individuals involved, where possible, to determine whether or not alcohol or drugs may have been a contributory factor.
- **Help and Support** – If an individual's performance is affected through a dependency to alcohol or drugs or where they are being supported by the Company for an alcohol or drug dependency they may be required to undergo testing.

- **Random Testing (unannounced)** – Associated individual may be randomly selected and tested at each of the Company's premises throughout the course of the year. This process is regardless of the associated individual's status. This is to ensure fairness within the policy and give a clear message that the abuse of alcohol or drugs cannot be tolerated by the Company. Where a client or contract demands a specific volume of testing per year, the individual business will be responsible for meeting this requirement and providing evidence to support this. All data provided to a 3rd party will be done so in accordance with GDPR. The Company will use breath testing for alcohol and urine testing for drugs but reserves the right to use other approved methods of testing if necessary. Should an associated individual refuse to consent or fail to provide a sample for testing they will be suspended immediately, pending the outcome of the disciplinary hearing. The Company reserves the right to treat a refusal the same as a positive result. A refusal by a contractor to provide a sample will result in that individual being removed from the Company premises. Their employer will be notified of this decision.

## **THE RIGHT TO SEARCH**

The Company reserves the right to search an associated individual and any of his/her property held on the Company premises or in Company vehicles or vehicles hired on behalf of the Company at any time where it is suspected that an associated individual is in contravention of this policy.

Under no circumstances will associated individuals be searched by, or in the presence of, a member of the opposite sex unless the associated individual has given his/her express permission.

No searches may be carried out without the express authorisation of a member of the Senior Management Team within each separate trading business.

Should an associated individual refuse to consent or comply with the search procedure he/she will be suspended immediately on full pay, pending the outcome of an investigation. The Company reserves the right to treat a refusal to consent or comply with the search procedure the same as a contravention of this policy.

A refusal by an associated individual not directly employed by the company to consent or comply with the search procedure will result in that individual being removed from the Company premises. Their employer will be notified of this decision.

## **SCREENING AND TESTING PROCEDURES**

**Alcohol – Intervention/For Cause/Post Accident/Incident/Random** - The test will comprise of a breath sample collection using a calibrated digital alcolmeter, similar to those employed by the police.

The procedure for the administration of this test is as follows:

- The associated individual will be removed from their duties and asked to wait in a private area/room, where the nature of the test will be explained and the implications of a positive test result or a refusal to consent to the test. During the 15 minute period prior to testing the individual must not smoke, eat sweets, chew gum or vape.
- Upon the arrival of the approved collection agency or Company representative, the associated individual will be asked to complete and sign a consent form to enable the test to take place. Failure or refusal to complete this will be viewed as a positive test result and the appropriate disciplinary proceeding will be implemented.

- If the test shows a breath alcohol level of zero, then the alcohol test will be deemed a negative result.
- If the test shows a breath alcohol level above zero, whether over or under the company limit of 22mcg or 35 mcg (dependent on work category) per 100 ml breath alcohol concentration a further test will be performed at least 20 minutes later to validate the first test result.
- **FOR ASSOCIATED INDIVIDUAL WORKING WITH SPECIFIC CLIENTS THAT SET A MINIMUM STANDARD** (such as Network Rail and National Grid) – if an associated person has a test that shows a Breath Alcohol Concentration that exceeds 13mcg per 100ml will undergo a further test, which will be performed at least 20 minutes later to validate the first test result.

If the second test is positive, (over 13mcg per 100 ml breath alcohol concentration) and therefore confirms the first, the associated individual will be suspended from work in accordance with the Company's disciplinary procedure and removed from Company premises pending the implementation of disciplinary proceedings.

If the second test is not in the ascendancy and the second test is below 13 mcg per 100 ml then the result will be recorded and the company will review the test result before determining the next stage of the investigation. For example, where the associated individual has been at work for more than one hour the company reserves the right to use the test result to determine whether the associated individual would have been above the company limit of 13 mcg per 100 ml when attending work.

- **FOR ALL OTHER ASSOCIATED INDIVIDUAL (ENGLAND, WALES AND NORTHERN IRELAND)** - if an associated person has a test that shows a Breath Alcohol Concentration that exceeds 35mcg per 100ml will undergo a further test, which will be performed at least 20 minutes later to validate the first test result.

If the second test is positive, (over 35mcg per 100 ml breath alcohol concentration) and therefore confirms the first, the associated individual will be suspended from work in accordance with the Company's disciplinary procedure and removed from Company premises pending the implementation of disciplinary proceedings.

If the second test is not in the ascendancy and the second test is below 35 mcg per 100 ml then the result will be recorded and the company will review the test result before determining the next stage of the investigation. For example, where the associated individual has been at work for more than one hour the company reserves the right to use the test result to determine whether the associated individual would have been above the company limit of 35 mcg per 100 ml when attending work.

- **FOR OTHER ASSOCIATED INDIVIDUALS (SCOTLAND)** - if an associated person has a test that shows a Breath Alcohol Concentration that exceeds 22 mcg per 100ml will undergo a further test, which will be performed at least 20 minutes later to validate the first test result.

If the second test is positive, (over 22 mcg per 100 ml breath alcohol concentration) and therefore confirms the first, the associated individual will be suspended from work in accordance with the Company's disciplinary procedure and removed from Company premises pending the implementation of disciplinary proceedings.

If the second test is not in the ascendancy and the second test is below 22 mcg per 100 ml then the result will be recorded and the company will review the test result before determining the next stage of the investigation. For example, where the associated individual has been at work for more than one hour the company reserves

the right to use the test result to determine whether the associated individual would have been above the company limit of 22 mcg per 100 ml when attending work.

- If the test shows a breath alcohol level above zero, whether over or under the company limit of 13 mcg, 22mcg or 35 mcg per 100 ml breath alcohol concentration (dependent on circumstances/location), a further test will be performed at least 20 minutes later to validate the first test result.
- If the second test is not in the ascendancy and the second test is below 13 mcg, 22mcg or 35 mcg per 100 ml breath alcohol concentration (dependent on circumstances/location) then the result will be recorded and the company will review the test result before determining the next stage of the investigation. For example, where the associated individual has been at work for more than one hour the company reserves the right to use the test result to determine whether the associated individual would have been above the company limit of 13 mcg, 22mcg or 35 mcg per 100 ml breath alcohol concentration (dependent on circumstances/location) when attending work.

In certain circumstances a lower cut-off level for alcohol may be applied, for example, for associated individual working on contracts where the client/customer requirements or policy specifies a lower level. In these circumstances, associated individual will be advised of the levels that apply to their particular role or that contract.

Associated individuals will not be allowed to resume any work which the Company considers to be safety critical or otherwise likely to be affected by the consumption of alcohol but will either be deployed to other work or be suspended from work. Depending upon the circumstances action may be initiated under the disciplinary procedure.

The following table will summarise:

	First Test Result	Action	Second Test Result	Action
<b>FOR ASSOCIATED INDIVIDUAL WORKING WITH SPECIFIC CLIENTS THAT SET A MINIMUM STANDARD (e.g. Network Rail, National Grid)</b>	Breath alcohol level of zero	Negative result –no further action	-	-
	Breath alcohol level over zero but below 13mcg	A further test will be performed in 20 minutes	Breath alcohol level is below 13mcg	The Company will review the test result before determining the next stage of the investigation
	Breath alcohol level is over 13mcg	A further test will be performed in 20 minutes	Breath alcohol level is below 13mcg	The Company will review the test result before determining the next stage of the investigation
			Breath alcohol level is above 13mcg	The associated individual will be suspended from work in accordance with the Company's disciplinary procedure and removed from Company premises pending the implementation of disciplinary proceedings.
<b>FOR OTHER ASSOCIATED INDIVIDUAL (ENGLAND, WALES AND NORTHERN IRELAND)</b>	Breath alcohol level of zero	Negative result –no further action	-	-
	Breath alcohol level over zero but below 35mcg	A further test will be performed in 20 minutes	Breath alcohol level is below 35mcg	The Company will review the test result before determining the next stage of the investigation
	Breath alcohol level is over 35mcg	A further test will be performed in 20 minutes	Breath alcohol level is below 35mcg	The Company will review the test result before determining the next stage of the investigation
			Breath alcohol level is above 35mcg	The associated individual will be suspended from work in accordance with



				the Company's disciplinary procedure and removed from Company premises pending the implementation of disciplinary proceedings.
<b>FOR ASSOCIATED INDIVIDUAL (SCOTLAND)</b>	<b>OTHER</b>	Breath alcohol level of zero	Negative result –no further action	-
		Breath alcohol level over zero but below 22 mcg	A further test will be performed in 20 minutes	Breath alcohol level is below 22 mcg
		Breath alcohol level is over 22 mcg	A further test will be performed in 20 minutes	Breath alcohol level is below 22 mcg
				Breath alcohol level is above 22 mcg

**Drugs – New Starter** – The test will consist of a FDA (Food and Drug Administration) approved rapid urine test cup. Any evidence of illicit drug use will be deemed as a positive result and the Company will not continue the employment process with the applicant.

**Drugs – Intervention/For Cause/Post Accident/Incident** - The procedure for the administration of this test is as follows:

- The associated individual will be removed from their duties and asked to wait in a private area where the nature of the test will be explained and the implications of a positive test result.
- Upon the arrival of the approved collection agency or Company representative, the associated individual will be asked to complete and sign a consent form to enable the test to take place. Failure or refusal to complete this will be viewed as a positive test result and the appropriate disciplinary proceeding will be implemented.
- The collection agency representative will collect the urine sample in accordance with strict chain of custody procedures. The drug test requires that the individuals provide a fresh sample of their own urine.
- The urine sample will be tested on site using an approved rapid urine test cup and where a non negative reaction is obtained the sample will be split into two further samples (A and B) and both will be delivered to an approved laboratory following strict chain-of-custody procedures, where it will undergo confirmation analysis to ascertain the exact identity of the substance(s) found following the onsite test.
- The associated individual will be suspended from work in accordance with the Company disciplinary procedure pending the outcome of the laboratory result.
- If the laboratory confirmation analysis result is negative, the associated individual will be informed accordingly and, if appropriate to do so, will return to work.
- If the laboratory confirmation analysis result is positive, then the associated individual shall remain suspended from work in accordance with the Company disciplinary procedure pending the implementation of disciplinary proceedings.
- If the approved rapid urine test cup is negative the associated individual will be informed accordingly and, if appropriate to do so, will return to work. However, where impairment is still an issue they will either be referred to Occupational Health if onsite or removed from site safely and arrangements made for them to see Occupational Health at the earliest opportunity.

**Drugs – Random** - The procedure for the administration of this test is as follows:

- The associated individual will be removed from their duties and asked to wait in a private area where the nature of the test will be explained by a management representative.
- The associated individual will be asked to complete and sign a consent form to enable the test to take place. Failure or refusal to complete this will be viewed as a positive test result and the appropriate disciplinary proceeding will be implemented.
- The impartial collection agency representative will collect the urine sample in accordance with strict chain of custody procedures. The drug test requires that the individuals provide a fresh sample of their own urine.

- The urine sample will be split into two samples (A and B) and both will be delivered to an approved laboratory following strict chain-of-custody procedures, where the sample will undergo initial analysis and if required confirmation analysis to ascertain the exact identity of the substance(s) found.
- The associated individual will return to work pending the outcome of the laboratory result.
- If the laboratory confirmation analysis result is positive, then the associated individual shall be informed accordingly and suspended from work in accordance with the Company disciplinary procedure pending the implementation of disciplinary proceedings.
- If the laboratory result is negative, the associated individual will be informed accordingly.

### **APPEALING THE RESULT OF A DRUG OR ALCOHOL TEST**

An employee may appeal against the positive result of a drug or alcohol test at any time within 5 days of the initial test date or result. The appeal procedure is available via the Human Resources Department. The employee may only appeal against a positive result on the grounds that:

- They believe the laboratory drug test result to be incorrect.
- They believe the alcohol test result is inaccurate.

Should the appeal not be found in favour of the employee, the employee will be responsible for the full cost incurred for retesting or checking instrument calibration.

### **WHISTLE BLOWING**

Where an associated individual witnesses drug or alcohol use in contravention to this policy, he or she can raise concerns regarding this via the Whistleblowing policy.

Where the Company has information that suspected drug or alcohol use is taking place in contravention to this policy, the Company may test all associated individuals in the highlighted business unit.

### **RECORD KEEPING**

Confidential records will be kept to demonstrate that the Company has taken all reasonable and practicable precautions to safeguard the health, safety and welfare of its associated individual. Where it has become necessary to discuss an alcohol or drug dependency issue with an associated individual, written notes will be retained, but the Company acknowledges it has an obligation to maintain medical confidentiality.

### **RESPONSIBILITY**

The HR Team is responsible for the application of this policy, whilst having to consider the safety of other associated individual, contractors and the general public and the long-term business needs of the Company. The HR team is responsible for communicating this policy to managers. They also have the responsibility for ensuring the maintenance, regular review and updating of this Policy. Revisions, amendments or alteration to this policy can only be implemented following consideration and approval by the Director of HR.

Individual managers are responsible for ensuring that this policy is applied within their own area. Managers are also responsible for informing the HR team, where they have a concern that an associated individual has or is developing an alcohol or drug dependency.

Where managers have a concern that an associated individual is in breach of the policy they should take the appropriate action in line with the Company's procedures.

Current Providers:

Action	Provider	Contact Details	Contract Renewal	Comments
Drug & alcohol testing	Hampton Knight	Please contact a member of the HR Team or QUENSH	September 2020	We have an agreement with HK for reduced costs, as follows: •Scheduled tests– Collection Technician to attend a specified location to carry out testing with a minimum notice period of 24 hours •Unscheduled tests – Collection Technician to attend specified location to carry out testing within 2 hours of the call-out



**Simon Holden**

**General Manager**

**8 March 2024**

Review Date 8 March 2025