

## Drug and Alcohol Policy

### Completion notes

The policy provides for Best Practice in conjunction with AlcoDigital Limited and the FTA (Freight Transport Association) specifically. However, it is likely to be used for all companies where Drug and Alcohol misuse could be an issue.

The completion of this document does not guarantee enforceability in all circumstances. The completed policy with respect to the law should be required as a legal document.

AlcoDigital & the FTA recommend limits as set out by sections of the Railways and Transport Safety Act 2003 which provides for the following limits:

- 9 micrograms of alcohol in 100ml of breath
- 20 milligrams of alcohol in 100ml of blood
- 27 milligrams of alcohol in 100ml of urine

These limits have been scientifically determined and cannot be achieved through a natural phenomenon. It is recommended that *only* a breathalyser is used for testing; interpolation of partition rates however (see below) is used for testing; alternatively a blood or urine sample could not be used.

*If a blood limit is specified, the employer should have the opportunity to insist upon a blood sample as an alternative to the breathalyser test.*

### Testing Equipment

At present there are no UK standards for the equipment but the Home Office does provide certification for Alcohol Testing Equipment for use under this policy. Such equipment may be obtained from [www.AlcoDigital.co.uk](http://www.AlcoDigital.co.uk)

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<<Date>>

## Introduction

The Health and Safety at Work Act 1974 requires us to provide a safe and healthy working environment for our employees or visitors to the company by the company's actions.

<<Company>> are responsible for the health and safety of our employees seriously. This is why we have set out this policy to ensure the welfare of our employees and to help them to avoid or develop drug or alcohol related issues. This policy and as a result can present a risk to their performance.

## Aims of the Policy

This policy aims to:

- Comply with the Company's Health and Safety Policy and provide a safe and healthy working environment for all staff
- Comply with all of the requirements of the Health and Safety at Work Act 1974
- Set out restrictions on the use of controlled drugs or alcohol at work
- Raise awareness of the dangers of controlled drugs or alcohol
- Guarantee the right of all employees to a safe and healthy working environment unaffected by controlled drugs or alcohol
- Provide support to staff who have been affected by the misuse of controlled drugs or alcohol
- Protect Employees from the risks of drug and alcohol abuse; and
- Support Employees with a drug or alcohol problem.

## Health and Safety – Alcohol

In a social environment the consumption of alcohol is an accepted part of life. In the workplace however it can lead to inappropriate behaviour, and can place both the individual and the company at risk.

In the workplace alcohol abuse can be defined as:

- Occasional inappropriate use of alcohol
- Consistently inappropriate use of alcohol

Problems arising from the first category will be more likely to involve performance issues. In either case, the health of the individual employee and the safety of those around them.

Symptoms of alcohol abuse may include:

- Unusually high rates of absence
- Unkempt appearance/Lack of concentration
- Spasmodic work patterns
- Poor relations with other staff

on employers to provide a safe and healthy working environment for all staff, safety and welfare at work of the company and anyone else who may be affected by the company's actions.

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; or

## Restrictions on Drinking Alcohol

Section 4 (1) Road Traffic Act 1988

A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive

**It is <<Company>> Policy that your breath alcohol level should not be in excess of 9 micrograms of alcohol in 100 millilitres of breath.**

To comply with the above employee must limit their alcohol consumption during the 24 hours preceding their duty to less than 6-8 units of alcohol.

- Alcohol must not be consumed whilst on duty as a consequence the safety of the individual, colleagues and the public must be protected.
- Alcohol must not be consumed whilst exercising the exercise of any individual's duties, for example, working hours, for example, during the day or in providing hospitality.
- Employees are not obliged to limit their consumption of alcohol to less than 6-8 units of alcohol.
- Employees who are incapable of performing their duties must be immediately removed from duty.
- Employees will be held to account for any alcohol consumed whilst on Company business they must report the incident to the relevant manager that the incident occurred.
- Local area restrictions may apply in such a case the area restrictions must be followed.
- Alcoholic drinks must not be consumed whilst on duty.
- Alcoholic drinks must not be consumed whilst on company property or employee transport.
- Alcoholic drinks, unsealed alcoholic beverages may not be taken on duty.
- Unless it is formally approved, for example, entertaining outside of work, employees during the eight hours preceding their duty.

This policy applies to employees of <<Company>>

[In addition, the Railways and Transport Security Act 2001 states that in the UK on premises or on aircraft or ships outside UK on the Airline, Railway or Maritime at a time when the proportion of alcohol in their breath, blood or urine is in excess of the limit\* or their ability to perform the function or activity is impaired]

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or 20 milligrams of alcohol in 100 millilitres of blood  
or 27 milligrams of alcohol in 100 millilitres of urine

**Note:** The above limits are alcohol in the bloodstream]

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mechanically propelled vehicle on a road or other public place, is guilty of an offence.

**duty your breath alcohol level should not be in excess of 9 micrograms of alcohol in 100 millilitres of breath.**

Employees must limit their alcohol consumption to "light consumption" of alcohol. "Light consumption" is likely to be less than 6-8 units of alcohol.

Employees must not consume alcohol as a consequence the safety of the individual, colleagues and the public must be protected.

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### Limits

of no ingested alcohol in the bloodstream]

## Health and Safety - Drugs

Controlled substances often pose risks to employees health but also that of the company. Employees should be aware that the use of drugs, whether prescribed or not, is a risk to everyone. Drug abuse. Such indicators commonly

- Sudden changes in behaviour;
- Confusion;
- Irritability;
- Fluctuations in mood and energy;
- Impairment of performance;
- Increase in short term sickness;
- Inability to concentrate.

Employees should report any concerns about a colleague displaying any or all of these symptoms to <<immediately>> approach the person displaying symptoms and discuss their concerns with any other colleagues.

## The Law

- Misuse of Drugs Act 1971: It is an offence to supply, produce, offer to supply or produce controlled substances, including those which cause a "high" (including "legal highs"). It is also an offence to aid or abet any of these offences.
- Section 2(1) of the Health and Safety at Work Act 1974 states - It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.
- Section 3.(1) Health and Safety at Work Act 1974 states - It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not put at risk.

## Prohibition

- No non-prescription drugs or alcohol may be brought into, stored on, consumed in or brought onto company premises, land or vehicles in connection with, the Company business.
- The prohibition of non-prescription drugs and alcohol applies to all activities carried out by staff whilst they are at work. This includes when on company business, when on trips for Company business, training or social activities.
- It is a criminal offence in the UK to import, export, manufacture, supply or possess "controlled drugs" (as defined in the Misuse of Drugs Act 1971 (as amended)). Similar, and in many cases more strict, legislation, exists in most other countries.
- If, as a result of the effect of drugs or alcohol, an employee is incapable of discharging his duties, or his ability to carry out his duties is impaired, he may be liable to disciplinary action.
- Furthermore, the employee may be liable to disciplinary action if involved in the import, export, manufacture, supply or possession of controlled drugs or if taking part in any such activity (e.g. found in unlawful possession of drugs when going through customs).
- Employees operating outside the UK must also apply or where local drugs laws apply.

could not only adversely affect the employee's health but also their performance. Employees should be alert to possible signs of drugs abuse.

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- Narcotic substances can result in significant long term side effects. Any employee taking, selling or using illicit drugs will be subject to disciplinary action.
- In all cases where there is a finding of one of gross misconduct. The employee will be dismissed.

Any reference in this Policy to a substance drugs (including psychotropic drugs "legal highs") and does not refer to substances that are legally and commercially available.

### Testing and Control

- Testing for compliance with the Policy will be carried out as part of a structured programme or as a result of reasonable suspicion. The requirements of this policy.
- All employees are required to provide a sample of urine, as required by the company official (or contracted official) for testing.
- Such testing shall be carried out in accordance with the relevant approved procedures and may be requested by the employee.

### Procedures

- In the event that an employee is found to be in breach of the Policy, the Company will treat it as a breach of the Company's disciplinary policy.
- All drug/alcohol related issues will be handled in a constructive and sympathetic manner. The individual responsible for the breach will also provide any interested parties with more information or help.
- All requests for help or advice will be handled in the strictest confidence and all information gathered as a result of the investigation will be handled in accordance with the Company's Data Protection Policy.
- After receiving any appropriate advice, the Company will provide support to any affected employees. The employee will be required to follow a suitable course of action or treatment any disciplinary action will be suspended.
- The Company reserves the right to require the employee to perform lighter duties at the same rate of pay, or require them to take a period of suspension.
- Following effective treatment, the Company will endeavour to return the employee to the same role previously fulfilled by the employee [and to a suitable alternative].
- In the event that an employee suffers a relapse, the Company will make provision for any further disciplinary action. The employee in question [will] [may] face summary dismissal.
- If it is considered that the employee's problem is the cause or a contributor

extended periods of time and have the purposes of this policy any employee found to be in breach of the Policy during their free time of "controlled drugs", the charge is dismissed. If the employee is found, is dismissal.

refers only to controlled or illegal substances including those formerly known as "legal highs" and similar substances that are legally and commercially available.

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to an alcohol related problem  
ensure a reduction of such

take all reasonably practical steps to

### **Mitigation and Peer Support**

In the event that an employee comes  
support or treatment for dependence  
into account. Disciplinary action may  
successful cooperation with any ap

their own free will in order to receive  
alcohol or narcotics this will be taken  
suspended pending satisfactory and  
for rehabilitation programme.

### **Testing**

#### **Alcohol Testing – Equipment Standards**

Any equipment used will be UK H  
manufacturer's recommended man  
positive the employee may request

calibrated in accordance with the  
the event that a test is shown  
calibration records.

#### **Alcohol Interlocks**

Where deemed appropriate by the  
equipment. The interlock must be  
circumvent, interfere with or other  
disciplinary action for Gross Misconduct

may be fitted to either vehicles or  
as directed and any attempt to  
such devices will be subject to

#### **Narcotics Testing – dual sample**

Where appropriate dual samples  
opportunity to have their own sample

the employee shall be given the  
by a certified laboratory.

**This policy has been approved &**

**Name:** <<Insert Name>>

**Position:** <<Insert Position>>

Resources Manager>>

**Date:** <<Date>>

**Signature:**