



Dan Ray **Building Services Ltd**

Drug and Alcohol Policy

Last Review Date: *18/07/2018*

Review by: *Joe Murray (Director)*

A handwritten signature in black ink, appearing to read 'JMurray', is centered below the text.

A decorative graphic consisting of several overlapping, wavy, red lines that create a sense of motion and depth, spanning the width of the page.

Design, Installation & Project Management
of Building Services. Specialists Within the
Process & Manufacturing Industry.

Introduction

Dan Ray Building Services Ltd. is committed to providing a safe, healthy and productive work environment and protecting the health, safety and welfare of all employees and all others engaged by the company or affected by our activities.

Alcohol and drug abuse and dependency can have a detrimental effect on an individual's health, work performance and behaviour, and this policy seeks to ensure that all employees and others engaged by the company are fit to carry out their roles safely and effectively.

Definitions

- 'Alcohol' is defined as any beverage, food or any other consumable which contains alcohol in any form.
- 'Alcohol misuse' is defined as any consumption (intermittent or continual) of alcohol that affects an individual's performance, attendance or behaviour and/or threatens their own health, safety or wellbeing, or the health, safety or wellbeing of others.
- 'Drugs' are defined as illegal substances, prescribed and over the counter medications, or legal drugs or substances (such as glues and solvents) which may affect an individual's behaviour or performance.
- 'Drug misuse' is the use (intermittent or continual) of drugs or other substances that affects an individual's performance, attendance or behaviour and/or threatens their health, safety or wellbeing or the health, safety or wellbeing of others.
- A 'drug problem', 'alcohol problem' or 'dependency problem' is when a person needs alcohol, another drug or substance to function normally, and abruptly stopping the intake of the substance leads to withdrawal symptoms.

Purpose and Scope

The purpose of this policy is to ensure the safeguarding of the health, safety and wellbeing of all employees and others engaged by the company from the dangers of drug, alcohol and other substance misuse.

This policy also aims to clarify the standards expected of all workers and to ensure that drug and alcohol misuse is dealt with appropriately. Any breach of this policy may result in disciplinary action up to and including dismissal.

Where employees are working on sites, premises or other projects for external organisations (e.g. construction sites), Dan Ray Building Services Ltd. requires them to comply with that external organisation's policies relating to drugs and alcohol, as well as this Dan Ray Building Services Ltd. policy.

Any breach of their policies may also result in disciplinary action up to and including dismissal.

Searches

Dan Ray Building Services Ltd. reserves the right to conduct searches for alcohol and drugs including, but not limited to, company vehicles, lockers, filing cabinets, site cabins, desks and packages sent to our address and/or our sites/premises.

Any alcohol or drugs found as a result of a search will be confiscated and disciplinary action may result. Use, possession, purchase or sale of illegal and/or controlled drugs will also be reported to the police, which may result in prosecution.

Having alcoholic drink (other than in a sealed container) with a view to inappropriate consumption or having and/or using illegal drugs at your place of work, in a company vehicle, on your person or otherwise in your possession, custody or control on Dan Ray Building Services Ltd. premises and/or whilst on company business is forbidden and considered to be gross misconduct and may lead to disciplinary action being taken.

Drink and/or Drug Driving

We expect all our employees to comply with the Drink and Drug Driving legislation at all times. All drivers are responsible for making sure they comply with statutory obligations when driving on the highways. As with drink driving, when found to be over the legal alcohol limit, you can now also be prosecuted for drug driving, if drugs are detected in your system or you are deemed impaired by drugs, including illegal drugs or over-the-counter or prescription medication (over the prescribed limit).

Should you be found to be over the drink driving alcohol limit and/or driving whilst under the influence of drugs during working hours, whilst on company business whether in a company vehicle or your own vehicle being used for company business, this will be dealt with as gross misconduct under the company's disciplinary procedure, which may lead to dismissal without notice or pay in lieu of notice.

If you are convicted of a drink or drug driving offence outside working hours and/or you are disqualified from driving, you should notify Dan Ray Building Services Ltd. immediately and we reserve the right to review your continued employment, in line with your job role.

Prescription and Over-the-Counter Medication

Workers should not drive, operate plant or machinery or undertake any tasks which may compromise their own safety and that of others, if impaired by any substance including legally prescribed or over-the-counter medicines.

If in any doubt, the individual should check with their GP or pharmacist and advise their supervisor or manager of any medication that they are taking that may affect their performance at work, including possible side effects. If managers have any doubt about medication which an employee has informed them about, they should contact the managing director without delay for further advice and/or clarification.

Dan Ray Building Services Ltd. Testing Programme

All Dan Ray Building Services Ltd. employees and all others engaged by Dan Ray Building Services Ltd. are potentially subject to alcohol and drug testing as follows:

Pre-employment

Dan Ray Building Services Ltd. reserves the right to conduct drug and alcohol testing as part of the pre-employment selection. Any candidate receiving a confirmed positive result or who refuses to provide a sample will have their application/offer of employment withdrawn.

Post-Accident/Incident

Where a serious accident or incident has occurred, individuals involved will be asked to undergo drug and alcohol testing, to determine whether or not alcohol or drugs may have been a contributory factor.

In the case of minor accidents, incidents or near misses, these will be investigated and if an individual is suspected of being impaired through drink or drugs, they will be required to undergo testing to determine the facts in that case.

With Reason

Dan Ray Building Services Ltd. reserves the right to perform a test on any employee whilst they are at work or on company sites/premises or anyone engaged by the company, where:

- there is serious alleged or actual misconduct at work and where there is suspicion of alcohol and/or drug misuse/abuse
- an individual demonstrates physical or other signs of alcohol and/or drug misuse/abuse
- there is reasonable suspicion and/or proof or admission of alcohol/and or drug misuse/abuse
- there is a falling in standards of performance or behaviour and alcohol or drug misuse/abuse may be a possible cause
- there is a client requirement for testing

In all such cases, the individual must be referred to the appropriate managing director who must arrange for that person to be removed from the place of work (e.g. Site, workshop or office) and tested without unnecessary delay.

It must be noted that symptoms suggesting that a person is under the influence of alcohol, drugs or solvents may be created by other conditions e.g. heat exhaustion, hypothermia, diabetes etc., and the person may be affected by legitimate medication prescribed by a doctor.

These conditions will, for safety reasons, still require the person to be removed from the workplace. Therefore, if there is any doubt about a person's condition or cause of their condition, medical advice should be sought immediately.

Where unusual behaviour or unacceptable performance is observed or there is reasonable suspicion that an employee is under the influence of alcohol and/or drugs, the employee will be asked to explain their behaviour.

In the absence of a satisfactory explanation for the behaviour or performance, or where the employee is suspected of, or admits to, being under the influence of drugs and/or alcohol, a drug and alcohol test will be performed.

Random Testing

As part of our proactive approach to safeguarding the health and safety of our workforce, Dan Ray Building Services Ltd. reserves the right to randomly test employees or anyone engaged by the company.

Arrangements will be discussed with individuals at the start of each random testing programme.

Testing Process

Initial breath or saliva tests will be carried out by a trained and competent member of staff at the place of work. There are two possible outcomes of this initial test:

1. Negative - which indicates there is no evidence of drugs or alcohol in the sample.
2. Non-negative - which indicates that there may be evidence of drugs or alcohol in the sample.

A non-negative outcome for workers other than employees, will result in the individual being asked to leave the site or premises immediately and the employing organisation will be notified.

For employees, in the event of a non-negative result, we will appoint an external independent provider to come to the workplace and take a urine sample, which will be sent for laboratory analysis using a strict chain of custody. There are two possible outcomes of this independent test:

1. Negative - which indicates there is no evidence of drugs or alcohol, or the level of drugs or alcohol is below the detectable and/or prescribed limits.
2. Positive - which confirms the presence of drugs and/or alcohol above the detectable/prescribed limit.

Refusal to take a test, or failure to cooperate with testing or refusal to allow company to access test results

If any individual does not consent to testing, the company may draw such conclusions from the refusal as it sees fit. For employees, the company's disciplinary procedure will be applied. Failure to cooperate with procedures to safeguard health and safety could be regarded as gross misconduct and may lead to dismissal.

Anyone else engaged by the company (e.g. Subcontractors) who does not consent to testing or fails to cooperate will be asked to leave the site or premises immediately and the employing organisation will be notified.

Dealing with the Result

Negative

If the test result is negative, in the event of a random test, the employee will be allowed to return to work. This includes the situation where a non-negative test result is subsequently confirmed to be negative after further testing.

In the event of post-accident/incident or with reason test, the investigation will continue, and the employee will only be allowed to return to work, if appropriate.

Where there was suspicion of drug and/or alcohol misuse or abuse or cause for concern, where appropriate an employee may be referred via the directors to an Occupational Health Advisor/GP or other appropriate organisation for a medical assessment, to ensure that there is no underlying medical reason for the unusual behaviour or unacceptable performance and that the employee receives appropriate care.

Unacceptable behaviour or performance that gave rise to concern or suspicion will continue to be investigated and may also be grounds for disciplinary action, and depending on the seriousness of the misconduct, this could result in dismissal.

Non-negative

If the initial test result is non-negative, a further test by an external independent provider will be carried out and the employee will be suspended on full pay until the test result of the further test has been confirmed to Dan Ray Building Services Ltd. On no account should an individual who has received a non-negative test result be allowed to drive.

The employee will be informed that they are being suspended pending further investigation. The managing director must be contacted immediately with the relevant details and the managing director will confirm suspension to the employee in writing and await final confirmation of the further test result. Anyone else engaged by the company (e.g. Subcontractors) will be asked to leave company, site or premises immediately and the employing organisation will be notified.

Positive (Confirmed after laboratory analysis)

If the final test result is confirmed positive. The employee will remain on suspension and invited to an investigatory meeting by the managing director, during which the possible existence of an alcohol or drug misuse and/or dependency problem will be explored. The managing director is not required to diagnose the existence of an alcohol or drug problem.

If the meeting fails to lead to a conclusion that an alcohol, or drug abuse problem exists, or the employee rejects or fails to co-operate, disciplinary action may be taken which could lead to dismissal. Should the meeting conclude that an alcohol or drug abuse problem might exist, the company may, at its absolute discretion, offer an employee (but not subcontract, agency or non-employee workers) reasonable assistance and access to treatment for rehabilitation.

Referral

Self-Referral - where an employee feels that they do, or may, have a drug or alcohol problem or dependency, they are encouraged to speak to their local GP for advice and assistance.

Director Referral - where an employee can be advised to seek assistance by a director.

Support

Should an employee seek support or be advised to seek assistance and accept referral, Dan Ray Building Services Ltd. will refer them to a qualified medical professional for assessment and recognition of the nature of the problem. If appropriate and the individual is willing to cooperate and receive treatment, support via rehabilitation and/or counselling service during an agreed period of treatment will be considered but only at the managing director's discretion.

If the employee fails to remain cooperative throughout treatment or where treatment is not possible, drug and alcohol misuse will be dealt with under Dan Ray Building Services Ltd.'s disciplinary procedures, which may result in dismissal without notice. In other cases where treatment has been unsuccessful,

termination of employment on the grounds of ill health may result.

Following assessment by a qualified medical professional, where a dependency problem does not exist or where treatment is not appropriate, the company's disciplinary rules will apply in cases where an employee's behaviour or performance at work is affected by the misuse of alcohol, drugs (other than prescription drugs issued by a GP) or any other substance. This may result in dismissal without notice or pay in lieu of notice.

Employees whose alcohol or drug dependency comes to light in the course of disciplinary proceedings should be aware that the admission of dependency may be a mitigating factor but will not necessarily result in the suspension of disciplinary proceedings. All cases will be dealt with on an individual basis.

Time Off for Rehabilitation

During treatment, time off during normal working hours may be granted (this may include sick leave or approved unpaid leave) and the individual may remain in their post or another suitable post, if deemed appropriate and in accordance with the company's requirements, at that time. Employment rights and benefits will normally be protected during this time, as long as the individual remains cooperative with the treatment programme.

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 (unless otherwise agreed - e.g. Unpaid leave). Further testing may be carried out to ensure compliance with the treatment and recovery programme and this will be monitored by the managing director. The company reserves the right to review the programme and its timescales at any point.

Confidentiality

We aim to ensure that the confidentiality of any employee experiencing alcohol or drug-related problems is maintained appropriately by managing directors and (where it is necessary to inform them), other colleagues. However, it needs to be recognised that, in supporting employees, some degree of information sharing is likely to be necessary.

Others Engaged by the Company - Agency Workers, Consultants and Contractors

Agency workers, consultants and contractors working with Dan Ray Building Services Ltd. are required to comply with this Drug and Alcohol Policy, including requirements for post-incident/accident and for cause testing for their own employees, subcontractors and agents. In the case of agency workers or contractors, services will be terminated immediately upon a breach of these rules and the employing organisation will be notified. Support outlined in this policy is only available to employees.

Policy Review

We will monitor the effectiveness of this policy and as part of continual improvement, the policy will be reviewed regularly.

Name: (Employee/Agency Worker/Consultant/Contractor)

Signed:..... Date:.....