

## RVT Group – Alcohol and Drugs Misuse or Abuse

Procedure No. / Version:	HSEQ 20 Version 1 (previously UC\HS\002 / Version 2)
Title:	Alcohol and Drugs Misuse or Abuse
ISO45001	Clause 8

### 1. Purpose and Scope

RVT Group has a duty to protect the health, safety and welfare of all its employees. Alcohol and drug misuse or abuse can be a serious problem within the workplace.

Employees who drink excessively or take unlawful drugs are more likely to work inefficiently, be absent from work, have work accidents and endanger their colleagues. However, the Company recognises that, for a number of reasons, employees could develop alcohol or drug related problems.

In relation to drugs, these rules apply to those that are unlawful under the criminal law and not to prescribed medication. These rules aim to promote a responsible attitude to drink and drugs and to offer assistance to employees who may need it.

### 2. Responsibilities

It is the responsibility of each employee to ensure that they attend for work in a sober and drug free manner. Where prescription, or non-prescription medications, are being taken, for whatever reason, which could impair the performance of said individual then the line manager must be informed prior to the person starting work.

### 3. Definitions

- **Prescription Medication** – A drug used to combat a particular infection, which prescribed by a medical practitioner.
- **Non-Prescription Medication** - A drug used to combat a particular infection, which has not been prescribed by a medical practitioner

### 4. Procedure

#### 4.1 Advice and counselling

- It is the Company's intention to deal constructively and sympathetically with an employee's alcohol or drug related problems, such as alcohol or drug dependency. When it is known that an employee has an alcohol or drug problem, the Human Resources personnel will work to provide advice and guidance on how to seek suitable treatment.
- The primary objective of any discussions will be to assist the employee with the problem in as compassionate and constructive a way as possible. Any discussions of the nature of an employee's alcohol or drug problem and the record of any treatment will be strictly confidential unless the employee agrees otherwise.
- If you have an alcohol or drug problem, you should seek appropriate help. If you have an alcohol or drug problem which affects your conduct or

performance at work and you refuse the opportunity to receive help, the matter will be referred for action under the Company's disciplinary procedure as appropriate. Likewise, if after accepting counselling and assistance, and following review and evaluation, your conduct or work performance reverts to the problem level, the matter may also be dealt with through the disciplinary procedure.

#### 4.2 Prohibition on alcohol and drug consumption in the workplace

- No alcohol or drugs must be brought onto or consumed on Company premises at any time. Staff must never drink alcohol or take drugs if they are required to drive private or Company vehicles on Company business. Where an employee has consumed alcohol during their recreation time they must ensure the quantity is not such that they will remain over the legal limit for driving when they report for work the next day.
- Employees representing the Company at business/client functions or conferences or attending Company organised social events outside normal working hours are expected to be moderate if drinking alcohol and to take specific action to ensure they are well within the legal limits if they are driving. They are prohibited from taking drugs on these occasions.
- Social drinking after normal working hours and away from the Company's premises is, of course, generally a personal matter and does not directly concern the Company. The Company's concern only arises when, because of the pattern or amount of drink involved, the employee's attendance, work performance or conduct at work deteriorates.
- A breach of these provisions is a disciplinary offence and will be dealt with in accordance with the Company's disciplinary procedure. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in the employee's summary dismissal.

#### Alcohol and drug related misconduct

- Whilst these rules are aimed at assisting employees with alcohol or drug problems, action will nevertheless be taken under the Company's disciplinary procedure if misconduct takes place at work as a result of drinking or taking drugs, or if an employee is found to be under the influence of alcohol or drugs whilst at work.

- Even a small amount of alcohol can affect work performance and, if an employee is found under the influence of alcohol whilst at work, there could be serious health and safety consequences or reduction in quality of work output.
- If you come to work suffering with a hangover and your work performance or the health and safety of you and your colleagues is jeopardised, you may also be subject to disciplinary proceedings. The same applies to being under the influence of drugs. Incapacity or misconduct caused by an excess of alcohol or drugs at work is a potential gross misconduct offence under the Company's disciplinary procedure and the employee is therefore liable to be summarily dismissed.
- This also applies to any employee believed to be buying or selling drugs or in possession of or taking drugs on the Company's premises.
- The Company reserves the right in any of these circumstances to arrange for the employee to be escorted from the Company's premises immediately and sent home. Alternatively, depending on the circumstances, you may be required to remain at work to sober up (on an unpaid basis) before being subjected to disciplinary action.

#### **5. Pre-employment Testing**

- As part of the recruitment process all successful candidates will be subject to screening for alcohol, drugs and where possible, substance abuse including solvents. Any candidate who refuses testing will not be employed. Any candidate who tests positive for drugs, alcohol or substance abuse will not be employed.

#### **6. Random Testing**

- Employees who will operate on Network Rail infrastructure will be eligible for random drug and alcohol testing.
- *No advance notice will be given to any individual selected for random screening.*

#### **7. Testing For Cause or Belief**

- Where a manager/supervisor has reasonable suspicion that an individual may be unfit for duty due to the effects of drugs alcohol, and / or substance abuse including solvents, then that manager/ supervisor must instigate a drugs and/or alcohol test, and where possible a substance, including solvents, test.
- The individual concerned must not be allowed to commence duty, or must be relieved from duty if they have already commenced work.
- Whilst awaiting a test the individual suspected must not be permitted to consume any drink or food and must be escorted by a company representative at all times.
- Individuals will not be permitted to resume their duties unless they comply with the standard

- Testing for drugs and / or alcohol will take place in accordance with the methods laid out below in Alcohol Testing Methods and Drug and / or substance including Solvents Testing Methods

#### **8. Post Incident Testing**

- Drugs and/or alcohol testing, and where possible a test for substance abuse including solvents, must be completed following any incident where there are reasonable grounds or suspicion that drugs, alcohol or substance abuse may be a cause or contributory factor.
- Where serious injury or fatalities have occurred then drug, alcohol and where possible, substance abuse including solvents test must be completed.
- Tests post incident must be completed as soon as is reasonably practicable but in any case within 2 hours. Where it is not possible to complete tests within these timescales the reason must be noted.
- Individuals will not be permitted to resume their duties unless they comply with the standard
- Testing for drugs and/or alcohol will take place in accordance with the methods laid out in Alcohol Testing Methods, and for Drug and / or Substances as per Solvent Testing Methods.

#### **9. Refusal to Consent to Testing**

- All employees are required to co-operate with the standards outlined in this policy/procedure.
- Any employee who refuses to undertake a drug, alcohol, and where possible, substance abuse, including solvents test will be suspended immediately on full pay pending a disciplinary interview. Refusal to undertake a test for drugs, alcohol or substances, including solvents will be considered gross misconduct.
- Any attempt to interfere with the testing process or to obstruct persons carrying out testing will be considered gross misconduct
- Any contractor who refuses a test will be removed from company premises and prohibited from any future work for RVT Group Ltd.

#### **10. Medication**

- Certain medicines available either with or without a prescription can affect an individual's ability to complete their work activities safely.
- All employees must inform their Medical Practitioner or Pharmacist of the type of work they do, so that appropriate guidance on medication may be obtained.
- During the drug screening process the donor must declare the details of any medication that they are taking. If there is a subsequent positive result the details of the declared medication will be taken into account.

### 11. Promotion

- An employee selected for promotion will be screened for drugs, alcohol and where possible, substance abuse including solvents. A positive result will result in disciplinary action and may constitute gross misconduct.

### 12. Right of Appeal

- In the event of a positive result the employee has the right to challenge the decision taken as a result of any disciplinary investigation and hearing in accordance with the Company disciplinary policy and procedure.
- Where a challenge relates to a drugs test result, the employee will be required to pay any laboratory fees for an independent analysis of the 'B' sample. Such fees will be reimbursed to the employee in the event that the sample 'B' result proves negative.
- Any challenge must be made within 7 days of the original results being notified to the individual. This time scale is to ensure the integrity of the second test sample. The second sample will have been kept securely under a strict chain of custody by the approved laboratory.

### 13. Alcohol Testing Method

- The method for alcohol testing will be a breath sample using a breathalyser.
- All breath testing equipment will be checked and calibrated as per manufacturer's guidelines.
- The Collecting Officer will speak discreetly to the individual concerned and advise them of the reasons for the test (random, cause belief etc) and the principles of the test will be explained verbally to the individual, the test will be undertaken in a private area. The individual should be advised they may be accompanied to the test. But in any case will take place in front of a company witness.
- The Collecting Officer will request the individual to undertake a breath test using a recognised test device.
- The individual will be required to sign a consent form. The test will be carried out by a manager/supervisor or approved agency trained in the use of the test device.
- If the individual refuses to consent to undertake the breath test then the procedure detailed in **Refusal to Consent to Testing** will apply.
- The individual will be given a copy of the written result of the test and the original will be placed on the individual's record. This will be signed by the manager/supervisor carrying out the test and by the company witness. The individual tested will be required to sign to acknowledge receipt of the result.
- If the test is negative the individual will be thanked for their assistance.

- If the test is above the limit or within the range outlined under the section **Levels**, the individual will be asked to remain in the testing area and be retested twenty minutes later.
- If the second alcohol breath test is above the limit or within the range outlined under the section **Levels**, the appropriate disciplinary action will be taken.

#### 14. Drug and / or Substance, including solvents, Testing Method

- Drugs Test will be undertaken using saliva and sweat wipe screening procedure
- The Collecting Officer will speak discreetly to the individual concerned and advise them of the reasons for the test (random, cause belief etc) and the principles of the test will be explained verbally to the individual, the test will be undertaken in a private area. The individual should be advised they may be accompanied to the test. But in any case will take place in front of a company witness.
- The individual will where appropriate be required to sign a consent form. The test will be carried out by an approved agency trained in the use of the test device.
- If the individual refuses to consent to undertake the test then the procedure detailed in **Refusal to Consent to Testing** will apply.
- If the initial read out on the window of the screening device indicates a negative result the record report will be signed by the collecting officer and the individual will resume normal duties.
- If the initial read out on the window of the screening device indicates a positive reading the individual will be stood down from duty and asked to wait whilst the company's approved sample takers are called. During this period the individual will be kept segregated and unable to self contaminate before confirmation sample is taken.
- The sample taker will collect urine samples which will be sealed in the presence of the employee and a secure chain of custody will commence under the strict supervision of the Collection Officer and will be forwarded to an approved laboratory for screening.
- The employee will be given a copy of the consent form for the test and all remaining copies must be forwarded to the appropriate departments. The sealed chain of custody envelope(s) containing the samples will be forwarded to the appropriate test facility.
- The employee will be suspended on full pay pending the result of the test.
- Test results will be confirmed to the employee as soon as possible.
- If the employee wishes to appeal against a positive test result they need to follow the process detailed as detailed in **Right of Appeal** above.

#### 15. Voluntary advice of dependency.

- In the event of an employee voluntarily approaching the Company, to advise of a dependency problem, in the context of this policy / procedure the Manager must review if it is appropriate for the employee to continue in his/ her role and,

if appropriate, redeploy or suspend the employee before determining a course of action.

#### 16. Audit & Review

- This document will be subject to review every two years.
- Random checks will be made to ensure that the requirements of this procedure and record keeping requirements are being adhered to.

#### 17. References

- Health & Safety at Work etc Act 1974
- Misuse of Drugs Act 1971
- Transport and Works Act 1992
- Network Rail Alcohol and Drugs Policy

#### 18. Documentation

Records shall be maintained consistent with the requirements of the United Concepts LLP's quality management system.

Where H&S records are required to be maintained for legal reasons beyond the scope of the quality management system, then such records will be maintained as legally required.

Signed –



Phil Dupont

Date – 01/01/2019