



# Alcohol & Substance Misuse (Policy & Testing Procedure)

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## Policy Statement

Red Rhino Resourcing (RRR) is committed to providing a safe and healthy working environment for all employees and those affected by our activities. The Company will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol or substance misuse. This policy applies to all employees and all persons coming onto the Company premises and/or the premises of its clients.

The Policy is applicable to all employees of RRR and sub-contractors or other third parties employed or engaged by or on behalf of RRR ("Relevant Individuals").

The aims of this Policy are to:

- Ensure that RRR complies with relevant legislation relating to substance misuse at work (including without limitation The Health and Safety at Work etc. Act 1974, The Transport and Works Act 1992, The Misuse of Drugs Act 1971).
- To take a proactive approach to ensure that our workplaces are a drug and alcohol-free environment as part of our commitment to ensuring a safe and productive workplace, by ensuring that all relevant individuals are aware of this Policy and that anyone who declares (pre-testing) a drug, alcohol or substance related addiction or habit is given the necessary support.
- Undertake measures to prevent persons attending work under the influence of illegal drugs, misused prescribed or over-the-counter medication or alcohol, using a testing regime; and provide information, instruction and awareness training to all relevant individuals on the health effects of alcohol and illegal drug use, the principles of this Policy and the repercussions of a breach of it (including disciplinary procedures and dismissal).
- The Company will undertake and regularly review risk assessments to identify and assess the risks associated with alcohol and substance misuse. The risk assessments will consider the scope of all work activities undertaken by the Company (in particular any safety critical operations) to determine the appropriate policies and arrangements for managing the risks associated with alcohol and substance misuse by employees and, where relevant, contractors, customers and the public.

This Policy will be communicated to all relevant individuals and reviewed on a regular basis. All amendments or updates will be communicated.

## Purpose

To set out Company policy with respect to any alcohol consumption or taking of drugs, whether intermittent or continual, which interferes with work performance in relation to attendance, efficiency, productivity and safety.

Alcohol & Substance Misuse. In this policy the term substance misuse includes misuse of controlled and prescription drugs and use of illegal and designer drugs and other substances such as solvents. Drugs are defined as any substance that affects the way the body functions physically, emotionally or mentally. Misuse is defined as any use that harms social or physical functioning.

## Scope

The Policy applies to all employees of RRR and sub-contractors or other third parties employed or engaged by or on behalf of RRR ("Relevant Individuals").

## Definitions

**Legal Limit** – the legal limit of alcohol for driving in the UK is 35 micrograms of alcohol per 100 millilitres of breath. For the purpose of this Policy, "Legal Limit" shall also include a concentration equal to or greater than:

- 107 milligrams of alcohol per 100 ml of urine
- 80 milligrams of alcohol per 100 ml of blood

**Illegal Substances**- the substances for which relevant individuals may be tested include:

- Amphetamines,
- Benzodiazepines,
- Cannabis,
- Cocaine,
- Opiates (including Heroin),
- Methadone and
- Methamphetamines (including ecstasy).

The drugs referred to above are examples only and are not exhaustive list of the substances which Relevant Individuals may be tested.

**Prescribed or Over-the-Counter Medication** - medication prescribed by medical practitioners or purchased over-the-counter and used in accordance with official dosage guidelines. Individuals who are prescribed medicines or are taking over-the-counter purchased legal drugs should bear in mind that they may affect their working performance and in particular their ability to work with machinery safely. It is the responsibility of the worker to enquire with his/her GP or pharmacist whether any medication is likely to affect performance at work. If it is then, the Relevant Individual must inform his/her line manager immediately. Relevant Individuals will always be asked to declare any recent medication use prior to the time of testing.

**Under the Influence** - under the influence of any substance, whether Illegal Substances or Prescribed or Over-the-Counter Medication, which could impair the Relevant Individual's work performance in relation to attendance, efficiency, productivity or safety.

## Misuse Policy

The Company is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. It will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol or substance misuse. This policy applies to all employees and all persons coming onto the Company premises and/or the premises of its clients.

All Relevant Individuals will be required to sign Appendix 1 to this document as confirmation that they understand and will adhere to the policy.

The Company prohibits the drinking of alcohol by employees and contractors in the workplace or on Company business other than reasonable drinking of alcohol in connection with approved social functions. The Company regards drinking to an 'unreasonable level' as any of the following situations:

- In the opinion of management, the individual's performance is impaired. (This may be at less than the legal limit stipulated for driving.)
- In the opinion of management, the individual's behaviour may cause embarrassment, distress or offence to others.
- The individual continues to drink when instructed to stop by a manager.

The Company will take all reasonable steps to prevent employees and contractors carrying out work-related activities if they are considered to be unfit/unsafe to undertake the work as a result of alcohol consumption or substance misuse.

The Company expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on company premises and/or the premises of its clients, in company vehicles or at a company function, they will be regarded as serious, will be investigated by the Company, and may lead to disciplinary action and possible reporting to the Police.

### **Misuse Procedure**

No Relevant Individual shall:

- report, or endeavour to report, for duty having consumed drugs or alcohol likely to render him/her unfit and/or unsafe for work;
- consume or be Under the Influence of drugs or alcohol whilst on duty (unless, in the case of alcohol, with the agreement of line management for the purposes of official company entertaining);
- store drugs or alcohol in personal areas such as lockers and desk drawers;
- attempt to sell or give drugs or alcohol to any other employee or other person on the company premises and/or the premises of its clients.

All Relevant Individuals must inform the line manager regarding any prescribed medication that may have an effect on their ability to carry out their work safely and must follow any instructions subsequently given. Drugs that cause drowsiness must not be used whilst at work.

Any Relevant Individual suffering from drug or alcohol dependency should declare such dependency, and the Company will subsequently provide reasonable assistance, treating absences for treatment and/or rehabilitation as any other sickness absence. (Failure to accept help or continue with treatment will render the Relevant Individual liable to normal disciplinary procedures.)

### **Testing Policy & Procedure**

RRR operates a policy of alcohol/drugs testing. The objectives of this policy are to:

- maintain a safe working environment for all;
- assist in the early identification of alcohol or drugs-related problems;
- encourage all Relevant Individuals who think they may have an alcohol or drugs-related problem to seek and accept help from the Company.

Any Relevant Individual who notices obvious signs of alcohol or drug misuse in a colleague should report his/her observations and/or suspicions in confidence to their line manager.

It is the Company's policy to offer support to any Relevant Individual who has a problem associated with use of alcohol or drugs. Any Relevant Individual who believes or suspects that he/she may have such a problem is encouraged to come forward to a Human Resources representative to discuss the problem in confidence. The Relevant Individual will subsequently be offered support including, as appropriate, referral for advice, medical treatment, counselling and time off work.

N.B. Giving notice of a dependency issue after a Relevant Individual has been asked to undergo a test or on the day that random or for cause test takes place will not grant the individual immunity from being tested or from any disciplinary action that may take place in the event of a positive result for either drugs or alcohol.

Employees who are tested have the right to be informed of their test result before the result is passed to management.

All Alcohol & Substance Testing will be carried out in accordance with relevant screening protocol provided by the testing equipment supplier.

**Testing Regime & Classifications-** On site testing will generally be by calibrated alcometer and urine sample, but this may vary depending on the circumstances. Alcohol and drugs testing will be carried out only by qualified and competent personnel who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion into employees' privacy.

The testing officer will brief those being tested and a representative from RRR Management Team will be present at the testing session wherever possible.

A Relevant Individual will be deemed to have tested positive and therefore failed a drugs test where the detectable level exceeds the internationally recognised pass/fail levels for a banned substance. In the case of alcohol, the limits outlined in paragraph Definitions will be applied.

A Relevant Individual who refuses to undertake a test when requested, attempts to tamper with, or avoids any part of the drug and alcohol test procedure will be treated as having received a positive result.

When drug and alcohol testing is required as part of a third party's requirement (i.e. RRR's client to which Relevant Individual is currently assigned to) the appropriate standard and process will be complied with and the more stringent testing limits and regimes will apply.

Preliminary drug detection results (on the day of the test) will be confirmed after further laboratory and specialist interpretation.

### **Types of Testing**

**"With Cause"** – with cause testing is undertaken:

- Where there is suspicion that a Relevant Individual may either be Under the Influence of drugs or alcohol or has an addiction or substance misuse habit; or
- When a Relevant Individual has been involved in an accident or a near miss incident or could have caused a danger to health or safety
- When the Company has received information relating to potential alcohol or substance misuse or addiction. In this case, to protect confidentiality, the details of the information, which it reasonably believes has been provided in good faith, will not always be revealed to the Relevant Individual; or
- Where a Relevant Individual is being transferred to safety critical work
- Where a client requires a specific testing regime.

**"Random testing"** - random alcohol/drugs testing will be carried out on members of staff who work in safety critical jobs, including those working with machinery, those whose job duties involve driving and those whose job involves responsibility for the care of others.

### **Actions Following Test Results –**

*If a Relevant Individual declares that he/she has been taking medication prior to testing that may cause the positive result, the Relevant Individual will not be suspended from site. If the medication is declared after a positive result, the Relevant Individual will be suspended from site.*

**Alcohol-** A negative result will be advised to the line manager and the Relevant Individual, and a record made; If the alcohol in breath reading is at or above the levels set out in paragraph Definitions of this Policy above the Relevant Individual will be deemed to have tested positive and his or her employment will be immediately terminated. The Relevant Individuals will be responsible for arranging themselves a safe transport home; he/she will not be permitted to drive away from the workplace.

**Drugs & Substance-** If the initial urine reading indicates the presence of drugs, the Relevant Individual will be advised that the sample (urine) needs to be analysed in a laboratory. The sample, provided under controlled conditions, will be handled in a formal chain of custody.

Should a preliminary test prove positive, the Relevant Individual should be explained that, due to Health & Safety reasons he or she must be escorted from the site with immediate effect.

Further Actions Following Drug & Substance Test Results, depending on employment status:

- *Temporary Worker & other Relevant Individual:*

If found positive at the initial testing, carried out on site, the Relevant Individual should be asked if they wish to continue with the procedure as they will be liable to cover the cost of further (laboratory) testing. The full cost of the testing will be reimbursed to the Relevant Individual by Red Rhino Resourcing upon return of the laboratory documentation with a negative result.

The Relevant Individual should be informed that they will be under a temporary cessation of assignment (i.e. their **assignment will be placed on hold**) pending the result of further laboratory analysis; If the laboratory results come back negative, the Temporary Worker will be permitted to return to work and reimbursed for the hours lost whilst their assignment was on hold. If the lab results are positive, the Relevant Individual's engagement will be immediately terminated and no payment will be received for the time when his or her assignment was put on hold.

- *Permanent Employee of RRR:* the employee will be immediately suspended on full pay pending the results of further laboratory analysis. If the laboratory test result proves positive, the employee will be invited to attend an interview with a line manager. The Relevant Individual will have the right to be accompanied by a colleague or trade union official at this interview. The outcome of the interview will depend on the circumstances but could include:
  - action under the capability procedure: an offer for the employee to undergo a programme of medical treatment, rehabilitation or counselling, where the employee accepts that he/she has a problem with alcohol or drugs misuse and is willing to cooperate with the employer in the provision of such support;
  - action under the disciplinary procedure: all staff are expected to arrive at work fit to carry out their jobs and to be able to perform their duties safely without any limitations due to the use or after effects of alcohol or drugs (whether Prescribed or over-the-Counter Medication or Illegal Substances). It is gross misconduct for a Relevant Individual to be Under the Influence at work or (except where authorised by the Relevant Individual's Line Manager and it is legal to do so) at work-related functions and work-related social functions. For the avoidance of doubt Relevant Individuals are considered to be "at work" whether or not these functions take place outside normal working hours.

## **Confidentiality**

All results and information in relation to drug and alcohol testing will be dealt with in strict confidence and released only to the line manager of the Relevant Individual tested, the Relevant Individual themselves and the HR department.

All possible measures will be in put in place to ensure confidentiality of test results, and checks will take place to avoid any false results.

## **Queries and Amendments**

Any queries should be addressed to the Human Resources Department. Any amendments will be notified by revision of this document.

**APPENDIX I**

**Introduction**

The company has a zero-tolerance approach to employees and other Relevant Individuals who demonstrate improper conduct with regard to drugs and alcohol.

Please read the policy below, as failure to adhere will result in disciplinary action and could lead to dismissal.

**All Employees Must**

- Not come to work Under the Influence or attempt to drive or operate any machinery at work if they believe they may be Under the Influence;
- Not be in possession of illegal drugs and alcohol whilst coming onto the Company premises and/or the premises of its clients
- Inform their local line manager if taking prescribed or approved drugs before commencing their work.
- Check with their GP or pharmacist as to whether any prescription or over-the counter medication may impair their ability to perform their duties and make the required notification pursuant to this Policy;
- Give notice (prior to the day of testing or prior to a request to undergo a test) to their manager / HR Representative if they believe they have a problem related to drugs or alcohol. In such instances, the worker will be offered support, counselling and rehabilitation;
- Undergo testing for drugs and alcohol as described in this Policy. Refusal to undergo testing will result in disciplinary action and could lead to dismissal;

**The Company Has Certified Staff Who May Test All Employees and other Relevant Individuals for Alcohol and Drugs**

- After an accident.
- With cause testing – ‘When there is a reason to believe’.
- At the request of a client
- On a regular random basis for all employees and contractors.

If you are unclear on any of the above please inform your line manager.

Please sign and date below to confirm that you understand the above policy, will adhere to the content and consent to being tested in accordance with its provisions.

PRINT NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

MANAGER’S SIGNATURE: \_\_\_\_\_