



## General Principle

Under the Health and Safety at Work Act 1974, every employer has a duty of care over their employees and anyone affected by their work activity. The Management of Health and Safety at Work Regulations 1999 requires employers to ensure that they have assessed the risk to which employees and others are exposed to through the course of their work. Step on Safety Ltd (the Company) aims to ensure that employees are not performing duties while under the influence of drugs or alcohol. This policy addresses the use of drugs and alcohol at work, working while under the influence of drugs or alcohol, and abuse of drugs or alcohol outside of work.

## Policy Details

Employees must obey all applicable laws, including the following:

- Health and Safety at Work Act 1974
- Misuse of Drugs Act 1971
- Road Traffic Act 1988
- Transport and Works Act 1992

Employees must not, under any circumstances, consume drugs or alcohol whilst at work, whether operating machinery, vehicles, or performing other tasks. Employees that need to operate vehicles and/or machinery must not consume drugs or alcohol less than eight hours before their next scheduled shift and must not attend work under the influence of drugs or alcohol.

Abuse of drugs or alcohol that affects an employee's performance at work or their safety or the safety of others will not be tolerated.

### Application

Step on Safety reserves the right under this policy to exercise alcohol and drug testing of its employees. This policy applies to all employees, including management, as well as any consultants, sub-contractors or agency workers.

The term "drug" includes all drugs and psychoactive substances (including those formerly known as "legal highs") that could adversely affect behaviour or performance and lead to an increased risk of accident and/or injury occurring in the workplace.

Irrespective of any changes in legislation which may decriminalise the use of drugs, such as cannabis, marijuana, for personal use, any such changes will have no effect on the application of this Policy. In order to meet compliance with appropriate legislation, all drugs which can affect a person's ability and judgment to ensure the safety of clients, public or workforce will be covered by the policy.

### With-Cause Alcohol and Drug Testing

The employee will be tested for alcohol and drugs in all cases where he/she has had any involvement in a workplace accident or in any incident that has caused or could have caused a danger to health or safety. Testing will also be carried out where management has grounds to believe or suspect that the employee is or may be under the influence of alcohol or drugs.

Any employee who notices obvious signs of alcohol or drug abuse in a colleague should report his/her observations and/or suspicions in confidence to their Supervisor, a Director or the HR Advisor.

### Random Alcohol and Drug Testing

Random alcohol and drug testing will be carried out on members of staff who work in safety-critical jobs, including those working with machinery and whose job duties involve driving.



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### **Carrying Out Tests**

Employees are advised that a request for an employee to undergo alcohol and drug testing does not indicate that he/she is under any suspicion of wrongdoing.

An employee who unreasonably refuses to submit to an alcohol and drug test in accordance with the Company's rules will be subject to disciplinary action.

### **Action After a Positive Test**

If a test proves positive, the employee will be invited to attend an interview with a senior manager. The employee 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:

- 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 drug misuse and is willing to cooperate with the employer in the provision of such support
- Disciplinary action, where there are no safety issues involved and the circumstances are not serious, in which case the employee will be tested again after three and six months
- Dismissal, where the effects of the employee's alcohol or drug taking are or could be serious, for example if the employee works in a safety-critical job and his/her use of alcohol or drugs could affect performance, or where a previous alcohol and drug test within the previous two years has produced a positive result

### **Seeking Help for Alcohol and/or Drugs Related Problems**

Individuals can voluntarily seek help and support by speaking directly with their line manager and/or their HR Advisor for support where they declare a drugs and/or alcohol related problem. This must be declared at least 24 hours PRIOR to any random or 'for cause' testing taking place on site.

The Company will commit to supporting the employee, by:

- The line manager ensuring that any safety critical worker licences held by such individual who has declared their dependency are withdrawn to prevent them carrying out safety critical duties
- The line manager seeking HR support, to identify suitable alternative work, where the employees cannot undertake their substantive role, for the duration of rehabilitation (but no longer than 6 months). If no suitable alternative work can be identified the business may reserve the right to terminate employment
- The support from the Company is dependent upon the employee agreeing to the following:
  - Attend a rehabilitation programme for drugs and/or alcohol
  - Must provide a statement of attendance/compliance from the rehabilitation service/support every 4 weeks to the HR Advisor
  - Will participate in unannounced random drugs/alcohol testing in addition to any site random testing. The frequency should be a minimum of every month. ALL results must be negative on site or non-negatives confirmed negative

Non-compliance with any aspect of this support agreement will mean the employee will be subject to the Company's disciplinary policy, which may result in summary termination of employment.

### **Data Protection and Privacy**

All possible measures will be in place to ensure confidentiality of test results, and checks will take place to avoid any false results. Test results are processed in accordance with the Company's Data Protection Policy. Access to test results is strictly limited to the people for whom it is necessary, such as the employee's line manager. Unauthorised access to test results will be treated as a disciplinary matter and dealt with in accordance with the Company's disciplinary procedure.



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Alcohol and drug testing will be carried out only by qualified and competent personnel from an external alcohol and drug testing company who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion into employees' privacy.

Test results are retained in accordance with the Company's Data Protection Policy. Positive alcohol and drug test results are retained only long enough for them to be investigated and dealt with under the Company's disciplinary procedure. Negative tests are normally securely destroyed after seven days.

Employees have a number of rights in relation to their data, including the right to make a subject access request and rights to have data rectified or erased in some circumstances. You can find further details of these rights and how to exercise them in the Company's Data Protection Policy. If workers believe that the Company has not complied with their data protection rights, they can complain to the Information Commissioner.

### Complaints

If an employee has a complaint about the way in which an alcohol and drug test has been conducted, he/she can raise this informally with HR. If an employee prefers to raise a formal complaint, he/she should refer to the Company's grievance procedure.

### Equal Opportunities

In line with its equal opportunities and dignity at work policies, the Company will take steps to ensure that this policy is not used in a discriminatory manner against any employee and that no individual is unfairly targeted. The Company will take steps to ensure that employees' dignity is respected at all times.

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### FOR MORE INFORMATION

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