Drugs and Alcohol Policy

Background

Employers often justify workplace drug testing on health and safety grounds, particularly in safety-critical jobs like driving or medicine. They may also cite concerns over employee absenteeism or job performance.

The Company takes our Health and Safety obligations seriously to ensure the welfare of their staff and visitors. Our various working environments requires driving and in many cases the use of sophisticated machinery, which means that we must constantly be alert and able to use such equipment minimizing all possibilities of mistakes being made and leading to accidents occurring. We also wish to draw attention to the personal health and legal risks associated with alcohol and substance misuse.

The Company have therefore introduced a zero tolerance for alcohol and drugs consumption. In practice this means:

- We do not expect anyone to arrive on site that is under the influence of alcohol or drugs.
- We do not permit anyone to drink alcohol or take drugs on the premises at any time.
- We do not allow anyone to drink alcohol off the premises e.g. at lunchtimes, and then return to work. If an employee wishes to drink at lunchtime, employees will need to pre-book a half-day holiday to cover their absence.

In the event of a work-related accident, all employees believed to be involved may be tested for the presence of drugs and/or alcohol. We will also test for the presence of drugs and/or alcohol if an employee's behaviour suggests that drugs and/or alcohol may be present in the employee's system. If a visitor's behaviour suggests the presence of drugs or alcohol then the visitor will be asked to leave the premises.

In the event of any employee not complying with this policy, the Company will have no choice but to initiate their Disciplinary Procedure.

If an employee believes that they personally have a problem with alcohol or drugs, the Company can offer help and support through a 24-hour confidential service. Please make use of this service if you think you need it, or recommend it to others. If such a problem with alcohol or drugs means that you are attending work under the influence of drugs or alcohol, then it is your responsibility to advise your manager of this.

This policy applies to all our employees, contractors and visitors at ALL our facilities.

Guidelines

The Company is committed to fostering a safe, healthy, and productive workplace for the benefit of all employees and visitors. The Company is committed to maintaining a drug and alcohol-free workplace through the implementation of this formal policy, which includes drug and alcohol testing the Company feel is reasonably required. Visitors may be asked to leave the premises to maintain a drug and alcohol-free workplace.

All employees are encouraged to seek counselling, education, and referral in connection with substance abuse problems through their local GP or our Occupational Health Advisor. Employees who wish to seek treatment are encouraged to do so prior to the occurrence of an incident or performance concerns that may give rise to drug/alcohol testing. All contacts with either an employee GP or our Occupational Health Advisor are kept confidential, to the maximum extent possible.

Please remember that prescription drugs may inhibit an employee's ability to perform in their job safely, so always use them in accordance with a doctor's, and the manufacturers' instructions. Employees shall be tested for the presence of drugs and/or alcohol if a manager has reasonable cause to suspect that the employee's ability to perform their work safely may be impaired through alcohol or drugs. In addition, an employee shall be required to undergo immediate drug and alcohol testing if he or she is involved in any work-related accident or incident that results, or could have resulted, in damage to Company property or injury where there is reasonable suspicion that drugs or alcohol could be contributory to the incident. In situations where multiple individuals are involved in an incident, all individuals believed to be involved may be tested.

In addition to the ban on the use of illegal substances and alcohol at the worksite, the Company's policy bans the use, purchase, sale, distribution, dispensing, or possession of illicit controlled substances or controlled substances used in an illicit way. If a manager has reasonable cause to suspect such activities, then testing shall be required. The Company may also search all property on Company premises, including but not limited to contents of lockers, brief cases, purses, desks, file cabinets, and vehicles parked on Company property. Failure or refusal to cooperate may be grounds for disciplinary action up to and including dismissal.

If the employee fails the drug test and/or has alcohol present at or above the levels determined by the Company, he or she will be subject to disciplinary action which may result in dismissal.

An employee who refuses or otherwise fails to comply with the required suspicion-based or post-accident testing process will be subject to disciplinary action which may result in dismissal.

If the Company suspects that a visitor is under the influence of drugs and/or alcohol the visitor will be asked to leave the premises immediately by the manager responsible for them, and advised not to drive his/her own vehicle.

Company Drug and Alcohol Procedures

The following guidelines have been adopted in connection with testing of employees. No traces of drugs or alcohol will be tolerated as they may affect Health and Safety around the facility.

Drug/Alcohol Testing

Employees - Testing Based on Reasonable Suspicion

Reasonable suspicion exists if at least two Company representatives (managers, supervisors, or others authorised to act in accordance with this policy, such as our HR Consultant) confirm that the employee is demonstrating any one or a combination of behaviours that suggest that drugs and/or alcohol may be present in the employee's system. (A Drug/Alcohol Checklist will be used to identify such behaviours.) If a 2nd Company representative is not available, another competent employee may act in an observational capacity. The basis for the determination to test will be documented.

Communication and Review of Test Results

Results of drug/alcohol tests will be kept confidential. Final test results will be communicated only to those who have a need to know.

Testing Procedures

- Drugs selected for testing will be determined and periodically reviewed by the Company in light of Health and Safety considerations.
- If the determination is made to test, a Director / Manager or our HR Consultant will make arrangements for the employee to be immediately tested.
- For drug testing, the employee will be required to submit a urine sample. For alcohol testing, the employee will be required to undergo a breath-alcohol test.
- For any alcohol or drug test, the individual will be required to sign an Employee Drug/Alcohol Testing Authorisation Form.
- Pending suspicion-based test results, the employee may be sent home. The Company may, in its discretion, ask the employee to undergo further medical or other evaluation to determine if there is a medical or other basis for the perceived behaviour and if some form of treatment is appropriate.

If the employee cannot work due to his/her condition and requires assistance with transport, transport should be arranged for the employee to leave the premises. Managers or other employees should not drive the impaired or intoxicated employee themselves.

Responsibilities

The Manager’s Role

Managers are responsible for protecting the safety of the workplace by seeing that any employee who appears to be impaired by alcohol or drugs is relieved of their job responsibilities until sent for testing in accordance with this policy. In exercising judgment and taking action as it relates to reasonable suspicion testing, the manager shall not act alone but in conjunction with another person acting in an observational capacity, as well as the Director/HR Consultant.

No manager is responsible for immediately terminating any employee, even an employee observed using drugs or alcohol at the workplace. If a manager has a reasonable cause to suspect that an employee is unfit for work through alcohol or drugs, then he/she shall follow established procedures, which might involve drug/alcohol testing, suspending the employee, and processing any necessary paperwork - in conjunction with Director/ HR Consultant.

When making arrangements for the employee to be driven home, a manager should never drive the employee in his/her personal vehicle. The manager should advise the employee not to drive his or her own vehicle.

Documentation and discussion around job performance and attendance should focus on job-related issues only, without reference to suspected substance abuse. Contact the HR Consultant for assistance with documentation and disciplinary action.

Drug/Alcohol Checklist Instructions

This checklist is intended to aid in determining whether an employee is impaired or otherwise not in a condition to perform his or her job and whether such condition is due to the presence of drugs or alcohol. Supervisors and managers are responsible for acting as front-line observers of employee behaviour; however, where appropriate, they must consult with the HR Consultant regarding what they have observed.

Management should to refer an employee for testing for “reasonable suspicion” if one or more of the following conditions exist and have been corroborated in writing by another supervisor or manager:

- The employee is involved in a work-related accident or incident that results, or could have resulted, in significant damage to property or injury or there is no other reasonable explanation for an incident.
- The employee is observed using or consuming drugs or alcohol.
- The employee exhibits change in physical appearance, acts or talks incoherently, lacks coordination, slurs speech or exhibits other unusual behaviour while appearing to be unable to properly perform his or her job. Behaviours which may indicate possible drug and/or alcohol use are detailed in the Drug/Alcohol Checklist.

NB: There is no legal requirement that an employer provide advance notice of testing, however, which can be problematic if an employee has recently taken a drug like cannabis, which remains detectable in their urine for several weeks after use.

Informed consent

The Company will obtain an employee’s informed consent before they perform a drug test. This means they have to explain the purpose of the test and wait for the employee to agree to be tested before taking a sample.

The Company certainly cannot force an employee to take a drug test or covertly test any employee and if an employee fails the drug test, the Company cannot rely on the illegally obtained sample to dismiss or discipline any employee.

If the Company cannot test any employee without informed consent as this is unlawful.

Selection

If the Company has reasonable grounds to test employees (e.g., because of the nature of the work) and says it will select people randomly, selection must be genuinely random. If the Company singles any employee out for a test without valid justification, the employee may be able to claim unfair discrimination.

Privacy

The results of an employee drug test will remain confidential, even if an employee fails a test. Moreover, because of the sensitive nature of testing, it should be conducted by a person of the same sex.

Refusing to take a drug test

If an employee unreasonably refuses to take a drug test, the employee should expect to face disciplinary action and, quite likely, dismissal. Therefore, before an employee refuses to take a test they may wish to consult a solicitor for advice.

As the Company work in transportation and operate dangerous machinery the employer has the right to select employees randomly and give them little time to accept or refuse the test. In these circumstances, employees may not be able to consult a solicitor -- even asking for a postponement may be considered unreasonable.

Failing a drug test

Provided the Company has a right to test an employee they may face summary dismissal for gross misconduct if an employee fails a drug test. Being summarily dismissed for gross misconduct is significant because it may excuse the Company from providing notice and paying the employee redundancy.

Disability Discrimination Act

Drug addiction does not qualify as a disability for the purposes of the Disability Discrimination Act (DDA) unless caused by the administration of medically prescribed drugs or other medical treatment.
Drug use related to an underlying medical condition, however, may fall within the remit of the DDA. For example, an employee may have taken drugs during a bout of clinical depression. In these circumstances, dismissal for a failed drug test could be unreasonable.

Appealing a dismissal over a failed drug test

An employee can challenge a drug test dismissal through the internal grievance procedure. If the Company rejects an employee's appeal, they have the right to take the case to an employment tribunal. In either event, the employee is strongly advised to seek the immediate help and advice of an experienced solicitor who specialises in employment law

The following factors will be taken into account when assessing reasonableness of drug test dismissal

- What effect did the employee's drug use have on workplace health and safety?
- Does the employee have contact with children/young people?
- Was employee taking drugs or affected by drugs on or off duty?
- Has the employer's confidence in the employee been irredeemably undermined?
- What effect does employee's drug use have on the employer's business and reputation?

- What kind of drugs did the employee use?
- Are there any mitigating factors (e.g., clinical depression)?

01/10/2013

Company used Drug Kits

The Drug kits used by the Company are purchased from Synergy Health Laboratory Services Ltd

E-Z Drug Test Cup 10 Drug Types 1 Test

Product Information

1 test cup
E-Z collection and drug screening system
Fully integrated and sealed drug test cup with built in 10 panel drug test for:

- MDMA (Ecstasy)
- Cannabis
- Cocaine
- Opiates
- Amphetamine
- Benzodiazepines
- Tricyclic antidepressants
- Barbiturates
- Methadone
- Methamphetamine

Each unit also incorporates a temperature strip (checks urine is "body temperature").

Other benefits

- Completely sealed urine Cup ~ No leakage or spillage
- No urine handling. Easy to use by just pulling a plunger to begin the test

Each kit comes with full drug testing instructions which will be shared with the employee prior to the test commencing.