

Drug & Alcohol Policy

1. Purpose

The Company is committed to promoting the health, safety and well-being of all employees by providing a safe and productive work environment. The aim of this policy is to ensure that employees are aware of the risks associated with alcohol or drug use, or misuse and the potential consequences, including the legal implications, of their actions. The Company recognises that drug and/or alcohol dependency is an illness and encourages those employees who are experiencing difficulties with substance misuse to seek help and support from the Company.

The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have far-reaching effects on their personal and working lives. In the workplace, alcohol or drug misuse can result in reduced levels of attendance, poor work performance and increased health and safety risks, not only for the individual concerned but also for others, such as work colleagues, members of the public, contractors and service users as well as impacting upon the Company's reputation.

This policy and associated procedure does not form part of your Contract of Employment and the Company reserves the right to amend the policy or procedure as required.

2. Interested Parties

This policy applies to all employees, regardless of their job function. The Company also expects compliance with this policy from any individual working on its behalf such as agency or casual workers, contractors and volunteers. Failure to do so is likely to result in the working arrangements being terminated.

3. Scope

This policy covers the use and misuse of intoxicating substances, which include (but are not limited to) alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines, psychoactive substances (formerly known as legal highs) and other substances that could adversely affect work performance and/or health and safety standards.

4. Policy Statement

In compliance with Section 2 of the Health and Safety at Work Act 1974 ("the Act"), the Company is committed to providing a safe working environment for its employees and those working with the Company. This includes, as far as is reasonably practicable, ensuring the health, safety and welfare of its employees.

Section 7 of the Act also states that it is the duty of every employee to take reasonable care for the health and safety of themselves and other persons who may be affected by their acts or omissions at work.

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The Company aims to provide a safe, efficient and effective service to all of its customers and will take any action that it deems to be appropriate to ensure that employees who misuse substances at work do not compromise this aim. The Company recognises the need, in accordance with the Management of Health and Safety at Work Regulations 1999, to undertake health and safety risk assessments. The Company recognises the risk of the misuse of substances by employees at work and this policy and the steps that the Company can take under it are aimed at minimising this risk.

The Company recognises the importance of balancing respect for individual privacy with the need to maintain a safe, secure and productive working environment free from the influence of substance misuse and has implemented this policy after a careful assessment of all factors.

The Company recognises that drug and/or alcohol dependency is an illness and encourages those employees who are experiencing difficulties with substance misuse to seek help. Where employees come forward for help prior to any testing, the Company will offer assistance in seeking relevant and evidence-based treatment and normal sickness absence procedures will apply.

Confidentiality is assured in these cases, and the Company will endeavour to ensure that only a limited number of employees are aware of the situation, e.g. the individual's line managers, Occupational Health and Human Resources are informed.

5. Managing drug and alcohol use or misuse at work

The policy aims to:

- create a climate that encourages employees who may be misusing drugs or alcohol to come forward and seek help;
- provide a framework to enable instances of substance misuse by employees to be handled in an appropriate, fair and consistent manner;
- raise staff awareness of the risks and potential harm to health associated with the use of intoxicating substances;
- set out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences for their employment by using them;
- achieve a balance between supporting employees who come forward with a problem and the overriding need to preserve:
 - the health, safety and welfare of employees and others with whom they come into contact;
 - the Company's reputation;
 - the delivery of high-quality, effective services;
 - the Company's legal obligations.

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6. Responsibilities

6.1 Management

- ensure that staff are aware of the support that is available to them should they have a problem;
- provide support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery;
- be aware of the signs of alcohol and substance misuse and the effects on performance, attendance and health of employees;
- ensure the health, safety and welfare of employees and others with whom they come into contact;
- ensure that staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances;
- monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship;
- intervene at an early stage where changes in performance, behaviour, sickness levels, attendance patterns are identified to establish whether alcohol or drug misuse is an underlying cause;
- instigate disciplinary measures where appropriate to do so.

Where a manager is aware, or suspects, that an employee is misusing intoxicating substances they are strongly advised to seek advice from the HR department on the approach to be adopted.

Such matters will be treated confidentially as far as is legitimately and legally possible. For example, it may be necessary in order to provide effective support for information to be shared with others, for example Occupational Health and other agencies.

6.2 Employees

- Employees are required to familiarise themselves with this policy and comply with its provisions.
- Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they approach either their line manager, Occupational Health or Human Resources in the first instance so that the Company can arrange for the provision of appropriate support to help speedy rehabilitation, for example referral for medical support, professional drug/alcohol treatment agencies, and so on.
- Employees are expected to present a professional, courteous and efficient image to those with whom they come into contact with at all times. Employees therefore have a personal responsibility to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs.

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- Employees are not permitted to possess, store, use, produce, import/export, trade or sell drugs that are classified as controlled under current UK or EU legislation on Company premises or bring the Company into disrepute by engaging in such activities outside of work. This also applies to those substances covered under the Psychoactive Substances Act (2016). The exceptions would be where an employee possesses drugs for their sole personal use as a result of having a medical prescription or over-the-counter medication.
- The consumption of alcohol is prohibited within the external boundary of all port estates. It is permissible for alcohol to be stored temporarily (for example in the case of Christmas gifts and charity raffles) however, the seal of the alcohol receptacles must remain intact until they have been removed from the port estate. Any person in possession of any alcohol receptacle with a broken seal may be subject to disciplinary action.
- Employees are expected to co-operate with any support and assistance provided by the Company to address an alcohol or drug misuse problem.
- Employees should not, even with the best of motives, 'cover up' for, or collude with, a colleague with an alcohol or drug related problem. Where an employee is suspicious that a colleague or contractor is possibly under the influence of an intoxicating substance, failure to report this to their manager would place them in breach of the Misuse of Drugs Act (1971).
- Where the individual concerned does not wish to come forward to seek help, and their colleague(s) genuinely suspect that the individual may be misusing drugs or alcohol, they have a responsibility to raise their concerns with the employee's line manager.

6.2.1. At work

Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties and not be under the influence of alcohol or drugs.

Employees must not consume alcohol or drugs at any time while at work including during rest or meal breaks spent at or away from work premises. Exceptions apply to drugs prescribed for the individual or over-the-counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer) and where the safety of the individual or others with whom they come into contact is not compromised.

This restriction does not apply to work-related functions or activities that take place at the end of an individual's working day after which they are not returning to work however an employee must ensure that they are in a fit and safe condition before reporting for duty the following day.

Employees must notify their manager immediately should they be prescribed medication or plan to take over-the-counter medicines that may cause side effects and impair their ability to undertake their duties safely and effectively. Similarly, they should speak to their manager if there is uncertainty over medication. This is particularly important if they occupy a post where it is not only their own personal safety but those of others that could be jeopardised.

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Similarly, employees who experience side effects as a result of taking prescribed or over-the-counter medicines that impair their ability to perform their duties safely and satisfactorily must notify their line manager immediately.

Employees are not obliged to disclose the actual medical condition being treated nor the medication – simply the impact/side effects.

6.2.2 Outside working hours

Employees must not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call.

Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work.

These restrictions should be incorporated into local workplace rules and must be brought to the attention of all staff as part of their induction and should be made available to staff to refer to subsequently.

6.3 Occupational Health

Employees who admit to a drug or alcohol dependency or misuse issue prior to being selected for a drug or alcohol test will be referred to Occupational Health. The employee will be treated with sensitivity and support will be given to arrange appropriate help. Management will be provided with information regarding the rehabilitation process and progress, however this will be done with the employee's consent unless there are overriding risks to the safety of the individual or that of others in the workplace, in line with recommendations by the General Medical Council or the Nursing and Midwifery Council.

7. Testing

Testing for the presence of intoxicating substances applies equally to all employees of the Company. The Company will utilise various forms of testing and the correct process will be adhered to throughout. Testing will be carried out by suitably trained persons in a dignified and appropriate manner. All information obtained in the course of the testing process will be kept strictly confidential and the Company will treat any unauthorised disclosure of information by any person as a disciplinary matter.

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7.1. Purpose

The purpose of testing is to ensure that reasonable steps are exercised in order to comply with current legislation to deter employees from substance misuse and to detect individuals who are at work and misusing substances. Testing will also be carried out in order to detect the misuse of substances by applicants who have been given a conditional offer of employment.

All drug and alcohol testing will be preceded by explaining the nature of the test and the implications of a non-negative screen to the employee or applicant and them being requested to sign that they agree to the test being carried out. Any refusal to sign such a consent or undergo the test will be treated as a failure to provide a test specimen.

7.2 Rationale

Drug and alcohol testing will take place in the following circumstances:

- Initial employment offer testing
- For-cause
- Post-accident/incident
- Random

7.2.1. Initial Employment Testing

Any applicant who is made a conditional offer of employment or has recently joined the Company may be required to undertake substance tests as part of a medical assessment, either pre-employment and/or during their probationary period.

Where the applicant refuses to provide a sample, attempts to falsify or tamper with the sample or produces a non-negative result that cannot be explained by prescribed or over-the-counter medication already declared by the individual on their consent to test form, they will not be employed by the Company or, where applicable, their contract of employment will be terminated with immediate effect. In cases where the sample shows positive for a substance which could be explained by bona fide medication indicated on the consent to test form the substance detected will be subject to laboratory confirmation analysis before an offer of employment is finalised to the individual or ongoing employment assured.

7.2.2. For-Cause Testing

Where it is suspected by a manager or supervisor that an employee may be impaired through substance misuse, that employee may be required to undergo a drug and alcohol test.

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Any refusal or claimed inability to provide a sample, or attempts to falsify or tamper with the sample, will be dealt with under the Company's disciplinary procedures. Any disciplinary sanction will be made based upon the evidence available and may result in dismissal.

7.2.3. Post-Accident/Incident Testing

Where an incident or near miss has occurred, those individuals involved will be requested to provide samples to determine whether or not substances may have been a contributory factor.

Any refusal or claimed inability to provide a sample, or attempts to falsify or tamper with the sample, will be dealt with under the Company's disciplinary procedures. Any disciplinary sanction will be made based upon the evidence available and may result in dismissal.

7.2.4. Random Testing

Given the nature of the Company's business as the potential dangers to health and safety of substance misuse, the Company will carry out random drug and alcohol testing or may instruct an external provider to carry out the testing on its behalf. Staff will be selected on a purely randomly generated basis.

7.3. Testing Procedure

Individuals called for testing will have the procedure explained to them and they will be asked to sign a form to indicate their agreement to the test. They may request to be accompanied by a witness of their choice during the procedure; the Company is also entitled to have a witness, of its choice present.

The Company utilises different forms of testing and may utilise any approved and reliable testing methods as it sees fit. Examples of approved testing methods are:

Urine Sampling

The individual will be required to provide a urine sample which will be screened for drugs and/or alcohol and the individual will remain with the collector until they have provided one. Privacy will be given to the donor whilst producing the sample. The sample will be analysed for one or more of the following substances:

- Class 'A' Drugs: Includes ecstasy, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of class 'B' drugs.

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- Class 'B' Drugs: Includes oral preparations of amphetamines, barbiturates, codeine, methaqualone, cannabis, cannabis resin, cathinones, synthetic cannabinoids and ketamine
- Class 'C' Drugs: Includes most other benzodiazepines and other less harmful drugs of the amphetamine group and anabolic steroids.

This list is illustrative only and should not be regarded as exclusive or exhaustive.

If the individual is unable to provide a sample of urine, they can be given 250mls of water to drink on two occasions within one hour. If they are still unable to produce the sample, they may be asked to undertake an oral drug test.

Once the sample has been collected, the individual will witness the screening results which will be explained to them as they develop.

If the sample is initially found to be a non-negative screen, the sample will be split in to 2 and a chain of custody kit will be completed for the sample to be sent to a laboratory for analysis. The samples will be kept secure, free from contamination and sent to the laboratory where one sample is analysed and the other stored for a period of 12 months should further analysis be required.

Oral Drug Testing

In the event of a failure to provide a urine sample or at the manager's discretion, the employee may be asked to complete an oral drug test.

The individual will be required to provide a mouth swab in the presence of and under the supervision of the collector. This involves a swab of the mouth and tongue and collection of saliva by placing the swab in the mouth for several minutes until indicator states the test can be read.

Any non-negative screen results will be sent to the laboratory for further analysis after the chain of custody process has been completed. Once again, a separate sample will be stored by the laboratory for the period of 12 months.

Peel Ports adheres to data protection regulations as required under current UK and EU legislation. Laboratory results are reported to designated Peel Ports representatives only which includes HR and Occupational Health. Should the Company decide to utilise a Medical Review Officer (MRO) then they will also receive a copy of the report.

Testing may be undertaken by a service provider on behalf of the Company.

If the test result has been reported as a confirmed non-negative sample, then any medication declared by the donor may be viewed by HR and Occupational Health and the results may be sent to a nominated third party for further interpretation.

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Electronic digital alcohol breathalyser

The test will be conducted and a note of the result will be taken and verified by the employee and witnessed by the collector.

If the test is over 22 micrograms per 100 ml breath alcohol concentration, the test will be repeated 20 minutes later. If the second test is also over 22 micrograms per 100 ml and therefore confirms the first, the employee will be suspended pending the implementation of disciplinary proceedings.

If the test shows a breath alcohol content below 22 micrograms per 100 ml but above zero, a further test will be performed 20 minutes later to ensure that the alcohol level is not in ascendancy. If the second test is higher, but still not on or above the Company cut-off level, then a third test will be repeated in a further 20 minutes. This process will continue until a test result is on or above 22 micrograms per 100 ml or where the breath alcohol has stopped rising.

The individual will witness the analysis taking place and the results will be explained to them as they develop.

Where the result shows a breath alcohol content above 22 micrograms per 100ml the individual will be suspended pending the implementation of disciplinary proceedings.

In the event of a result showing breath alcohol content below 22 micrograms per 100ml but above zero and is not rising, the line manager will exercise discretion as to whether or not the employee may remain at work. When making their decision they will take into consideration the duties/position of the individual concerned.

7.4 Failure or Refusal

In the event of an unsatisfactory drug screening result, the urine sample or mouth swab will be sent to a specialist laboratory for further analysis; for which a chain of custody form will be completed and witnessed by the individual.

Results should be received within 5 working days from receipt at the laboratory, during which time the individual will be unable to work within a Port environment and will be suspended from duty in line with their terms and conditions of employment.

Should the subsequent laboratory results be unsatisfactory then disciplinary proceedings will be implemented.

In the event of an unsatisfactory alcohol screening result from a calibrated breathalyser, it is not necessary to provide further samples for laboratory analysis and disciplinary proceedings will be implemented.

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Any refusal or claimed inability to provide a sample or attempts to falsify or tamper with the sample will be dealt with under the Company's disciplinary procedures. Any disciplinary sanction will be made based upon the evidence available and may result in dismissal.

The individual will be asked to sign a form confirming their refusal to provide a sample. In the event of the individual refusing to sign the form, the form will be completed by the collector and witness and disciplinary proceedings will be immediately implemented.

When suspending an employee, the manager should ensure suitable transport arrangements are made to avoid the employee having to drive away from their place of work whilst potentially under the influence of intoxicating substances. Any concerns regarding the safety of the individual or that of others may lead to the manager referring the case to the police.

8. Breaches of the policy

The Company will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction.

This means that employees seeking assistance for a substance misuse problem, prior to any incident will not have their employment terminated simply because of their dependence/addiction. However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.

Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and the Company's disciplinary policy will be followed which may result in disciplinary action being taken including the summary dismissal of the employee.

Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, include however are not limited to:

- Unsatisfactory result from a drug or alcohol screen;
- Attempting to frustrate the drug and alcohol testing procedures;
- Showing a disregard for personal safety and that of others associated with the use of intoxicating substances;
- unacceptable behaviour in the workplace associated with the use of intoxicating substances;
- being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs;

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- consuming intoxicating substances during the working day including rest and lunch breaks or when rostered on call and liable to be called upon to work at short notice;
- possession, consumption, dealing/trafficking, selling, storage or production of controlled drugs either on work premises or engaging in such activities outside of work;
- being disqualified from driving as a result of alcohol or drug-related offences (for employees required under their contract of employment to drive a vehicle);
- making malicious or vexatious allegations that a colleague is misusing intoxicating substances.

Disciplinary action will be in all cases proportionate to the circumstances of the breach of the policy.

Where evidence warrants, the Company will inform the police of illegal drug use or any activity or behaviour over which there are concerns as to its legality. For example, it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a work vehicle.

9. Support

The Company encourages all employees towards a healthy lifestyle and will endeavour to support employees, where possible in achieving this goal.

All employees have access to the Company's Occupational Health Service and the Employee Assistance Program (EAP) via the HR Connect Portal. The EAP gives the employee access to a wide range of resources including a section on addictions. This includes self-help questionnaires, podcasts and interesting support articles.

Employees can also seek information and support from:

- **ADDACTION:** a national organisation that helps individuals and communities to manage the effects of drug and alcohol misuse. <http://www.addaction.org.uk/>
- **DRUGS.ie:** is a national source of information on Drugs and Alcohol abuse in Republic of Ireland. <http://www.drugs.ie/>
- **NHS:** The NHS Choices website gives resources for those requiring advice on many health issues including drug and alcohol problems. <http://www.nhs.uk>
- **DRUGWISE:** explains the different sources of help in the UK. <http://www.drugwise.org.uk>

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10. Definitions

Intoxicating substance – a substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquilisers, anti-depressants, over-the-counter medicines), solvents, glue, lighter fuel.

“Misuse of Substances” or “Substance Misuse” or the “Misuse of Substances” or “Misuse Substances” (as the context requires) means:

- any consumption of Alcohol that results in a person having a breath alcohol concentration that exceeds 22 micrograms per 100 millilitres of breath or a urine sample that exceeds 67 milligrams per 100 millilitres of urine (to be confirmed by an appropriate test);
- the taking, consumption or use of Illegal drugs (usually to be confirmed by an appropriate test);
- the taking, consumption or use of drugs (usually to be confirmed by an appropriate test), other than Illegal drugs which are covered above, for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical doctor or pharmacist; and
- the taking or consumption of solvents in a way which affects or is likely to affect the mood, thought process or perception of the user.

Controlled drugs – these are drugs covered by the Misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.

Psychoactive substances – the Psychoactive Substances Act 2016 makes substances formerly known as “legal highs” illegal. These contain synthetic chemical compounds which imitate the effects of controlled drugs and is any substance, intended for human consumption, that is capable of producing a psychoactive effect.

Harmful/problematic use or misuse – use of an intoxicating substance or substances that harms health, physical, psychological, social or work performance but without dependency being present.

Dependency – a compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).

Addiction – a state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.

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Refusal to Provide Consent for Drug & Alcohol Testing

Date:	
Donor Name:	
Donor Date of Birth:	
Test Location:	

Reason for Test			
Pre-employment	<input type="checkbox"/>	Scheduled	<input type="checkbox"/>
Random	<input type="checkbox"/>	For cause	<input type="checkbox"/>
Post Incident	<input type="checkbox"/>	Other	<input type="checkbox"/>

Test Type	
Alcohol Breath Test	<input type="checkbox"/>
Urine Drug Test	<input type="checkbox"/>
Oral Drug Test	<input type="checkbox"/>

Donor Statement:

- I confirm that I am the individual named above.
- I decline to provide a sample of breath and/or urine for the purposes of screening for drugs and alcohol.
- I understand that, as per the Company Drug & Alcohol Policy, I will be suspended from duty in line with the terms and conditions of my employment.
- I also acknowledge that, as a result of my refusal to provide a sample, disciplinary proceedings will be implemented in accordance with the Company's disciplinary procedures.
- I wish to make the additional comments (optional):

.....

Signed: Print Name: Date:

Collector Statement:

I can confirm that this individual has declined to provide sample(s) as indicated above and that I have explained the implications of refusal with regard to their employment.

Signed: Print Name: Date:

Designation:

Company Representative/Witness Statement:

I acknowledge the above statement as correct and that the individual is aware of the relevant policies that are applicable with regard to the failure to provide sample(s) as requested.

Signed: Print Name: Date:

Designation:

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