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**BENCHMARK SCAFFOLDING**

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*Setting the Standards*

## **Substance and Alcohol Misuse Policy**



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**Continuation**

**TO:** All Employees

**FROM:** The Managing Director

**DATE:** 14/01/2021

**RE:** The Company Substance and Alcohol Misuse Policy

The company has a firm legal commitment to its employees to provide a safe work environment and to its customers to provide a high-quality product and level of service. The possession, sale, use, transfer or manufacture of illegal drugs, controlled substances or abuse of prescribed medicines poses an unacceptable risk to safe and efficient operations. For these reasons, the company strives to achieve and maintain a substance and alcohol-free workforce and be an employer of choice.

To achieve this goal of a substance and alcohol-free workforce, we have developed an ongoing education and training programme.

On 14/02/2020 the company will recommence under a new policy, the process of pre-employment testing.

On 14/02/2020 the company will recommence a substance and alcohol misuse programme relevant to all employees in line with the company substance & alcohol abuse policy.

The 30-day amnesty period begins on 14/01/2020 when the new policy is approved at the company's annual management review meeting.

Applicants and employees will be tested for illegal substances and the abuse of other substances or alcohol as outlined in the company programme and covered by a variety of criminal and civil legislations. An implementation team will be appointed and identified so that full consultation can commence immediately across all departments.

The company strongly encourages employees to seek assistance from the Employee Assistance Programme for any substance or alcohol misuse problem before reaching a point where their judgment, performance, behaviour or positive drug test has led to disciplinary action.

Signed

**Rob West: Managing Director**



## About the Company Substance and Alcohol Misuse Policy

The inappropriate use of substances, such as alcohol and drugs, including those legally prescribed, can have a damaging effect not only on the employee concerned but also on those they contact at work, socially and at home.

The company has no desire to interfere with your private life. You should however, understand that the psychological and physical effects of alcohol and other substances, which affect behaviour, judgment and impair wellbeing, could inadvertently be brought to the workplace. There is also a duty on any employee to be fit for work while engaged in their company duties and in compliance with terms and conditions of employment.

As a responsible employer, we have a moral and legal duty to provide as safe an environment as is reasonably practicable for all our employees and to ensure the safety of our customers, contractors and visitors. This requires the company and its officers to comply with a variety of criminal and civil legislations that are constantly monitored for change.

For these reasons the company is introducing measures that are effective to all employees which will actively encourage them to manage their lives in such a way that everyone's safety at work is not jeopardised.

The drug testing matrix and drug panel tested will be communicated by the company, and are subject to change.

This information forms part of a committed programme of awareness that will be provided to all employees and will include:

- 1) A formal policy which clearly states the company's rules and procedures regarding substance misuse.
- 2) Information which allows employees to make responsible decisions regarding the use of alcohol and other substances.
- 3) Advice and guidance to employees who require assistance in dealing with an alcohol, drug problem or other treatable addiction.
- 4) Where to obtain further information.



## The Policy

- 1) Applies to all employees.
- 2) Provides firm guidelines, which are in-line with current industry best practice.
- 3) Provides confidential advice and a provision for intervention programmes for anyone who thinks they require help with a drug or alcohol problem/addiction. However, it needs to be recognised that, in supporting employees, some degree of information sharing is likely to be necessary.
- 4) Does not form part of any employee's contract of employment and the company may amend it at any time?

## The Limits – Alcohol

The UK legal limit for drivers is 80 mg of alcohol per 100 ml of blood, often referred to as a BAC or blood-alcohol concentration (50 mg being the level now set in Scotland). Alcohol in urine limit is 107mg per 100ml of urine (67 mg being the level now set in Scotland).

This is alternatively expressed in terms of breath alcohol. 35 µg (microgrammes) per 100 ml of breath is the usual official measure in the UK (22 µg per 100ml of breath being the level now set in Scotland).

### **Company Limit requirement is 35µg (microgrammes) per 100 ml breath.**

The company has decided it will also set its limit to that of the UK legal limit. This may be dropped to 0 µg when working on zero tolerance sites.

## The Limits - Drugs

Any use, possession or trafficking of illegal drugs and the misuse, whether intentional or not, of prescription drugs, over the counter medicines, new psychoactive substances, glue and solvent abuse is prohibited. All civil and criminal legislations apply to company policy.

Anyone taking prescribed or over the counter medication or other substances which may cause severe drowsiness, impair reflexes or judgment, must always follow the prescribed dose carefully and inform their line manager (in confidence) to ensure safety is not compromised.

## Enforcement of the Policy

The company must exercise due diligence and a key part of the policy is the enforcement of the limits set.



## Continuation

The company's nominated trained collectors, as well as the chosen outsourced organisation are the Designated Employee Representatives (DER). They have been trained in-house to administer the alcohol breath testing/drug testing processes using approved testing devices and methods agreed by the company.

## Testing

The company may choose to conduct testing in the following situations:

- Pre-Employment
- For Cause / Post Incident
- Random or Rotational
- Under the Influence
- Rehabilitation
- Return to Work.

Testing can be considered in other situations not listed above. Items 1-6 are for considered guidance.

## You May Face Dismissal if You:

- 1) Consume substances or alcohol while on duty or at a client's premises or on company business.
- 2) You are in possession or found to be trafficking illegal drugs while on company duty.
- 3) Refuse to provide a sample for testing.
- 4) Fail to provide a valid sample for testing.
- 5) Provide confirmed positive drugs or alcohol sample following laboratory testing or a positive alcohol breath sample on an approved device.
- 6) Decline to accept or miss an approved course of treatment related to a drug and/or alcohol problem if advised to do so by the company.

## Company Substance and Alcohol Misuse Policy

### 1. Purpose

This policy outlines to every employee, contractor and visitor the company's considered approach to substance/drug/alcohol abuse. It also makes clear the company's approach to interventions for addiction and or dependency.



## Continuation

### 2. Policy

It is the company's policy to:

- Ensure that the use of substances, drugs or alcohol by employees and contractors does not affect the health and safety of the employees themselves, their fellow workers or others with whom they come into contact in the course of their work.
- Ensure that employees' use of illegal drugs, prescribed medication, substances or alcohol does not affect the efficient and effective operation of the company's business and that employees and contractors are fit for their respective positions/contracts on company premises.
- Provide a procedure whereby employees who have a problem of drug or alcohol misuse or other substance abuse/addiction can seek help in confidence within the workplace or in private.
- Establish a process for handling such issues.
- The company expects any employee to declare medication that could affect their ability to do their job. The company has a duty of care to support its employees by assigning other duties if necessary.
- Provide guidance on the effects of illegal drugs, prescribed medications, alcohol and other addictions that may impair their judgment and fitness for work.

### 3. Principles

- a) It is the company's responsibility to implement this policy in line with expert support and a considered approach on such matters. Implementation will involve full communication, consultation with an implementation team, relevant amnesty periods for existing employees and full certificated training for designated staff.
- b) The company encourages any employee with a substance dependency problem or other addiction to inform the company in confidence, particularly if it is being reflected in poor work performance, poor judgment and other issues that may impact the company or the employee.
- c) No person with an alcohol/substance or other dependency problem will have his/her job security or promotional opportunity jeopardized by a request for an agreed intervention, diagnosis, treatment or enrolment into an agreed rehabilitation or employee assistance programme (EAP).
- d) Employees who do not seek and/ or comply with a treatment regime will not be considered favourably should they raise a dependency problem as mitigating circumstances during any disciplinary action, at the time a test is requested of them or during an internal investigation. The confidential nature of the medical records of employees with alcohol and



## Continuation

substance dependency will be preserved under the Data Protection Act as well as Medical Records Control of outside agencies employed by this company.

- e) Employees participating in a rehabilitation programme or EAP will be expected to meet existing job performance standards and established work rules and policies. The company takes a serious view of the abuse of alcohol and other substances which impact the performance of the employee or the reputation of the company. Where employees fall foul of the disciplinary procedure in line with this policy, more serious action will be taken, including, where appropriate, summary dismissal.
- f) If an employee agrees to undertake appropriate treatment and/or rehabilitation for an acknowledged alcohol or drug-related problem, the company may decide to suspend any ongoing disciplinary action against the employee for related misconduct or poor performance, pending the outcome of the treatment.
- g) Nothing in this statement of policy is to be interpreted as constituting a waiver of the company and its Designated Employee Representative (DER) responsibility to maintain discipline, or the right to take disciplinary measures in the case of poor performance or misconduct that may result from alcohol dependency, substance dependency or misuse whether legal or prescribed.

## 4. Definition

Substance misuse can be defined by the following categories:

- Alcohol dependence/excessive alcohol consumption and addiction.
- Being under the influence, taking, trafficking or possession of illegal drugs on company premises or during company time.
- Misuse of and distribution of legal substances such as prescribed medicines, including the need to notify the company of any impairment from the use of prescribed drugs.
- Solvent misuse, e.g. inhalation of gases, glues or other substances which impair judgment and safety of the employee and his/her work colleagues.
- The use of other substances identified as psychoactive substances.
- Substance dependency is a condition where an employee's consumption of any of the above substances occurs frequently or repeatedly and interferes with his/her health, attitude to safety, attendance or general work performance.
- Substance intoxication is defined by the company as excessive consumption which may result in irresponsible behaviour or impaired judgment but which is not necessarily related to a physical or psychological dependence.

## 5. Standards of Behaviour and Performance On and Off Company Premises

### a) Consumption of Alcohol During Company Time





**Continuation**

- 1) Employees must not consume alcohol on the company’s premises. Any breach of this rule by employees will result in a hearing under the company’s disciplinary procedure which could lead to summary dismissal.
- 2) Where company employees or its representatives are visiting with potential or existing customers those employees or representatives must act in such a way as not to bring the company’s reputation into question or breach any of the company’s policies.
- 3) Failure to observe these rules will result in application of the company's disciplinary procedure which could lead to summary dismissal.

**b) Substance Possession on the Premises**

- 1) Employees must not use or be in possession of illegal drugs or substances which have not been prescribed on medical grounds whilst on company premises / business. Failure to observe this rule will result in application of the company's disciplinary procedure which could lead to summary dismissal.

**c) Work Performance**

- 1) Employees who take substances that affect their work performance, judgment, or other recordable incidents will be subject to the company's disciplinary procedure up to and including dismissal.

**d) Standards**

- 1) Employees are expected to be free from all illegal substances. Due consideration will be given to each positive test as it comes to the notice of the company and its management team.
- 2) The company reserves the right to use a range of drug and alcohol testing mediums supported by a variety of interventions and application of a variety of civil and criminal legislations.

**6. Process**

**6.1 Establishing the Problem**

Managers should be aware that the misuse of drugs and alcohol by employees may come to light in various ways. The following are some of the indicators, especially when identified in combinations that may indicate the presence of an alcohol or substance related problem.

- |                     |                  |
|---------------------|------------------|
| Absenteeism         | Productivity     |
| Criminality         | Quality of Work  |
| Accidents           | Customer Service |
| Compensation Claims | Discipline       |
| Workplace Violence  |                  |



## Continuation

Please note these are just some of the indicators and should not be used in isolation.

### 6.2 Some Company Testing Applications

- Pre-Employment
- For Cause / Post Incident
- Random or Rotational
- Under the Influence
- Rehabilitation
- Return to Work

### 6.3 Testing

Various methods of testing will be available and carried out by authorised and suitably qualified personnel. These are:

**Alcohol testing:** see Appendix 2 of the policy application document

**Drugs testing:** see Appendix 3 of the policy application document

### 6.4 Treatment

Some optional elements in arranging treatment are:

- Normal sick pay provisions will apply for absence arising due to treatment.
- A fixed payment term and time-scale will be set for such treatment.
- The employee will provide random samples following their return to work for an agreed period of time.
- The employee(s) will normally be able to return to the same or equivalent work.

### 6.5 Relapses

Where an employee, having received treatment, suffers a relapse, the matter will be handled under the company's disciplinary procedure; however, the company will consider each case on individual merits. Medical advice will be sought in an attempt to ascertain how much more treatment rehabilitation time is likely to be required for a full recovery. In very rare cases and at the company's discretion, more treatment or rehabilitation time may be given in order to help the employee to recover fully.

### 6.6 Recovery Unlikely

If, after employees have received treatment, recovery seems unlikely, the company may decide to end the employee's employment.



## Appendix 1

### 1. Types of Testing

The company requires testing under a number of circumstances, these can include:

#### Pre-Employment Testing

All prospective employees may be required to undertake and pass pre-employment testing. The company has identified the need for a drug and alcohol-free workplace and has identified pre-employment testing as a means to prevent the migration into the workplace of the ongoing cost of employing individuals who are involved in such abuse and are not undergoing a form of treatment.

#### For Cause Testing

Post-accident/incident testing for substance and alcohol misuse is carried out when an accident/incident occurs and there are reasonable grounds to suspect that the actions or omissions of an employee could have contributed to the accident. This process may be undertaken as part of the accident investigation procedures. For cause testing can also arise when there is reasonable suspicion that an employee has been misusing alcohol or substances. All incidents where an employee is, or is suspected to be breaching criminal or recognised civil legislation will also be treated as a for cause incident.

If an employee displays behaviour, appearance or odour that leads a member of management to reasonably believe that the employee may be acting under the influence of alcohol or substance abuse, the employee will be taken to a suitable location where the appropriate procedure will be initiated.

#### Random Testing

The company will introduce a policy of random testing. This will involve the random screening of approximately 5% of company employees throughout the year.

The random manner of selection will be totally transparent and the method of handling the results, all of which would fall within the scope of this procedure will be undertaken by an accredited outsourced laboratory. The dates for testing and number of people to be tested will be chosen by such organisation. The safety manager will pick names of operatives that are required to see the occupational nurse (about 40 names) then the contracts managers will pick 12 name from this list not knowing that a D&A test will take place.

We will supply a witness for both sides if required.



## **Continuation**

If an employee is randomly selected for drug and alcohol testing and is not on-site, their testing date may be rescheduled.

## **Follow-up Testing**

An employee who has tested positive for drugs or alcohol may be subject to further periodic testing to ensure that the employee is complying with any course of rehabilitation that has been prescribed (e.g. where a candidate has completed or is still in a rehabilitation programme and it is necessary to check progress).

## **Return to Work**

The company reserves the right to test employees who are returning to work after a protracted period of absenteeism. Each case will be judged separately.

## **Prescribed/Non-Prescription Medicines**

Employees must provide information to their line manager regarding their current use of prescribed/non-prescription medicines that may affect their capacity to safely and effectively undertake the duties of their post. This information will be dealt with in the strictest confidence. This will enable your Medical Practitioner to prescribe an alternative medicine that will not have side effects that impact your job description, your safety and the safety of your work colleagues while at work. Details required may consist of:

- Post held by employee
- Details of prescription/medicine
- Dosage
- Medical condition
- Details of prescribing Medical Practitioner
- Precautionary advice printed on the label

It is important to note that where an employee is prescribed medicine by a Medical Practitioner or Pharmacist, the company reserves the right to ensure that the medicines being taken will not negatively impact safe working. Where it is considered to do so, the person may, for the safety of others and themselves, be assigned alternative work, or suspended from work on medical grounds.

Payment during such suspension will be in line with local sick pay agreements.

Return to work will only be considered upon receipt of a written clearance from a Medical Practitioner and a review of the risk by the company.



## Appendix 2

### 1. Alcohol Testing

#### a) Introduction

There are different methods of testing for alcohol in the body including breath testing. The company uses methods that are Home Office type approved.

As a guide, the legal limit in England and Wales for drivers is:

Blood: 80 mg (milligrams) of alcohol per 100 ml of blood, often referred to as a BAC or blood-alcohol concentration. The limit in Scotland is 50 mg per 100ml of blood.

Breath: 35 µg (microgrammes) per 100 ml of breath. The limit in Scotland is 22 µg per 100 ml of breath.

Urine: 107 mg per 100 ml of urine. The limit in Scotland is 67 mg per 100ml of urine.

#### Alcohol Testing Procedure

- The employee attends a suitable location, where the breath tests is to be administered using the selected company electronic breath-alcohol testing device.
- The employee may be accompanied by a witness assigned by the company.
- The testing procedure is explained to the employee.
- The employee is required to sign a consent form regarding this impending test.
- If the employee refuses to give a breath specimen or subsequently repeatedly obstructs the collection of a correct specimen the employee is informed that such a refusal or obstruction is a failure to comply with this Policy and, as such will invoke the company disciplinary procedure which may lead to summary dismissal for gross misconduct.
- The breath test is administered according to the procedure.
- The employee should not have had anything to eat or drink, or smoked for 20 minutes prior to the test.
- If the first test is negative (below 35 µg) a second test is not required.
- If the breath test shows a reading greater than 35 µg (using the electronic device), then the employee is asked to wait 20 minutes when a second breath test is administered.
- The results of the second breath test are taken to be definitive.



## Continuation

- If the second test reading is higher than the first this indicates the employee may have been drinking recently as it appears the breath alcohol level is rising.
- If the second test reading is lower than the first, the employee's breath alcohol level is falling, this indicates that the employee may have been drinking some time prior to the test.
- If the second test is above 35 µg then the employee will be suspended awaiting a disciplinary hearing. The employee will be escorted off the premises. Employees will be advised they should not drive their own vehicle if they are above the drink driving limit and that alternative travel arrangements will be made. If they choose to drive a vehicle, then the Police will be informed immediately.
- Any time lost through such precautionary suspension will be without pay.

## Appendix 3

### 1. Drugs Testing Procedure

#### Introduction

There are different methods of testing for drugs in the body. Testing for drug misuse depends on the collection of samples for analysis, which can be achieved by the use of a portable testing kit for preliminary screening or the sample can be sent to a toxicology laboratory for analysis.

To dispel any doubts over the validity of the testing methods, the company uses methods of testing that are currently recognised throughout industry. The company will use disposable drug testing kits for preliminary screening. A UKAS accredited analytical laboratory is always used for detailed analysis and confirmation of samples. The company recognises that these methods are the current best practices and best available technology with which to implement the policy.

Drug testing procedures involve up to five stages depending on whether a non-negative result is obtained; all are strictly controlled by a process referred to as "Chain of Custody". The stages involved are summarised here:

1. Sample Collection
2. Preliminary Screening
3. Confirmatory Analysis
4. Medical Review (MRO)
5. Reporting of Results

#### Sample Collection

Chain of Custody is the name given to the procedures that are employed to ensure that the integrity of a sample is maintained from the employee providing the sample up to and including the reporting of the laboratory results and possible medical review.



## Continuation

The employee will be asked to donate a sample for screening using the procedures for sample collection provided by the manufacturer and/or the analytical laboratory.

The employee will witness the sample collection and also the record keeping and identification procedure for the sample.

An appointed external collection service as nominated by the company may be called to undertake the procedure.

### **Adulteration Testing for Urinalysis Only**

The whole procedure will be carefully witnessed to prevent adulteration or substitution of other substances by the employee. The employee's sample is taken and inspection of colour and temperature conducted. The sample will either be tested using an on-site device or alternatively labelled and placed in two containers with a tamper evident seal for analysis by the testing laboratory.

**Note: *If a urine sample cannot be provided by the employee within three hours then this will be treated as a failure to provide a valid sample.***

### **Confirmatory Analysis**

If the sample proves to be non-negative, then the two samples (in the sealed containers) obtained at collection will be sent to the analytical laboratory for confirmatory analysis. The laboratory will firstly ensure that the samples have not been tampered with to confirm the chain of custody. One of the sample containers is then opened for laboratory preliminary analysis to exclude adulteration and then the sample is subject to extensive analysis to confirm the drug or drugs identified as non-negative in the preliminary screening. The second sample will be retained in storage by the laboratory for reference purposes.

### **Toxicology and Reporting of Results**

All stages of the analysis are carefully monitored by analytical laboratory toxicologists and/or the Medical Review Officer. Once the results are known then they may be reported to a laboratory toxicologist who will interpret the results of the analysis which will be subsequently confidentially reported to the HR Manager.

## **2. Drug Testing Collection Procedure**

- The employee is informed that they have been selected to be tested for drugs and the testing procedure will be explained to the employee.
- The employee attends a suitable location where the samples are to be collected.
- The employee will be accompanied by a witness provided by the company.
- The employee is then required to sign a consent form regarding this impending test.



## Continuation

- The sample is taken from the employee by the competent person. A designated collection service may also be called for assistance in sample collection.
- If it is ascertained that adulteration has occurred, then this will constitute an invalid sample and application of the company's Disciplinary Procedure up to and including dismissal.
- If an employee refuses to provide a urine or oral fluid sample, the employee is informed that such a refusal is a failure to comply with this Policy and, as such, will invoke the company's disciplinary procedure.

For point of care testing devices which provide an instant result, the employee may be required to provide information of any drug(s) and prescription or non-prescription medication taken (including dosage and frequency) if the sample is non-negative.

- If the screening test is non-negative, then that sample will be required to be sent to a UKAS accredited analytical laboratory. During this time the employee will be suspended awaiting the results.
- If the analytical laboratory result is below the level of quantification or consistent with declared medication (this may take up to 5 days for verification) then the employee will either be free to return to work or be suspended without pay pending an investigation, dependent on the circumstances.
- If the analytical laboratory result is positive, then the employee will continue to be suspended without pay while awaiting a disciplinary investigation. A copy of the sample result must be given to the employee, preferably within 72 hours of it being received by the company.

## Appendix 4

### CODE OF CONDUCT

**To comply with the company's Substance and Alcohol Misuse Policy, all employees should:**

- Be aware of their own tolerance to alcohol.
- Be aware of drinking guidelines (e.g. a person's body rids itself of 1 unit of alcohol per hour).
- Be aware of their own shift patterns and regulate their drinking habits accordingly.
- Comply with the need to be fit for work and driving to work under a variety of legislations.

**Also, all employees should not:**





## Continuation

- Have the smell of alcohol on their breath while on duty.
- Report for work if they have any doubt about their capacity to safely and effectively undertake the duties of their post.
- Drink alcohol during meal breaks/split shifts unless they are part of a business meeting.
- Drive any company vehicle after taking alcohol, illegal drugs, prescribed medicines or other substances which may affect their capacity to drive.
- Be in possession of or traffic in illegal drugs.

### All employees must:

- Inform any Medical Practitioner or Pharmacist dispensing medicine that they need to understand any side effects of the medication that may impact the user's ability to conduct their contracted job description.
- Check whether any medication that they are currently taking will affect their capacity to safely and effectively undertake the duties of their post.
- Inform their line manager of any prescribed medication or over-the-counter (OTC) medication they are currently taking that will affect their capacity to safely execute any reasonable request made of them. This will be noted on their personnel records for future reference.

### Summary

If a person fails an alcohol test they will be sent home for the day without pay and informed that they will receive another alcohol test in the near future, also they will be informed that they should not drive a vehicle. Should they fail a second alcohol test they will come in to the office for a disciplinary and to ascertain if they are dependent on alcohol. If they are dependent they should seek advice from their doctor. There is also the option of being dismissed from the company.

In the case of a failed drugs test, the person will be informed that they have 2 options. Option 1 will be, the person will be able to work, but not in a high risk activity and their pay will be reduced so suit the roll. Option 2 they will be suspended without pay until they have passed a second drugs test.

The sample will be sent to a laboratory for further analysis, once the results are back and have confirmed that the person has taken illicit drugs, he/she will be brought into the office to talk to the safety manager to ascertain if the person is a casual user (in which case the person will have to stop taking drugs) or a habitual user (in which case the person will have to seek advice and help). They will also be asked when they last took drugs, as 30 days after that date, or a date of their choice up to the 30 days, they will have a second drugs test. Failing the second test will result in dismissal. The person will wait a year before they can re-apply for a job with the company but they will be required to carry out a D&A test before induction and at any time after. If they fail any of these they will never work for the company