



Drugs and alcohol policy

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1. Introduction

Tilbury Douglas is committed to providing a safe and healthy working environment for all workers and individuals affected by our activities and has a zero-tolerance approach to the misuse of drugs or alcohol.

The purpose of this policy is to:

- Ensure the company complies with all legal obligations.
- Protect the health and safety of our workers, and others with whom they come into contact
- To ensure that the safe and efficient operation of our business activities is not impaired by misuse of drugs or alcohol.
- Ensure any direct worker who voluntarily declares at an appropriate time a drug, alcohol or substance dependency problem is provided with the appropriate support.
- Ensure our clients receive the quality service they expect.

2. Scope

This policy covers the use and misuse of drugs and alcohol and includes over the counter medicines and prescription medication as well as any other substances which may impair the ability of any worker to work in a safe manner.

This policy applies to all workers of Tilbury Douglas Construction Limited and Tilbury Douglas Engineering Limited including directors and direct employees or indirect workers such as contractors, sub-contractors and agency staff.

The policy applies to all premises the company has responsibility for and includes all offices, sites, work areas and company vehicles. It also includes client's premises and all occasions when workers are on company business or representing the company.

3. Definitions

In this policy, unless stated otherwise, the words below have the following meaning;

Abused any drug means using drugs in an unsanctioned way. For example, any illegal drug use or using drugs for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical practitioner or pharmacist. It also applies to using drugs in a way that is harmful/hazardous to the individual or to others and which is likely to distort perception and response.

Alcohol – includes, but is not limited to; distilled spirits, liquor, beer, wine, malt liquor, or any other intoxicants used for beverage purposes.

Appropriate test – means the tests set out in Appendix 1 of this policy, as amended from time to time

Company – means Tilbury Douglas Construction Limited and Tilbury Douglas Engineering Limited.

Dependency - when the user has adapted physically and/or psychologically to the presence of alcohol or drugs and would suffer if they were withdrawn abruptly.

Direct Worker – includes all individuals directly employed by either Tilbury Douglas Construction Limited or Tilbury Douglas Engineering Limited.

Drug – any substance (those drugs that affect mood, thought process or perception), available both legally and illegally.

Illegal Drugs – all those drugs covered by the Misuse of Drugs Act (1971).

Indirect Worker – anybody who is not a Direct Worker including but not limited to contractors, sub-contractors, agency workers and any other person associated with, or working on behalf of, the Company.

Non-negative Test Result – means a test that is not negative but requires further analysis at a laboratory before an accurate test result can be provided.

Positive Test Result means for drugs, where the appropriate test detects a drug in the donors sample and for alcohol, if alcohol is detected in the donors breath sample at a concentration equal or above the relevant limit (as set out in this policy) in two consecutive breath tests.

Safety Critical - is defined as: "Where the health of an individual may compromise their ability to undertake a task defined as safety critical, thereby posing a significant risk to the health and safety of others." This includes, but is not limited to:

- Plant operators;
- LGV/HGV drivers;
- Banksmen, traffic marshals and slinger/signallers;
- Scaffolders and riggers;
- Asbestos licensed workers;
- Tunnellers or those working in a confined space;
- Workers on high speed roads and highways including traffic management operatives and supervisors;
- Tasks carried out at height where collective preventative measures to control risk are not practicable, e.g. scaffolders, steel erectors and persons erecting or dismantling tower cranes.

Worker – means a direct worker and an in-direct worker.

4. The company standard for alcohol impairment

The Company has a strict policy on alcohol impairment.

A safety critical worker who has breath alcohol concentration above 0.09mcg per 100ml, as confirmed by an appropriate test, is deemed to have tested positive and is considered to be impaired due to the use of alcohol.

For all non-safety critical workers, any worker who has breath alcohol concentration that exceeds 22mcg per 100ml (the maximum company alcohol limit), as confirmed by an appropriate test, is deemed to have tested positive and is considered to be impaired due to the use of alcohol and therefore in breach of this policy.

Please note this is lower than the drink drive limit in England & Wales.

In certain circumstances a lower level for alcohol may be applied, for example, when workers are working on contracts or client premises when the client requirements or policy specifies a lower cut-off level. In these circumstances, workers will be advised of the alcohol level that applies to the contract or client premises during their induction.

5. The company standard for drug impairment

The Company has a zero-tolerance policy to the consumption of Illegal Drugs. Any worker found to have consumed illegal drugs or abused any drug (to be confirmed by an appropriate test) is deemed to be impaired due to the use of drugs and therefore in breach of this policy. This standard applies regardless of where or when the illegal drugs were consumed.

6. The company standard for over the counter/prescription medication

All workers must notify their supervisor/manager immediately if they are in possession of, or taking, any medication that carries a warning that it may impair their ability to work safely or have possible side effects that may place themselves or others in danger (i.e. warnings such as “do no operate heavy machinery” or side effects such as “may cause drowsiness”). A worker who has declared medication to their supervisor or manager and provided evidence to support any prescribed medication declared, will not be penalised for producing a non-negative result so long as the notification is made voluntarily and not as a result of having had or about to have an appropriate test and providing the drugs/levels detected in the confirmatory testing are consistent with the declared medication. In such circumstances, the worker may remain at the workplace but will be restricted from performing work until fitness for work has been established

7. Testing

All workers are potentially subject to alcohol and drug testing. The purpose of testing is to ensure compliance with this policy and to detect workers on company premises who may be impaired due to alcohol or drugs (legal or illegal).

Testing for alcohol and drugs will be carried out by an approved, independent third-party specialist testing agency accredited by UKAS to ISO 17025. Testing is undertaken by breath test, oral fluid or urine sample through a strict chain of custody procedure. Tests are carried out on company premises or at our external supplier's clinic.

8. Circumstances for testing

Testing may be carried out in the following circumstances:

- Pre-Placement Testing – Before commencing work on a project site or prior to commencing works as a Safety Critical worker, individuals may be required to undergo an alcohol and/or drug test before the commencement of works.
- For-Cause Testing – When it is suspected that a worker is in breach of this policy or when it is suspected that a worker is impaired due to the use of alcohol or drugs, testing may be used as part of an assessment process.
- Post-Accident/Incident Testing – As part of an accident/incident investigation, testing may be carried out on those workers involved, when possible, to determine whether or not alcohol or drugs may have been a contributory factor.
- Random Testing – Any worker may be randomly selected and tested at company premises throughout the course of year.
- Surveillance Testing – Where a regular regime of testing is required as a result of specific project requirements, results of risk assessments or previous incidents where follow up testing is required to maintain and sustain adherence to our policy.
- Assurance Testing – If a worker's performance is affected through a dependency to alcohol or drugs or when they are being supported by the company for an alcohol or drug dependency, they may be required to undergo assurance testing.

9. Refusing a test or leaving the scene of an incident

Should any worker refuse to consent/comply with the testing process or fail to provide a sample for testing (including failure to attend a test) without a valid justifiable reason, the company will treat this as a failure of a drugs/alcohol test and it will be managed in the same way as a positive test result.

Leaving the scene of an incident where an injury or serious incident has occurred without valid justification, will also be treated as having failed a drugs/alcohol test and will be managed in the same way as a positive test result.

Any concerns regarding the testing must be raised at the time of the test with the external testing supplier and your line manager (where appropriate) so that any concerns can be addressed. Any concerns raised are dealt with in the strictest of confidence.

10. Action following a positive test result

Any worker who receives a positive test result or where clause 9 applies, will be considered as being impaired through the misuse of drugs or alcohol to undertake work.

Receiving a positive test result or failing a test result in accordance with clause 9 is regarded as gross misconduct and will be addressed through the Companies disciplinary procedure.

Direct workers will be removed from the company premises and subject to disciplinary proceedings which may result in termination of employment.

Indirect workers will be removed from company premises and an internal investigation undertaken which will result in exclusion from company premises along with any other consequences in accordance with their own employer policy.

11. Searches

The company reserves the right, at any time, to search any worker or their property held on company premises, where there are reasonable grounds to suspect that the worker has breached this policy.

12. Permissible social functions

The company prohibits the consuming of alcohol or consuming/taking of illegal drugs by any worker at any time on company premises or whilst on company business. This includes entertaining or being entertained by clients during working hours.

The company does not prohibit reasonable consumption of alcohol in connection with permissible social functions outside of working hours. The company regards "unreasonable consumption" as any of the following situations: -

- The worker attends company premises, or reports for work, whilst impaired due to the use of alcohol.
- In the opinion of management, the worker is putting themselves and their colleagues at risk in respect of safe working practices.
- In the opinion of management, the worker's behaviour may cause embarrassment, distress or offence to others or could bring the company into disrepute or undermine our brand.
- The individual continues to consume alcohol when instructed to stop by a manager.
- Consumption of alcohol at lunchtime on a working day where the worker is expected to work in the afternoon.

Permissible social functions may include entertaining or being entertained by clients in an official capacity, retirement functions, Christmas parties and leaving functions outside working hours. If alcohol is consumed, workers must not drive a company vehicle or return to work on any of the company's premises. Workers are also reminded to observe the appropriate drink drive limit if they drive their own vehicle following a permissible social function when they have consumed alcohol.

13. Help and support for rehabilitation

The help and support described below is in relation to direct workers. An in-direct worker who seeks assistance from the company will be referred to their own employer.

The company will endeavour to ensure that advice and specialist help is made available to any worker who feels they have, or are developing, a dependency relating to alcohol or drugs and who seeks assistance from the company.

Early identification and treatment are essential and therefore any worker who feels that they may have, or are developing, a dependency relating to alcohol or drugs must come forward and seek assistance at the earliest possible opportunity. Workers must contact their line manager, Occupational Health, or the HR Department who, with the support of appropriate expertise, will support the arrangement of an appropriate course of treatment. A worker who is not able to approach their line manager should contact the employee assistance programme or the HR department. Confidentiality is assured in these cases.

During any period of absence from work for agreed treatment, the company's normal sick pay arrangements will apply and absence for treatment will be treated as normal sickness.

If an agreed or recommended course of treatment is not followed by a worker or is ineffective and occurs concurrently with lapses in the worker's performance, conduct or attendance then they will be dealt with in accordance with the company's normal disciplinary or sickness absence procedure as appropriate. This includes any matter arising prior to the disciplinary policy being suspended.

The aim of treatment and rehabilitation is to ensure optimum recovery and return to work.

Any worker with a dependency to alcohol or drugs who only declares they have a dependency when a serious misconduct issue has arisen or immediately before a test takes place or when they are proven to be in breach of this policy, will be subject to the same disciplinary procedure as any other worker who breaches this policy.

14. Training for directors / managers

The company will provide information, instruction and training to directors and managers and all other persons responsible for workers, so they understand:

- The risk associated with the use of alcohol and drugs (legal or illegal)
- The appropriate action that will be taken when worker is deemed to be in breach of this policy or impaired due to the use of alcohol or drugs.
- The process that will be taken when a worker volunteers that they may have an alcohol or drug dependency or when they have a concern regarding a worker's possible dependency.
- The process that will be taken when a worker declares their medication may cause impairment to their safety and performance at work and that any medical information disclosed will be treated in strictest confidence.
- Their responsibilities and legal requirements within this policy.

15. Training - workers

The company will provide information and instruction to workers, so they understand: -

- The risk associated with the use of alcohol and drugs (legal or illegal).
- Their responsibility that they must seek help if they have or when they are developing an alcohol or drug dependency before they breach this policy and the help and support the Company will provide.
- To recognise that it is their responsibility to inform their line manager of any possible side effects of their medication that could impair them at work.
- Their responsibilities and legal requirements within this policy.
- The implication of breaching this Policy.

16. Directors' / managers' responsibilities

The Directors/Managers are required to: -

- Take all reasonable steps to ensure that illegal drugs are absent from company premises.
- Take all reasonable steps to ensure that alcohol is absent from company premises.
- Ensure that the health and safety of those workers under their management or supervision is not endangered through the use of alcohol or drugs.
- To take the appropriate action against those workers whose job capability is impaired due to the use of alcohol or drugs (legal or illegal) or when a worker is in breach of this policy.
- Seek the support of the HR Department in dealing with any direct worker who volunteers that they may have an alcohol or drug dependency or when they have a concern regarding a worker's possible dependency.
- Promote the health and wellbeing of workers and provide training to support this aim.
- Implement disciplinary procedures when a worker is in breach of this policy.
- Implement this policy in compliance with the General Data Protection Regulations (EU) 2016/279 (GDPR).

17. Workers' responsibilities

The Company requires all workers: -

- Not to report, or try to report, for work whilst impaired (in breach of this policy) due to alcohol or drugs (legal or illegal).
- Not to consume alcohol, illegal drugs or abuse any drug on company premises or on company business (includes when entertaining or being entertained by clients during working hours).
- To be aware of and take appropriate action by informing their line manager or other manager immediately, when a colleague or another workers' performance is in breach of this policy or impaired due to the use of alcohol or drugs (legal or illegal).
- Not to attempt to sell, distribute or supply drugs which contravene the Misuse of Drugs Act 1971; The Psychoactive Substances Act 2016 and the Medicines Act 1968, whilst on company premises, on company business or when representing the company. It is a criminal offence therefore any breach, without exception, will be reported to the Police.
- Not to be in possession of alcohol or illegal drugs on company premises. Unopened containers of alcohol will be permissible when alcohol is purchased offsite for consumption outside of work.
- To fully comply with any alcohol and drugs testing when requested by the company.
- To recognise when and how to ask for help when they have or are developing an alcohol or drug dependency before they breach this policy.
- To recognise that prescribed and over-the-counter medicines may cause impairment to their performance at work and that it is their responsibility to seek advice from their medical practitioner or pharmacist on any medicines they are taking. Workers must inform their line manager of any possible side effects of their medication that could impair them at work to enable a risk assessment to be undertaken. Direct workers can also seek advice from Tilbury Douglas's retained Occupational Health service (HML). Any medical information disclosed will be treated in strictest confidence.
- To understand their responsibilities and legal requirements within this policy

18. Further advice and guidance

You can contact your line manager or HR for further information and guidance. All information will be treated in the strictest of confidence.

Concerns regarding business misconduct can be raised using the Group's independent reporting service, which is run by an independent external third party. The service is available 24 hours a day, 7 days a week.

Further advice and guidance can be obtained from the Company's Employee Assistance Programme and external organisations listed below. However, workers who feel they have or are developing an alcohol or drug dependency must seek help and support from the company.

- BHSF Employee Assistance Programme 0800 107 6147

A confidential and anonymous telephone advice service available 24/7 for advice across a range of areas including, health, wellbeing, legal and financial. With access to telephone counselling and an online portal.

- National Drugs Helpline 0800 77 66 00

A free confidential telephone advice service for anyone who has a drug problem or is worried about someone who may be using drugs.

- Turning Point 0207 702 2300

Provides drugs counselling and treatment in local centres.

- Alcohol Concern 0207 928 7377

National charity providing advice, education and training on dealing with alcohol problems.

- Alcoholics Anonymous 0207 352 9779

Fellowship of some 2000 groups in UK which aim to help give up alcohol entirely.

- Health Education Authority 0207 222 5370 (for Scotland 0131 447 8044)

Provides, advice, education and training materials on all aspects of health in the workplace.

Appendix 1 - Testing procedures

Alcohol

The test will be carried out by an impartial collection agency specialising in alcohol and drug testing or by a nominated Company representative who has received certificated instruction.

The test will comprise of a breath sample collection using a calibrated digital alcolmeter, similar to those employed by the police.

The procedure for the administration of the test is as follows:

- a) The worker will be asked to wait in a private area/room, where the nature of the test will be explained and the implications of a positive test result or a refusal to consent or provide a sample for testing.
- b) Upon the arrival of the impartial collection agency representative or a nominated Company representative, the worker will be asked to complete and sign a consent form to enable the test to take place. Failure or refusal to complete this will be viewed as a positive test result and the appropriate disciplinary investigation will be implemented.
- c) If the test shows a breath alcohol level is zero, then the alcohol test will be deemed a negative result and the worker will be permitted to return to work.
- d) If the test shows a breath alcohol level above zero, whether over or under the Company limit, a further test will be performed 20 minutes later to validate the first test result.
- e) If the second test is below the Company limit but is in ascendency then further tests are completed at 20 minute intervals until the indicated breath alcohol limit is no longer in ascendency.
- f) If the second or subsequent test is below the Company limit and not in ascendency, the result will be recorded, and non-safety critical workers will be permitted to return to work (for safety critical workers see 'h' below)
- g) If the second or subsequent test is over the Company limit, this will be deemed by the Company as a positive test result for alcohol. Direct workers will be suspended on full pay and safely removed from Company premises pending the implementation of a disciplinary investigation. For non-direct workers they will be removed from Company premises and their employer will be informed.
- h) Safety critical workers will not be allowed to resume any work that the Company considers to be safety critical or otherwise likely to be affected by the consumption of alcohol. Direct safety critical workers will either be deployed to other work or be sent home on full pay. Depending upon the circumstances action may be initiated under the disciplinary procedures. For non-direct safety critical workers where they cannot be redeployed, they will be removed from Company premises and their employer will be informed.
- i) In certain circumstances a lower permissible limit for alcohol may be in force, for example, where workers are working on contracts or client premises where the client requirements or policy specifies a lower specific level. In these circumstances workers will be advised of the specific limits that apply to the contract or client premises at the time of the test.

Drugs

The test will be performed by an impartial collection agency specialising in alcohol and drug testing or by a nominated Company representative who has received certificated instruction.

The procedure for the administration of this test is as follows:

- a) The worker will be asked to wait in a private area/room, where the nature of the test will be explained and the implications of a positive test result or a refusal to consent or provide a sample for testing.
- b) The worker will be asked to complete and sign a consent form to enable the test to take place. Failure or refusal to complete this will be viewed as a positive test result and the appropriate disciplinary investigation will be implemented.
- c) The drug test requires that the worker provides a fresh sample of their own urine or oral fluid.
- d) The urine sample will be taken and screened on site by the impartial collection agency representative or the nominated Company representative using an approved rapid urine test cup kit.
- e) If the approved rapid urine test cup is negative the worker will be informed accordingly and, if appropriate to do so, will return to work.
- f) However, where the test is negative, but impairment is still considered an issue, the following approach will be taken. Direct workers will either be referred to Occupational Health (if onsite) or removed from site safely and arrangements made for them to see Occupational Health at the earliest opportunity. For In-direct workers they will be removed from Company premises and their employer will be informed.
- g) Where a non-negative reaction is obtained the urine sample will be split into two further samples and both will be delivered to an approved laboratory following strict chain-of-custody procedures, where it will undergo confirmation testing and analysis to ascertain the exact identity of the substance(s) found following the onsite test.

Direct workers will be suspended on full pay and safely removed from Company premises pending the outcome of the laboratory confirmation analysis result. For non-direct workers they will be removed from Company premises and their employer will be informed.

If the laboratory confirmation analysis result is negative, the worker will be informed accordingly and, if appropriate to do so, will return to work.

If the laboratory confirmation analysis result is positive, this will be deemed by the Company as a positive test result for drugs and direct workers will remain suspended from work on full pay pending the implementation of a disciplinary investigation. For non-direct workers their employer will be informed.