

Alcohol and Drugs (Substance) Misuse Policy

Policy Statement

In compliance with the Health & Safety at Work Act 1974 (Section 2) Seddon Solutions Ltd is committed to providing a safe working environment. This includes, as far as is reasonably practicable, promoting the good health and wellbeing of all of our employees.

It is the purpose of this policy to ensure that the use of alcohol and drugs (substances) by any employee or any other person(s) associated with Seddon Solutions Ltd does not impair the safe and efficient running of the business or put at risk the health, safety or welfare of its employees, customers, suppliers or members of the general public.

Seddon Solutions Ltd also recognises the importance of balancing respect for individual privacy with the need to maintain a safe, secure and productive working environment free of substance misuse.

Seddon Solutions Ltd is aware that in some instances, substance dependency is defined as an illness. We therefore actively encourage those employees who are experiencing difficulties with any substance to seek our help. We will offer assistance in seeking relevant and evidence based treatment. In these cases normal sickness absence procedures will apply. Confidentiality is assured in all cases.

Definitions of Terms Used in this Policy

Substances – Includes but is not limited to alcohol, drugs and solvents.

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

Drugs – Any psychoactive 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) and amendments.

Dependency – Where the user has adapted physically and/or psychologically to the presence of alcohol, drugs or substances and would suffer if they were withdrawn abruptly.

Company Premises – To include all premises the Company has responsibility for and includes all Company vehicles. This policy also applies to all occasions where Seddon Solutions Ltd employees are on Company business.

Impaired (Alcohol) England, Wales and Northern Ireland Premises – In terms of this policy, any person who has Breath Alcohol Concentration that exceeds 35mcg per 100ml or equivalent in Blood Alcohol Concentration, (to be confirmed by an appropriate test) is deemed to be impaired due to the use of alcohol and therefore in contravention of this policy.

Impaired (Alcohol) Scotland Premises – In terms of this policy, any person who has Breath Alcohol Concentration that exceeds 22mcg per 100ml or equivalent in Blood Alcohol Concentration, (to be confirmed by an appropriate test) is deemed to be impaired due to the use of alcohol and therefore in contravention of this policy.

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Impaired (Drugs) – In terms of this policy, any person found to have consumed illegal drugs or used drugs in an unsanctioned or unreported way (to be confirmed by an appropriate test) is deemed to be impaired due to the use of drugs and therefore in contravention of this policy.

Misuse – This applies to using substances in an uncontrolled manner. 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 any substance in a way that is harmful/hazardous to the individual or to others and which is likely to distort perception and response when at work.

Chain of Custody – is the secure process that ensures the sample provided by an individual for drug testing is labelled, tracked, analysed and reported so that on completion of the laboratory analysis the result is specific to the original sample provided by the individual.

Employee – This means a directly employed person of the Company or any other person who carries out work for the Company both on and off Company premises, and includes but is not limited to agency staff, contractors, sub-contractors and visitors.

Scope of the Policy

This policy applies to all employees of Seddon Solutions Ltd, regardless of their job function and is applicable to all Company premises and construction sites. This policy shall form part of the terms and conditions of employment for all direct employees of Seddon Solutions Ltd but shall be non-contractual.

Guidelines and Rules

It is Seddon Solutions Ltd's policy that the working environment should be free from the influence of substances. This policy will help to ensure that the health and safety of our employees, and others is protected and to maintain the efficient and effective operation of the business, and to ensure our customers receive the quality service they require. For these reasons the following rules will be strictly enforced.

All employees will not:

- Report or try to report to work whilst impaired due to substances including alcohol or drugs (whether illegal or not).
- Be in possession of alcohol or illegal drugs on Company premises.
- Consume alcohol, illegal drugs or take any substance whilst at work or whilst representing Seddon Solutions Ltd.*
- Attempt to sell, distribute or supply alcohol whilst on Company premises/vehicles or whilst representing Seddon Solutions Ltd.
- 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 Seddon Solutions Ltd premises or whilst representing Seddon Solutions Ltd. Any contravention of this, without exception, will be reported to the Police.

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* Employees may consume alcohol at Company arranged functions where such consumption has been authorised by the Managing Director. Such functions will, where possible be arranged for times when employee(s) do not have to return to work having consumed alcohol. However, if alcohol is consumed they must not drive a vehicle or return to work on any of the Company's premises whilst over the legal limit.

Employees must remember that they are acting as ambassadors of Seddon Solutions Ltd and their behaviour is appropriate, lawful and does not offend, harass or irritate others present, nor does it in any way, bring Seddon Solutions Ltd into disrepute or undermine our brands.

Contravention of these rules is a very serious matter and the Company will take disciplinary action in the event of an infringement under the Company's disciplinary procedures, which may include dismissal. For employees who are not directly employed by the Company, they will be referred to their own employer where there is a contravention of these rules.

Responsibilities

Within this policy, there are specific responsibilities to be undertaken by all managers and supervisors. Action needs to be taken in the event of an incident/accident or an individual showing signs of impairment due to alcohol, drugs or substances. All managers have a responsibility to ensure that the procedures of this policy are properly enforced and followed.

Senior Management

- To ensure that this policy is implemented throughout Seddon Solutions Ltd.
- To notify contractors and any associated Company employees of this Policy and supporting procedures.
- To monitor the effectiveness of the Policy on an ongoing basis.
- To ensure training is carried out to support all managers and employees in alcohol and drug awareness and their responsibilities.

Line Managers, Supervisors and Team Leaders

- To ensure that the health and safety of those individuals under their management or supervision is not endangered through the misuse of substances in the workplace.
- To take the appropriate action against those individuals whose job capability is impaired due to substances.
- To take the appropriate action against those individuals who are in contravention of the Company's Substance Misuse Policy.
- To refer to the People Department those individuals who volunteer that they may have a substance dependency or where they have a concern regarding an individual's possible dependency.

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Employees

- Under the Health & Safety at Work Act 1974 (Section 7a), all employees have a duty of care not only for their own health and safety, but the health and safety of others who may be affected by their acts or omissions.
- Employees should familiarise themselves with the policy and the implications arising from a contravention of this policy.
- It should be recognised that prescribed and over-the-counter medicines may cause impairment to an individual's performance at work. It is therefore the employee's responsibility to seek advice from their medical practitioner or pharmacist on any medicines they are taking. They should inform their line manager or any other manager they wish, of any possible side effects of their medication. Any medical information will be treated in strictest confidence.
- Employees with genuine concerns about any colleague in relation to alcohol and/or drugs (substance) misuse or dependency should be made aware of their responsibility for taking those concerns to their Line Manager or People Department, with the relevant supporting evidence. Such concerns will be taken seriously and mechanisms for dealing with them are in place. Any persons working for Seddon Solutions Ltd should feel able to raise genuine concerns appropriately without fear of victimisation however this must be done with proper regard to principles of veracity and confidentiality.

Training

The training objectives relating to this policy are:

- To provide managers and supervisors with an awareness of the Company's policy and the implications for them concerning the procedures and protocols.
- To raise general awareness with regard to substance misuse and to recognise signs and symptoms an individual would be expected to display whilst impaired at work.
- To raise general awareness with regard to a substance dependency and to recognise signs and symptoms an individual would be expected to display and how to access help and support if required.
- To provide managers and supervisors with the necessary training tools to promote and raise awareness of the policy to their employees.
- To ensure all employees are made aware of their responsibilities and the implications of contravening this policy.

Discipline

Where the rules of this policy are contravened and following a disciplinary investigation, dismissal may result on the grounds of gross-misconduct under the Company's disciplinary procedure. Employees should refer to the Company's disciplinary procedures for further information.

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Screening and Testing

Screening and testing applies to all direct and non-direct employees of Seddon Solutions Ltd. The purpose of screening and testing is to ensure that due diligence is exercised and to deter and/or detect individuals working on Company premises/construction sites whilst being impaired due to alcohol, drugs or any other substance.

Screening and testing will take place in the following circumstances:

Intervention Testing – When it is suspected that an employee is in contravention of this Policy or when it is suspected that an employee is impaired due to the use of substances including 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 individuals involved, where possible, to determine whether or not alcohol, drugs or any other substance may have been a contributory factor.

Random Testing – Employees can be randomly selected and tested at each of the Company's premises throughout the course of the year. This process is regardless of the employee's job function. This is to ensure fairness within this Policy and give a clear message that the misuse of substances cannot be tolerated by the Company.

Help and Support – If an individual's performance is affected through a dependency to alcohol or drugs or where they are being supported by the Company for a substance dependency they may be required to undergo monitoring testing.

The Company will use breath testing for alcohol and urine for drugs but reserves the right to use other approved methods of testing if necessary.

Should an employee refuse to consent or provide a sample for testing they will be suspended immediately on full pay, pending the outcome of a disciplinary investigation. The Company reserves the right to treat a refusal to consent or provide a sample for testing the same as a positive result.

A refusal by an employee who is not directly employed by the Company to consent or provide a sample for testing will result in that individual being removed from the Company premises and construction sites. Their employer will be notified of this decision.

Help and Support

Seddon Solutions Ltd will endeavour to ensure that advice and specialist help are made available to any employee who feels they have or are developing a dependency relating to alcohol, drugs or substances and seeks help from the Company.

Any employee who seeks the assistance of the Company in obtaining help and support for an alcohol, drug or other substance dependency is assured of their confidentiality being respected. Those employees who are not directly employed by Seddon Solutions Ltd will be referred to their own employer.

Early identification and treatment is essential and therefore any colleague who feels that they may have or are developing a dependency relating to alcohol, drugs or substances should come forward and seek assistance at the earliest possible opportunity. Employees should contact their Line Manager and or People Department, who will arrange for the appropriate help and support.

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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 sickness.

If an agreed or recommended course of treatment is not followed by an employee or is ineffective and occurs concurrently with lapses in the employee's performance, conduct or attendance then they will be dealt with in accordance with the Company's disciplinary, capability or sickness absence procedures as appropriate.

Testing may be carried out to ensure compliance with the treatment and recovery programme. This option will be agreed with the employee before the commencement of the treatment and recovery programme.

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

Any employee with a dependency on alcohol, drugs or substances who only declares they have a dependency when a serious misconduct issue has arisen or before a test takes place or where they are proven to be in contravention of this policy will be subject to the same disciplinary procedures as any other employee who contravenes this policy.

Alcohol/Drugs Appeals Procedure

If an employee wishes to instigate the appeals procedure against a positive test result, they must request in writing to the People Department their intention to appeal. They must include in the appeal letter their reasons for the appeal with any information that they believe could have affected the test result, and any supporting evidence they intend to use as part of the appeal. The People Department must receive the letter either in person or by registered post within 5 days of the initial test date or result.

The employee may only appeal against a positive result on the grounds that:

- They believe the alcohol test result is inaccurate, in which case they will be responsible for all costs for the checking of the calibration of the instrument.
- They believe the laboratory drug test result to be incorrect, in which case they will be responsible for all costs for testing the second sample which was taken at the time of the initial test.

Any information contained in the appeal letter, the Company shall ensure that it remains compliant with the scope of all Data Protection and to the employee's sequential rights to confidentiality. Where an employee's application to appeal is over the 5 days allowed, the appeal will be deemed null and void.

Alcohol - At the employee's expense a written request will be made to the manufacturer of the calibrated digital alcoholmeter to have a calibration check carried out on the instrument to ensure the instrument's result was valid and accurate. A copy of the report will be sent to the employee and another copy sent to the employer.

Drugs - At the employee's expense the second sample will be sent under strict chain-of-custody procedures directly from the original UK accredited testing laboratory to a second UK accredited testing laboratory where it will undergo analysis. A copy of the result will be sent to the employee and another copy sent to the employer.

Employees may appeal against disciplinary action taken against them following a contravention of this Policy through the normal company disciplinary process.

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