



Alcohol and Drug Policy

PURPOSE

Gilbert Builders Ltd carries out operations in a safety critical environment and recognises that the use and misuse of alcohol, drugs, medication and other substances (such as solvents) can place the health and safety of workers and others at risk and may impair their ability to perform their duties effectively.

Workers who come forward with an alcohol, drug, medication or substance related dependency problem will be regarded as suffering from an illness. They will be encouraged to seek help and treatment and will be dealt with compassionately. If a worker approaches their line manager seeking assistance with such a problem, the line manager will inform the Personnel Manager of the position, and they will agree a course of action. In determining the course of action the primary consideration will be the health and safety of the worker and others. The information divulged will be treated with appropriate confidentiality but the individual may be allocated to other duties and/or requested to undergo periodic unannounced testing for safety purposes. While no action will be taken in respect of any admitted past behaviour for which disciplinary action is not underway and which has not been detected and is not the subject of an investigation at the time of the disclosure, any breaches following the disclosure may result in disciplinary proceedings.

SCOPE

This policy applies to all permanent and temporary employees and contractors (subject to paragraph 10) employed by or working for Gilbert Builders Ltd.

POLICY

1. Objectives

The objective of the policy are:

- a. To assist in the provision of a safe and healthy workplace for workers, customers, contractors and members of the general public;
- b. To reduce the risks associated with alcohol, drug, medication or substance use and misuse in respect of near misses, accidents at work and impaired work performance;
- c. To provide confidential support for workers suffering from alcohol, drug, medication or substance misuse problems.

2. Definitions

2.1 Over the Company Limit

Having an alcohol level above the relevant limit. For all circumstances other than those covered by the third paragraph of 3 below, the relevant limit will be as specified in the Road Traffic Act 1988 at the relevant time. That limit currently means, as the case may require:

35 microgrammes of alcohol in 100 millilitres of breath;
80 milligrammes of alcohol in 100 millilitres of blood; or
107 milligrammes of alcohol in 100 millilitres of urine

Or

Providing a verified positive test results following Medical Review which indicated the presence of illegal drugs or the misuse of drugs, medication or other substances. Such a result will be regarded as prima facie evidence of impairment.

2.2 At Work

On the Building site, at the relevant person's normal place of work or in any Gilbert Builders Ltd operational area that the person is required to visit as part of their duties or anywhere else where the person is carrying out their duties to the Company.

3. Responsibilities

All workers have a responsibility to ensure that they are fit for work and they are not *Over The Company Limit* at work. Workers should be aware that the consumption of alcohol, use or misuse of drugs, medication or other substances outside work may affect their capability at work. A worker who is taking medication, which is liable to cause side effects should notify his/her line manager, who should in turn contact the appropriate Safety Manager or other appropriately designated person to determine whether a revised risk assessment should be carried out. If there are any concerns regarding the potential impact of medication the worker should not be permitted to carry out safety critical activities but may be allocated alternative duties. Medical advice should be sought as necessary in such situations.

A worker attending a social event as part of their duties (whether on the Company's premises or not) must ensure that s/he is not *Over The Company Limit* if s/he intends to return to work afterwards. Where a worker attends a work related function (whether on the Company's premises or not) following which s/he does not intend to return to work s/he may drink alcohol in excess of the relevant limit but is nevertheless required at all times to act in a responsible professional manner.

If a worker performs a role, which means that s/he is liable to be contacted unexpectedly outside his/her normal planned house of work, an appropriate risk assessment must be carried out at the time of such a call. This risk assessment may be carried out by the worker in question although s/he may seek guidance if they consider it necessary. Workers will also be expected to comply with the relevant safe systems of work when responding to such a call out.

In this regard, Gilbert Builders Ltd recognises that workers can be trusted to exercise responsible judgement about whether they should attend the workplace in an emergency situation. In some cases this may require the individual to carry out self-testing to determine their compliance with the Company alcohol limit before deciding whether or not to attend. In such circumstances test kits will be supplied by the Company in advance for use in such situations upon request. In all circumstances when a worker attends the workplace s/he must comply with the Road Traffic Act and other relevant laws.

In a call-out situation when a worker attends the workplace s/he must only operate equipment or machinery which may pose a risk to themselves or others if they are within the Company Limit or if they do so to protect someone from physical harm.

4. Testing

The main circumstances in which testing will be carried out are as follows:

- **Pre-employment testing** – As part of the recruitment process to determine fitness for work;
- **Unannounced random testing** – To screen up to 10% of all employees and contractors Carrying out safety critical activities (assessed in accordance with the table in Appendix A) Across the locations per annum as an accident prevention measure;
- **Post incident testing** – Following an accident or near miss, which the Safety Manager or other Appropriately designated person considers likely to be reportable under RIDDOR or Otherwise sufficiently serious to justify testing;
- **For cause testing** – if a breach of the policy raising potential safety issues is suspected by a Person who is appropriately designated by the Manager.

5. Identifying unacceptable impairment

Line managers may identify impairment or have concerns about potential impairment reported to them by workers. This may be attributable to a number of factors, for example fatigue, a medical condition or the effects of alcohol, drugs, medication or other substances.

Indication that a worker may be *Over The Company Limit* include:

- accidents or near misses occurring as a result of insufficient attention or misjudgement
- inability to perform routine tasks requiring a normal level of concentration or hand/eye Co-ordination
- sudden mood changes, euphoria, hyperactivity, lethargy, tiredness, unusual irritability or Aggression for that person
- disregard for safe systems or work
- tiredness, sleeping on the job or requests to leave work early
- slurred or incoherent speech, unsteady balance, difficulty walking, problems focusing:
- breaches of standards relating to the use and misuse of alcohol, drugs, medication or other Substances both inside and outside the workplace (e.g. consumption/use during working Hours or reporting for duty with noticeable signs of excessive alcohol consumption or use or Misuse of drugs, medication or other substances).

Workers should report any concerns they may have about an individual's ability to work in a safe manner to the appropriate line manager. If it is suspected that the individual is *Over The Company Limit*, and this presents potential safety issues, the decision on whether or not to administer testing will be made by a person who is appropriately designated by the Manager. Workers raising concerns will be treated as if such matters were covered by the **Whistleblowing Policy**, Personnel Policy & Procedure No. 2.5. In such circumstances they are not required to prove the truth of any statement that they make and/or concerns that they raise, but they will be expected to demonstrate to the person contacted that they have reasonable grounds for their concerns.

The worker must act in good faith when raising concerns.

6. Breach of Policy

All workers need to be aware, in advance, of the possible consequences of breaching this policy.

The following list of examples, which is not exhaustive, will be regarded as breaches of the policy:

- Being *Over The Company Limit* at work
- Distributing or selling drugs, medication or other substances (such as solvents), or
- Providing a verified positive result, following Medical Review, which indicated the presence Of illegal drugs or the misuse of drugs, medication or other substances (such as solvents).

Any breach of the policy as defined above may render the employee liable to disciplinary action up to and including summary dismissal in cases of gross misconduct. Refer to Personnel Policy & Procedure No. 2.1 **Employee Rules and Disciplinary Procedure**. In addition, if the Company considers that a worker may be in breach of the Misuse of Drugs Act 1971 Gilbert Builders Ltd will report the facts to the Police. This will not however, delay the implementation of the Disciplinary Procedure.

7. Testing Procedure

In the event of a requirement to administer a test post accident/incident or where there is suspicion that a breach of the policy may have taken place the decision to administer a test will be taken by two appropriately designated persons. Where practicable, this will normally be the Line Manager and Safety Manager. This decision will only be taken after full consideration has been given to the facts of the breach or incident. Wherever it is practicable, the individual's name will not be disclosed to the designated persons until the decision to test or not to test has been taken. If it has been agreed to test, the individual will be taken to a location which ensures aural and visual privacy.

If necessary, food and drink may be consumed but not in the 20 minutes prior to the testing. From the arrival of the collector, the individual may be accompanied by a work colleague throughout the duration of the testing process.

If an incident justifying testing occurs near the end of shift, the individual should be encouraged to stay beyond the end of their shift to await the arrival of a Drug & Alcohol tester. This would allow the Company to ascertain where alcohol, drugs or substance abuse played a part in the incident and a negative result will provide reassurance to the employee. If the individual is happy to comply with the request and would normally be eligible for payment of overtime, payment will be made for the extra hour(s) they have stayed behind. If the individual refuses to remain beyond the end of their shift consideration should be given to any reason for refusal and whether any further action should be taken in the regard. However, in the absence of a specific contractual provision, the Company cannot insist on an employee remaining beyond their normal finishing time.

For unannounced testing up to 10% of employees and contractors carrying out safety critical activities will be chosen to undergo testing at irregular intervals using verifiably random selection methods.

A trained external collector will administer the initial testing procedure using a breath meter to test for alcohol and an oral fluid testing swab to test for the presence of drugs or medication. The tests will be administered to 'chain of custody' standards. The individual will be asked to sign the necessary alcohol screening/drug screening consent forms. Refusal to sign the forms or undergo testing may render the employee liable to disciplinary action up to and including summary dismissal in cases of gross misconduct.

If a worker is taken to hospital following an accident/incident and the individual can be treated quickly and made comfortable, the aim should be to return the individual back to the workplace (even temporarily) where a D & A test can then be carried out.

If the initial breath test detects the presence of alcohol, whether above or below the relevant limit, a second test will be conducted after a further 20 minutes to ascertain whether the alcohol level is rising or falling. If the alcohol level is still rising a third (and final) test will be conducted after a further 20 minutes.

Oral fluid drug tests will be collected and in the case of post incident or for cause testing part of the sample will be analysed in the presence of the donor to obtain an initial result. If the sample returns a non-negative result the remainder of the sample will be split in two and both parts sent to the laboratory where one part will be analysed by means of Gas Chromatography/Mass Spectrometry (GC/MS) to clearly establish the metabolic contents of the sample.

The results of this analysis will be reviewed by an independent and trained Medical Review Officer before the result is provided to the Company. This process will take approximately 5 working days. The duplicate sample can be made available for independent analysis in the event of a request by the worker a part of an appeal.

For unannounced random drug testing dual samples will be collected and forwarded direct to the laboratory where one sample will be analysed as above. No on-site result is provided but the remainder of the procedure is identical.

8. Procedure to be followed after testing

8.1 Post Incident and For Cause Testing

In the event of an alcohol test producing all readings below the Company limit and an initial on-site negative drug test result the individual may resume normal duties.

In the event of either the alcohol test producing any reading in excess of the Company limit or an initial on-site non-negative drug test result the designated manager will, in conjunction with the Personnel Manager, exclude the employ from work on full pay immediately using a DIS5A form. The period of exclusion should be as short as possible. The individual should, however remain excluded until the result of the CG/MS analysis is confirmed. If this produces a negative result the individual should be informed that this is the case and s/he is able to resume their duties.

A return to work interview will be carried out to enable the employee to be re-integrated into the workplace. If a confirmed non-negative result is received the individual should remain excluded until the results of the test are confirmed by the independent Medical Review Officer. If this confirms the presence of drugs or the misuse of drugs, medication or other substances the exclusion should continue while an investigation is conducted and should remain in force until the necessary Disciplinary hearing is held and a conclusion is reached.

8.2 Unannounced Random Testing

After unannounced random testing, where the alcohol test readings are below the Company limit, the employee may continued to perform his/her duties until the initial result of the drug screen laboratory analysis is received. In the case of an alcohol reading above the Company limit or an initial non-negative result from the laboratory analysis of the drum screen sample the procedure outlined above should be followed.

Where the employee is advised that s/he will be subject to the Disciplinary Procedure (Personnel Policy & Procedure No. 2.1) an appropriate Manager will be responsible for initiating the Disciplinary Procedure.

9. Additional Information

9.1 Confidentiality

When a worker undertakes counselling or treatment for problems relating to alcohol, drug, medication or substances misuse, the line manager and the Personnel Manager will maintain appropriate confidentiality. It may also be necessary to inform the appropriate Safety Manager in confidence.

9.2 Job Security

If the Company is aware that a worker is due to undergo treatment for alcohol, drug, medication or substance related dependency problems, the Company will, where reasonably practicable, accommodate the individual in the same or a similar position on their return to work after such treatment/rehabilitation. Where this is no possible, or the Company considers that the return of the worker to such a position might jeopardise their performance or recovery or jeopardise the health and safety of other, the Company will seek to identify alternative employment of a different nature.

9.3 Negative Tests

It should be remembered that some medical conditions such as diabetes display similar symptoms to alcohol, drug, medication or substance use or misuse. If a test result is negative, but the worker displays symptoms of drug, alcohol, medication or substance use or misuse, s/he should be requested to undergo a full medical examination to ensure his/her own health and welfare, and the s/he does not jeopardise the health and safety of others.

9.4 Disputes

In the event of a dispute over whether the policy is applicable in any particular case, the issue will be dealt with in accordance with the **Grievance Procedure**, Personnel Policy & Procedure No. 2.3.

9.5 Right of Accompaniment

An individual requested to undergo testing may be accompanied by a fellow worker from the arrival of the collector throughout the duration of the testing process. All employees will have the right to be accompanied at any formal disciplinary or grievance hearing by a fellow worker or Trade Union official. Refer to Personnel Policy & Procedure No. 2.8.

9.6 Appeals

Any appeals will be dealt with under the Disciplinary Procedure, Personnel Policy & Procedure No. 2.1; however, any works who has produced a positive test will have the right to have the test re-examined by independent analysis, initially at their cost. If the independent analysis provides a negative result Gilbert Builders Ltd will reimburse the costs incurred by the worker in having the independent analysis carried out.

10. Contractors

Contractors who work in operations of facilities under the direct control of Gilbert Builders Ltd are expected to require their workers to voluntarily submit to testing by the nominated external testing practitioner under the “for cause”, “post incident” and “unannounced random testing” provisions of this policy. In an operation or facility which is not under the direct control of Gilbert Builders Ltd (e.g. a “ring-fenced” site which is isolated from Gilbert Builders Ltd’s operations and is under the direct control of a specialist contractor) it will be a requirement of the contract or agreement that the contractor works under their own Drug and Alcohol Policy which has similar provisions to Gilbert Builders Ltd policy. In situations concerning a “ring-fenced” site, when a contractor completes the Selection and Evaluation Questionnaire under Gilbert Builders Ltd Health and Safety Policy, it should be ascertained that they have a Drug and Alcohol Policy which has similar provisions to Gilbert Builders Ltd’s policy. Contractors who refuse to comply with this request should be advised that this condition is a mandatory requirement for such contracts and failure to change their position will mean that they will not be considered for future contacts and any existing contract will be terminated at the earliest available opportunity.

While it is not appropriate for Gilbert Builders Ltd to apply disciplinary procedures to a worker engaged by a contractor, such contractors will be expected to deal with problems with their workers in accordance with their own disciplinary procedures. Contractors are advised to obtain written authority from their workers, Gilbert Builders Ltd should, however, reserve the right to insist that works are excluded from Gilbert Builders Ltd work (either temporarily or permanently) if it is not satisfied that they are suitable for the work in question.

After a post incident or for cause test, where the alcohol readings are below the Company Limit and there is an initial on-site negative drug test result the individual may resume normal duties. In the event of either the alcohol test producing any reading in Over the Company Limit or an initial on-site non-negative drug test result, the worker should be temporarily excluded from Gilbert Builders Ltd work pending the result of the GC/MS analysis. If this confirms a negative result the worker may return to duty, if required. If a non-negative drug test result is received the individual should remain excluded until the results of the test are confirmed by the independent Medical Review Officer. In the case of an alcohol test showing a reading above the relevant limit the worker should be excluded while an investigation is conducted and should remain excluded until a conclusion is reached (in cases where a non-negative on site drug test result has been obtained the final conclusion should be reached only once the confirmed drug test result has been provided in order that all of the circumstances are considered).

If any drug test confirms the presence of illegal drugs or the misuse of drugs, medication or other substances the Contractor should be informed that the worker will be permanently excluded from Gilbert Builders Ltd work.

After unannounced random testing, where the alcohol test readings are below the Company Limit, a worker may continue to perform his/her duties until the initial result of the drug screen laboratory analysis is received. In the case of an alcohol reading above the Company Limit or an initial non-negative result from the laboratory analysis of the drug screen sample the worker should be excluded from Gilbert Builders Ltd works and the procedure outline above should be followed.

RESPONSIBILITY

All those persons referred to within the scope of this policy are required to adhere to its terms and conditions.

Individual Managers/Supervisors are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with the Personnel Manager prior to any action being taken.

Group Personnel has the responsibility for ensuring the maintenance, regular review and updating of this policy. Revisions, amendments or alterations to the policy can only be implemented following consideration and approval by Group Personnel.