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# Drugs & Alcohol Policy

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## 1.0 INTRODUCTION

This policy sets out the Company's position with regard to drugs and alcohol within the workplace and the approach it will take when the consumption of drugs or alcohol affects staff performance at work, with the aim to providing a healthy and safe working environment for all employees, contractors and customers.

## 2.0 SCOPE

This policy applies to all employees of the Company.

Any suspected breach of this policy will be fully investigated and, depending on the nature of the conduct, disciplinary action up to and including dismissal without notice may be taken, in line with the Company Disciplinary Policy.

This policy does not form part of an employee's contract of employment and the Company may amend it at any time.

### 2.1 Definitions

#### 2.1.1 *Substance Misuse*

Drinking alcohol, taking drugs or a controlled substance (either intermittent or continuous) which interferes with an individual's health, work capabilities or conduct, which affects the work performance and/or safety of themselves and others.

#### 2.1.2 *Drug*

Any substance (other than alcohol) that produces physical, mental, emotional or behavioural change in the user, the sale, possession or consumption of which is illegal. This includes prescription drugs where such prescription drugs have not been prescribed for the person possessing or using such drugs and/or such prescription drugs are not taken in accordance with a medical practitioner's instructions.

#### 2.1.3 *Controlled Substance*

All chemical substances or drugs listed in any controlled substances acts or regulations applicable under legislation.

## 3.0 PRINCIPLES

The Company has a duty to protect the health and safety of its employees in the workplace. In addition to this, all employees are responsible for their own health and safety and also the safety of others who may be affected by their acts and omissions. Consumption of alcohol and/or drugs may affect an employee's ability to properly perform their job and endanger the health and safety of others; it may also damage the reputation of the Company and could lead to criminal liability for the individual and the Company. It is therefore taken extremely seriously by the Company.

Employees should at no time report for work with a blood alcohol level exceeding the current UK limit for safe driving.

Where an employee's use of drugs or alcohol in their private life has an actual or potential adverse effect on the employee's performance of their duties, the health and safety of other employees or the best interests of the Company, the Company may take disciplinary action, in line with the Company Disciplinary Policy. This is notwithstanding the fact that the drug and/or alcohol abuse may be outside the employee's working hours or not on Company premises.

### **3.1 Prevention & Rehabilitation**

The Company recognises that addiction to alcohol and drugs may, in some cases, be a medical condition. Employees who have a problem will be encouraged to seek help and treatment voluntarily and at an early stage.

Where appropriate the Company may consider offering an employee who has an alcohol or drug problem and who seeks help, support (internally and/or through external agencies) and access to treatment for rehabilitation.

Occupational Health is the prime resource for providing support and rehabilitation for employees who have a drug and/or alcohol related problem. They also have access to support from other outside agencies and can liaise with the employee's GP.

A formal rehabilitation programme may be agreed. Any time off to attend rehabilitation will be treated as sickness absence, in line with the Company Sickness Absence Policy.

As part of any rehabilitation programme, Occupational Health will review the employee's fitness for work and liaise with the external agencies to ensure that the employee is co-operating as agreed.

If the employee fails to complete the rehabilitation programme (or fails any screening) then the matter will be dealt with under the Company's Disciplinary Policy. Failure to complete rehabilitation successfully may be regarded as gross misconduct and may lead to disciplinary action up to and including dismissal.

The Company is not required to consider or offer rehabilitation in all circumstances.

The Company also recognises that addiction to alcohol and drugs may, in some cases, be the cause or result of a medical condition that is considered a disability under the Equality Act 2010.

## 3.2 Responsibilities

### 3.2.1 *Employees*

Employees have a personal responsibility to:

- be fit for work and notify management immediately if use of a substance referred to in 2.1 may cause any impact to work performance;
- not consume alcohol during working hours, other than at work events where alcohol may be provided by the Company, or with the prior knowledge/agreement of the Managing or Regional Directors;
- not bring or use illegal substances on Pickerings Hire Ltd premises/sites under any circumstances;
- seek professional help if they have a substance abuse problem;
- report to their line manager if they suspect another employee or contractor is under the influence of a substance referred to in 2.1; and
- notify their line manager if they are taking medication that could affect their ability to work safely.

### 3.2.2 *Line Managers*

Line Managers have a responsibility to:

- discuss with employees and contractors as soon as possible if behaviour, performance or absence indicates a problem with substance misuse;
- with the assistance of HR, refer to occupational health employees who declare or who they suspect may have a substance abuse problem;
- seek further advice from HR;
- remove from the workplace employees and contractors whom they suspect are under the influence of any substance referred to in 2.1;
- record absence related to substance abuse in accordance with the Company Sickness Absence Policy; and
- with the assistance of HR, refer employees to occupational health for advice on health and safety at work if they are taking medication that could affect their ability to work safely.

### **3.2.3 HR**

HR have a responsibility to:

- Ensure this policy is available to employees;
- Provide consistent advice to management and employees in accordance with the Company policy and employment legislation;
- Facilitate occupational health referrals;

### **3.3 Conduct when Alcohol is Available at Company Related Events**

It is recognised that alcohol may be available at some Company related events during and outside of normal working hours (whether held on Company premises or not), such as parties, entertaining visitors or other work-related events. However, employees are always expected to maintain and be responsible for their own standards of behaviour, with the emphasis on avoiding any actions that could lead to a complaint of misconduct or could harm the reputation of the Company. Such complaints will be fully investigated and may lead to disciplinary action being taken, in line with the Company Disciplinary Policy.

### **3.4 Criminal Offences**

Employees should be aware that the Misuse of Drugs Act 1971 makes it a criminal offence for the Company to knowingly allow the production or supply on its premises of any controlled drugs, and for any individual who allows such activities by his neglect or connivance. The Company will press for the prosecution of any employee found breaking this law on its premises.

### **3.5 Screening - New Recruits**

#### **3.5.1 During Recruitment**

The Company reserves the right to conduct drug and alcohol screening as part of its recruitment process. Any candidate who has a positive result, or who refuses to provide the appropriate samples, will not be eligible for employment.

## 4.0 PROCEDURES

### 4.1 Screening

Where a line manager observes unusual behaviour or unacceptable performance by an employee at work or has any other reasonable cause to believe that the employee is suffering the effects of drugs or alcohol, they will initiate the following procedure:

- The line manager will ask the employee to explain his or her behaviour;
- In the absence of a satisfactory alternative explanation for the behaviour or performance, and where the employee is suspected of, or admits to, being in breach of this policy, a drug and alcohol screen will be performed. At the Company's absolute discretion, the employee may be suspended on full pay, pending the screening process. Suspension is a neutral act – it is not a disciplinary penalty and does not imply guilt.
- The screening will be conducted by a senior manager and HR. The consent form will be prepared by HR and signed by the employee and the Senior Manager will take the samples. The sample will then be forwarded to a designated laboratory for analysis. Upon completion of the screening, the employee may be suspended on full pay, for as short a time as possible until the results of the screening are known. Suspension is a neutral act – it is not a disciplinary penalty and does not imply guilt.
- If an employee refuses to co-operate with the screening or to allow the Company access to the results, the consent form will be completed accordingly. The employee will be suspended immediately on full pay and the Company Disciplinary Policy will be instigated. The behaviour which gave rise to the suspicion may also be grounds for disciplinary action. Failure to follow or co-operate with procedures laid down to safeguard the health and safety of employees may be regarded as gross misconduct and may lead to disciplinary action up to and including dismissal.

The Company will not carry out screens for drug and/or alcohol on the grounds of an employee's Protected Characteristic(s), as set out in the Company Equality & Diversity Policy.

## 4.2 Screening Results

Employees will be advised of the results of the screen as soon as practicable.

If the result of the screen is negative the employee's behaviour will continue to be investigated and, where appropriate, the Company's Disciplinary Policy will be instigated.

If the result is positive, the Company's Disciplinary Policy will be instigated.

## 4.3 Searches

If the Company has reasonable grounds to suspect drug and/or alcohol abuse by the employee it may request the employee to consent to the following search procedure:

- The search will, where practicable, take place in private.
- The search may include, but may not be restricted to, the individual's person (including clothing), workstation and items of property (including personal belongings, lockers, bags, car, any parcel or container brought onto the Company's premises etc).
- Where an employee is to be searched, the search will be carried out by a person of the same gender (except in relation to searches which are only of items of property). A witness may be present as appropriate.
- Employees will not be searched without consent, but any refusal of a search which has been reasonably requested may in itself be treated as misconduct by the Company and may lead to disciplinary action up to and including dismissal, in line with the Company Disciplinary Policy. Any refusal may lead the Company to draw negative inferences against the employee.
- If any items are suspected of being connected with drug or alcohol abuse, they will be retained by the Company and the employee will be given a written receipt for them. If it is later established that the items are not connected with drug or alcohol abuse, they will be returned to the employee.
- Searches will be carried out only by appropriate senior personnel as authorised by the Company on a case-by-case basis.

The Company will not carry out searches for drug and/or alcohol on the grounds of an employee's Protected Characteristic(s), as set out in the Company Equality & Diversity Policy.

The Company reserves the right to ask the police to carry out a search where it considers this appropriate.

Signed



Managing  
Director  
11/05/2023