

## WHY HAVE A POLICY ON DRUGS & ALCOHOL?

Van Elle Limited is committed to maintaining healthy, safe and productive working conditions throughout its activities.

We recognise that drugs and alcohol have an impact on an individual's ability to work safely and correctly and, as such, have the potential to cause significant harm to our business.

It is our aim to provide a working environment that is free from the misuse of drugs and alcohol through a combination of training and supervision supported where necessary by our disciplinary process.

Drugs and alcohol impair judgement, they can make people over-confident and more likely to take risks, reactions can be slowed, the ability to judge distances affected, and the field of vision may be reduced. People who drink heavily may develop psychological and emotional problems, including depression. Drug and alcohol misuse can harm the individual both physically and mentally, and through the misuser's acts or omissions, other people may be harmed.

People are killed and seriously injured in drink drive, or drug related, crashes every week. It is not just the drivers who have been drinking or misusing drugs who suffer, but often their passengers, people in other vehicles, pedestrians, cyclists or motorcyclists, and the families of everyone involved.

This Policy & Procedure is designed to improve safety by placing and enforcing strict limits regarding the use /misuse of drugs or alcohol, as historical random and "for-cause" screening has unfortunately shown this to be a continuing challenge for the construction industry.

We ask all employees and those working on our behalf, to lead by example and to challenge unsafe attitudes and behaviours, to establish a workplace free of injury or ill-health.

## THE LEGAL REQUIREMENTS

Van Elle Limited has a general duty under the *Health and Safety at Work etc. Act 1974* to ensure, as far as reasonably practicable, the health, safety and welfare of our employees and those working on our behalf. We also have a duty under the *Management of Health and Safety at Work Regulations 1999*, to assess the risks to the health and safety of our employees. If we knowingly allow an employee under the influence of drug misuse or alcohol to continue working and their behaviour places the employee or others at risk, we could be prosecuted.

Employees are required to take reasonable care of themselves and others who could be affected by their acts or omissions.

The *Transport and Works Act 1992* makes it a criminal offence for certain workers to be unfit through drugs and/or alcohol while working on railways, tramways and other guided transport systems. The operators of the transport system would also be guilty of an offence unless they had shown all due diligence in trying to prevent such an offence being committed.

The *Road Traffic Act 1988* states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.

The principal legislation in the UK for controlling the misuse of drugs is the *Misuse of Drugs Act 1971*. Nearly all drugs with misuse and / or dependency liability are covered by it. The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a doctor).

## Sector Specific Requirements

Certain industries require screening to be undertaken as part of their risk management process. For example, Network Rail Standard NR/L2/OHS/00120 requires testing to be carried out at Pre-employment, pre-appointment, periodically, on an unannounced random basis and post incident/for cause.

## SCOPE

This Policy applies to the following persons:

- Employees of Van Elle (temporary and permanent)
- Any person who is employed by a contractor engaged by Van Elle Limited, hereinafter referred to as a "subcontractor"
- Any self-employed person engaged directly by VE or through any third party (agency) \* All visitors to sites or offices must be advised of the Drugs and alcohol Policy, and the implications of failing to comply, as part of the site or office induction process.  
Site-specific / contractual requirements may increase the volume and / or frequency of screening over and above the requirements of this policy.

## DEFINITIONS

**Chain of Custody** - the process used to maintain the chronological history of a (drugs and alcohol) sample in order to guarantee the identity and integrity of the sample from collection through to reporting of the test results to disposal.

**Confirmation Test** – A secondary analysis of a sample to confirm the identity and quantity of a specific drug or metabolite that was indicated within the initial screening. The confirmation test will determine whether a sample is positive, or negative.

**Cut off** - A concentration level set to determine whether the sample is positive or negative for the presence of a drug

**D&A** - Drugs and alcohol

**Drugs** - for the purpose of this Policy are:

- 'Controlled drugs' as defined in the *Misuse of Drugs Act 1971* and subsequent modification orders
- Medicines used without prescription or in excessive (above therapeutic) doses as defined by the toxicologist or medical review officer

- Certain prescription or over the counter medications which contain 'controlled drugs'
- Substances which may carry warnings against consumption, inhalation or ingestion such as glue, solvents and vapours

**Medicines** - are defined as those prescribed to the person or bought 'over the counter'.

**Negative Result** - A result reported by the laboratory that indicates that either no drug or drug metabolite is present in the specimen or that any drug or drug metabolite present is below the cut off

**Non-negative** - screening tests which detect a drug are referred to as a "non-negative" result requiring confirmation by a laboratory test. In laboratory tests, if the 'A' sample detects a drug it is a "non-negative" result until a confirmation test is completed.

**Positive Result** - A result reported by the laboratory as positive means that there is conclusive evidence that a drug or drug metabolite is present in the specimen tested at a level greater than or equal to the confirmation cut-off concentration.

**Rail Environment** -Where work is carried out on, or adjacent to a rail infrastructure managed by, but not limited to, Network Rail (NRMI) or Transport for London (TfL).

**Safety Critical Work** - means any work activity which could have significant health & safety consequences on our employees or others

**Sentinel** - Personal Track Safety Identification / Certification System

**Tampering** - Any process by which an individual knowingly interferes with (or attempts to interfere with) the processes of specimen collection, transport or analysis with the intention of avoiding a legitimate test result. The actions undertaken can include (but are not limited) the addition of water or foreign substances to the specimen, specimen substitution, damaging bottle seals or packaging and the deliberate consumption of interfering substances or copious volumes of water prior to specimen collection.

## **POLICY REQUIREMENTS OF ALL EMPLOYEES, CONTRACTORS, SUB-CONTRACTORS**

### **You Must:**

- Attend drugs and alcohol screening if requested to do so
- Declare any drugs and alcohol related problem which you have or suspect you may be developing
- Declare any prescription or "over the counter" medication which may affect your ability to undertake your normal duties, and if possible produce the labels, before commencing work
- Declare if you have any reason to believe that you might have accidentally consumed drugs and alcohol (direct employees only)

### **You Must Not:**

- Report or try to report for work in an unfit state as a result of consuming alcohol or taking any drug
- Be in possession of, or supply any drug in the workplace or whilst on duty
- Consume drugs and alcohol\* in the workplace or whilst on duty which includes being 'on call'
- Attend training or assessment events while under the influence of drugs and alcohol

- Discontinue an agreed course of treatment for a drug or alcohol related problem (direct employees only)

## SPECIFIC RESPONSIBILITIES

Position	Responsibilities
Senior Group Director Divisional Director Departmental Manager	<ul style="list-style-type: none"> <li>• are responsible for ensuring that this Policy is maintained, updated accordingly, and communicated to all employees of Van Elle Limited</li> <li>• are responsible for the implementation of the arrangements of this Policy in controlling the risk of employees and others working on our behalf reporting for work under the influence of drugs, alcohol or medication which may / will impair their safety performance</li> </ul>
HR Manager	<ul style="list-style-type: none"> <li>• is responsible for ensuring that all prospective candidates for employment are formally notified of the requirement to pass pre-employment screening for drugs and alcohol</li> </ul>
Divisional Director Departmental Manager	<ul style="list-style-type: none"> <li>• will ensure that all subcontract personnel working on our behalf are made aware of the need to comply with the requirements of this Policy</li> </ul>
HR Manager Line Manager	<ul style="list-style-type: none"> <li>• are responsible for ensuring that the Van Elle Limited disciplinary procedures are adhered to whenever invoked by the requirements of this Policy</li> </ul>
HSQE Manager	<ul style="list-style-type: none"> <li>• is responsible for maintaining the screening process, the chain of custody and its associated requirements.</li> <li>• shall monitor the results of drugs and alcohol screening and will report performance indicators to demonstrate pass / failure rates.</li> </ul>
HR Manager HSQE Manager	<ul style="list-style-type: none"> <li>• are jointly responsible for ensuring the requirements of this Policy are applied equally and fairly, and in accordance with the requirements of the <i>Transport and Works Act 1992</i> and Network Rail Company and Railway Group Standards among others.</li> </ul>
Authorised Collection Officers	<ul style="list-style-type: none"> <li>• all aspects of the screening process, including scheduling of unannounced</li> <li>• screens and results must remain confidential</li> <li>• must be part of the Van Elle Management Team or the HSQE/HR Team</li> <li>• must undergo Drugs &amp; Alcohol Testing as part of the completion of the Chain of Custody Training and they will also be subject to Random and for Cause Screening, as all other staff</li> <li>• will be monitored and supervised at least once per annum by HSQE</li> <li>• will be issued with Van Elle Authorisation ID cards that will be presented to donors on request</li> </ul>

### Confidentiality & Integrity of Testing – Van Elle Authorised Collection Officers

Authorised Collection Officers shall maintain confidentiality of all aspects of the screening process, including scheduling of unannounced screens and results. Transgressions from a Van Elle Authorised Collection Officer will result in a formal disciplinary.

Authorised Collection Officers must not confiscate or accept responsibility for any illegal substances. In the event that anyone offers to or hands over any illegal substance (drugs or paraphernalia) you will be required to contact the police to arrange for its collection.

## Possession and Use of Drugs

It is strictly prohibited for any employee, subcontractor, self-employed or agency person, whilst at work or on Van Elle Limited premises to:

- Possess or use drugs as defined in the *Misuse of Drugs Act 1971*
- Possess or use any other drugs other than those which have been prescribed for them or non-prescribed medication
- Dispense, distribute, sell or offer to buy controlled drugs
- Use any drug or other substance at any time in such a manner as to constitute abuse likely to impair the safety performance of the user, (or to put others at risk)

Possession, use, dispensing, distributing, selling or offering to buy controlled drugs at work (including reasonable suspicion of it) will be reported to the police immediately.

Van Elle Limited is likely to consider the above actions to amount to gross misconduct and therefore render an employee liable to summary dismissal in accordance with the provisions of HR16 Disciplinary Procedure.

## Medication

Some medicines available either on prescription or "over the counter" can affect your work performance and your ability to carry out work safely. They include, but are not limited to antidepressants cold and flu remedies, hay fever remedies and other anti-histamines, pain killers, sleeping pills, and tranquilisers.

It is the responsibility of the individual to ensure that they are aware of the effects of any medication they take and to tell their line manager or Van Elle HR Department. It is the responsibility of the individual taking prescribed or non-prescribed medication to demonstrate such medication will not affect their ability to undertake their duties without risk to themselves or others.

Any person who is undergoing a course of medication must notify their doctor / medical practitioner issuing the medication of their job role and the restrictions placed upon employees as per the requirements of this Policy.

This is required because medication may, in some circumstances, contain one of more of the substances or drugs. Some medication also includes alcohol as a constituent part.

It is also important to remember that the medical condition a person may be suffering from may well impair their safety performance irrespective of any prescribed / non-prescribed medication, which must receive consideration by their doctor / medical practitioner and line manager. Temporarily impaired performance may require temporary redeployment.

Consideration should be given to use of medication whilst at work that may cause a person to suffer from: drowsiness / sleepiness; loss of concentration; reduced awareness; blackouts; fits; seizures; or any other condition that may create a risk to the safety of the individual and / or others. If no alternative medication is available the individual concerned must report the circumstances to their supervisor or line manager before commencing duty.

In conjunction with the HR Department, supervisors and line managers who receive information from employees that they are taking medication which may affect their ability to work safely, shall:

- Maintain confidentiality
- Verify the medication being taken
- Assess whether the medication and the medical reason for taking the medication presents a risk to the employee's ability to work safely, taking advice as necessary
- If necessary, reallocate the employee to alternative duties whilst they are taking medication
- Advise HR of instances where employees are employed on alternative duties whilst taking medication

At induction employees, subcontractors, the self-employed and agency workers will be prompted to provide details of medication taken.

If following declaration of medication, the donor produces a non-negative result consistent with the medication declared, the Donor shall be permitted to return to work pending receipt of the lab screening. Their return shall be supported by a written risk assessment and safe system of work, unless a 'positive' breath test is revealed or there are grounds to believe that they are unfit through Drugs.

Medication which has been disclosed by an individual undergoing screening will not be considered as a non negative result provided that it was disclosed **before** the screening sample was collected. It is the responsibility of the person taking the prescribed or non-prescribed medication to bring this to the attention of the Van Elle Authorised collecting officer.

If the individual has made no declaration of medication and produces a non-negative result, the Donor shall be NOT be permitted to return to work. See ACTION PENDING RESULTS OF A NON-NEGATIVE SPOT TEST FOR DRUGS (P11)

Employees failing to report taking any medication that may impair their ability to work safely, or may affect the safety of others, before commencing duty, may be subject to disciplinary action. The extent of the circumstances will determine the action taken but may result in the termination of employment.

## Unfit Through Alcohol

**Important note:** Due to lower limits on alcohol in the rail industry when working under the rules and systems of the rail environment the lower limit applies and is governed by personal track safety requirements. When working in all other "non-rail" environments the legal drink drive limit applies.

## Non-rail environment

When working in all other "non-rail" environments the legal drink drive limit applies.

For the purposes of this Policy **WHEN WORKING IN A NON-RAIL ENVIRONMENT in England, Wales and Northern Ireland**, an unfit state through consumption of alcohol is defined by testing with levels not exceeding

- More than 80 milligrammes in 100ml of blood
- More than 35 microgrammes of alcohol in 100ml of breath
- More than 107 milligrammes of alcohol in 100ml of urine

For the purposes of this Policy **WHEN WORKING IN A NON-RAIL ENVIRONMENT in Scotland and the Republic of Ireland**, an unfit state through consumption of alcohol is defined by testing with levels not

exceeding

- More than 50 milligrammes in 100ml of blood
- More than 22 microgrammes of alcohol in 100ml of breath
- More than 67 milligrammes of alcohol in 100ml of urine

## Rail environment

For the purposes of this Policy WHEN WORKING IN A RAIL ENVIRONMENT, an unfit state through consumption of alcohol is defined by testing with levels not exceeding

- More than 29 milligrammes in 100ml of blood
- More than 13 microgrammes of alcohol in 100ml of breath
- More than 39 milligrammes of alcohol in 100ml of urine

## Unfit Through Drugs

For the purposes of this Policy, an unfit state through the use of drugs is defined by urine sample testing as a positive (fail) result for any of the following:

- Amphetamines
- Benzodiazepines
- Cannabis
- Cocaine
- MDMA (Ecstasy)
- Methadone
- Heroin
- Opiates
- Propoxyphene
- Any other controlled drug as defined in the *Misuse of Drugs Act*
- Medicines used without prescription or in excessive (above therapeutic) doses
- Certain prescription or over the counter medications which contain "controlled drugs"
- Substances which may carry warnings against consumption, inhalation or ingestion such as glue, solvents and vapours

## SCREENING

### PRE-EMPLOYMENT & PRE-APPOINTMENT (RAIL) AND NEW EMPLOYEE SCREENING

#### Requirement

**All new employees** must undergo screening for drugs and alcohol **as soon as practicable after their start date**. New employees testing positive (fail) (i.e. drugs present or being above the alcohol limit), at pre-employment / induction screening will be advised by the Human Resources (HR) department that their application has been declined and they will not be employed.

**All safety-critical rail candidates** (e.g. Personal Track Safety (PTS) card holders) must undergo a medical and screening for drugs and alcohol **prior** to employment in accordance with rail industry standards. Any safety-critical rail candidate testing positive (fail) (i.e. drugs present or being above the alcohol limit) at pre-employment screening will be advised by the Human Resources (HR) department that their application has been declined and they will not be employed and Sentinel informed of the

result.

## Information to Candidates

Offer letters will advise all candidates that they are required to attend screening and that the results will be treated in strictest confidence. The letter will state that the offer is subject to a satisfactory result from this screening process.

## Screening Arrangements

Following receipt of offer acceptance, HR will contact the Divisional Director who will arrange the D&A screening and confirm who will conduct the screening in accordance with the rules set out below. The candidate and their line manager will be notified of the date, time and location of their screening.

Completed HR9 *Health Questionnaire* should be returned to the HR Manager.

A Van Elle Limited approved supplier will conduct safety-critical (PTS) medicals at one of their clinics. Safety-critical (PTS) medicals will not be carried out by a Van Elle Limited authorised collecting officer.

A Van Elle Limited Authorised Collecting Officer will conduct D&A screening for all other new employees of Van Elle Limited. There is no requirement for an employee (excluding safety-critical rail candidates) of one business unit to travel to their respective head office if there is another Van Elle Limited office closer to their work location or home.

## Individuals Refusing to Attend Screening

Anyone who refuses to attend screening will be subject to disciplinary action, which may include summary dismissal on the grounds of gross misconduct.

Where a "New Employee" refuses to attend screening the offer of employment shall be rescinded.

## TRANSFER OR PROMOTION

Any employee who is transferred or promoted to a safety critical post will be screened for drugs and alcohol, even if the employee already holds a safety critical post. Screening in these circumstances will be initiated by HR on submission of the relevant promotion paperwork, in accordance with roles determined as "safety critical".

If the employee refuses to be tested, the employee will not be appointed, and disciplinary action will follow.

## POST INCIDENT AND "FOR CAUSE" SCREENING

Post Incident and "For Cause" screening refers to screening to find out whether drugs and alcohol were a factor in an accident or incident, where the person(s) actions or omissions are believed to have contributed to the accident or incident, or the behaviour of a person gives cause to suspect that they are unfit to continue work.

Examples of this screening include, but are not restricted to:

- Any accident or incident, which regardless of injury, is of such a serious nature that the Senior Group Director, Divisional Director or HSQE Team specify that screening should be completed
- All RIDDOR - or those with a potential to become - reportable accidents
- Violation of rules or instructions which result in accident or serious incident

- Arriving for work in an obviously abnormal condition
- Smell of alcohol on breath
- Affected by fatigue, drowsiness or a marked loss of concentration
- Justifiable suspicion of drugs and alcohol abuse, either from whistle blowing or evidence of drugs and alcohol in the workplace
- Irregular attendance at work / absence from place of duty
- Poor or uncharacteristic work performance
- "For Cause" Screening Due to Conduct, Behaviour or Appearance

The person must be advised that screening is being undertaken in accordance with the Drugs and Alcohol Policy, and that refusal will result in disciplinary action being taken. If a subcontract employee is involved their line manager or supervisor must be informed as soon as possible.

### **Action Pending the Arrival of the Screening Organisation**

The Manager / Supervisor shall ensure that the donor(s) shall:

- Be relieved of duty
- Be taken to a safe place
- Be accompanied at all times by a responsible person until screened
- Be allowed a small glass of water (250ml)
- Be allowed to take medication prescribed by a doctor
- **Not** be allowed to use mouth wash / brush their teeth / eat sweets / breath freshening mints /chewing gum etc.

A request from the individual to visit the toilet should be declined, if possible, until the screening organisation has arrived. If the individual is not prepared to wait the request should be allowed but the visit should be supervised as closely as possible in the circumstances by the Manager / Supervisor. They should be asked to empty their pockets first and the items should be listed and secured for safekeeping. The taking of any bag or other object into the toilet by the individual should be discouraged.

The Manager / Supervisor must keep a record of any food, drink or medication taken and also the time that these were taken. For medication, the Manager / Supervisor must make a note of the name of the drug, the quantity taken and the exact time. Any bottles, tablet wrappings etc. should be kept and handed to the screening organisation on their arrival.

### **RANDOM SCREENING**

Unannounced "random" drugs and alcohol screening of any employee, subcontractor, self-employed or agency worker could take place at any time whilst at work or on duty.

A minimum of 5% of PTS Card Holders shall be subject to unannounced random alcohol and drug screening each year in accordance with the Rail Standards.

Unannounced random 'spot tests' conducted by the Van Elle Authorised Collecting Officer will give an immediate non-negative or negative result.

If the spot test is non-negative the individual must be suspended, or in the case of a subcontractor removed from site, until the lab results are received.

Note - separate arrangements exist for declared medication and non-negative results.

A non-negative result requires the sample to be sent to the laboratory for confirmation. If after both samples (A and B) are tested and the result is positive the sample is deemed to be a fail and HR16 Disciplinary Procedure will follow

Where spot tests gives a negative (pass) result the individual may return to work unless the Van Elle Authorised Collecting Officer advises against it.

## **REFUSAL TO UNDERGO SCREENING**

Any person refusing to undergo any form of D&A screening, without good cause, will be reminded that refusal to undergo screening will, for employees lead to disciplinary action, and for others lead to their removal from the site / premises.

Refusal to undergo screening shall be treated as a positive (fail) result and under the Disciplinary Policy may result in the termination of employment without notice.

Any employee who, in the opinion of the Van Elle Authorised Collection Officer unreasonably refuses to cooperate with the screening procedure may be suspended from work by their Divisional Director (or in their absence their designated deputy) and disciplinary action initiated.

Subcontractors, the self-employed and agency workers refusing to cooperate with the screening procedure will be removed from site and their Manager / Supervisor / employer / agency informed immediately.

## **CONSUMPTION OF ALCOHOL ON COMPANY BUSINESS AND WHILST NOT AT WORK**

Employees who are considered to be on company business but not on call or carrying out safety critical activities, may consume alcohol as part of corporate hospitality given to or received from clients, or as part of official corporate functions, provided this has been approved by a senior manager.

Personnel who have consumed alcohol whilst on company business to the extent that they unfit through alcohol, as detailed in this policy, must not thereafter:

- Return to their normal place of work or enter any depot, worksite or property owned or operated by the company
- Act in the capacity of 'on call' manager, or offer themselves to assist in any safety critical activity or incident

## **SCREENING PROCEDURE AND THE CHAIN OF CUSTODY**

All screening is undertaken to ensure that employee's safeguards, confidentiality and dignity are maintained to a high standard at all times. Screening must only be carried out by Van Elle Authorised Collection Officer or RISQS approved organisations through the use of 'spot test' kits and / or specimen testing by laboratory analysis from a specimen of breath and / or urine.

Screening may take place in the workplace and at training events and may be carried out at either mobile or fixed collection facilities.

During screening specimens are collected using a strict 'chain of custody' procedure which:

- Ensures that safety, health and dignity is protected
- Ensures the safety of the collection officer
- Does not compromise safety duties
- Prevents unauthorised access to specimens
- Prevents specimens from becoming contaminated

Screening for drugs will consist of a urine test to detect the presence of any substance of abuse or drug specified in the section above "Unfit through drugs".

Screening for alcohol will consist of a breath test to detect the presence of alcohol in relation to the limits specified in the section above "Unfit through alcohol".

## **SCREENING PROCEDURE AND THE CHAIN OF CUSTODY**

When undertaking drugs and alcohol screening, a suitable location must be used to enable the chain of custody requirements to be met and ensure the privacy of individuals being screened. Arrangements must be made for a specific toilet to be made available purely for the purposes of providing specimen samples of urine.

Where the toilet is not contained within the same room as that used by the collection officer, then the specific toilet will be conspicuously marked with the words - ***"This toilet is being used for drugs and alcohol screening. Access is absolutely forbidden without the express permission of the collection officer in charge of screening."***

Every person undergoing screening will be advised of the process by the collection officer and is required to comply with the screening process. All persons will be asked for proof of identity before undertaking any screening.

Approved means of photo identity are Recognised Competence Card, DVLC, Passport or Countersigned Confirmation by Supervisor / Manager.

## **ACTION PENDING RESULTS OF A NON-NEGATIVE SPOT TEST FOR DRUGS**

Employees producing a non-negative spot-test result for drugs must be suspended by their Divisional Director (or in their absence their designated deputy) until the lab results are received. The Van Elle Authorised Collection Officer will advise the employee(s) that their Divisional Director will be notified immediately.

Note separate arrangements exist for declared medication and non-negative results.

Subcontractors, self-employed or agency workers producing a non-negative spot-test result for drugs must be removed from the office or site, until the lab results are received.

Whilst the laboratory results are pending, the individual will be removed from site and sent home pending the screening results. If the screening relates to an incident the person must provide a written statement prior to being relieved of duty.

Employees must be instructed to remain off work until contacted by their line manager or the HR department. In the case of subcontractors, self-employed or agency workers, subsequent actions are a matter for determination by the subcontractor or agency.

## **ACTION FOLLOWING A FAILED ALCOHOL BREATH TEST**

If the individual fails an alcohol breath test with a level above those set out in this Policy they must be suspended, or in the case of subcontract, self-employed or agency workers removed from site.

The Van Elle Authorised Collection Officer will advise the employee(s) that their line manager will be notified immediately. Employee(s) will be suspended by their Divisional Director (or in their absence their designated deputy).

Employees must be instructed to remain off work until contacted by their line manager or the HR

department. In the case of subcontractors, self-employed or agency workers, subsequent actions are a matter for determination by the subcontractor or agency and the HR Manager.

## **DRIVING FOLLOWING NON-NEGATIVE 'SPOT-TEST' FOR DRUGS OR FAILING FOR ALCOHOL**

Any person who fails an alcohol test with a level above the legal driving limit, will be advised they are unfit to drive and their line manager will be notified.

Any person whose 'spot-test' shows non-negative for drugs but who show signs of being under the influence of drugs and are therefore deemed to be impaired, will be advised they are unfit to drive and their line manager will be notified.

In both cases their line manager will discuss alternative arrangements for travel.

In the case of subcontract, self-employed or agency workers, this action is the responsibility of the employer or the self-employed but the Van Elle Limited Senior Site Representative must ensure that these measures are being enforced.

Any person who refuses to acknowledge that they are unfit to drive and persists in their intention to drive will be advised by the Van Elle Authorised Collection Officer and / or line manager that in the interests of their own safety and that of the public, the police may be contacted.

In these circumstances, the Senior Group Director must be contacted immediately.

Drivers will be made aware that by failing to comply with these requirements they may be committing a criminal and / or disciplinary offence by driving whilst impaired.

## **TEST RESULT DOCUMENTATION**

All tests for drugs and alcohol and their results shall be kept confidential and reported to the respective Divisional Director, the HSQE Manager, HR Manager and those tested.

HR will retain all documentation from alcohol and drug screening. Records will be maintained in the HR database. Records of all drugs and alcohol certificates and test results shall be retained for a period of not less than 5 years from the date of screening.

Documentation from screening carried out by approved screening organisations will be sent direct to the HR Manager.

Results from screening for 'Competence Specific' medicals including Personal Track Safety (PTS), will be retained by the HR Manager

## **POSITIVE (FAIL) RESULTS**

An individual shall be immediately notified of the result of a spot test carried out by a Van Elle collection officer.

Where screening is undertaken by an external provider, or samples have to be sent off for additional testing, the individual shall be notified of the outcome once the result has been received from the laboratory.

Where laboratory analysis shows positive for medicines that have been from declared medication, this will be recorded by the laboratory as '*Pass consistent with declared with medication*'.

Where laboratory analysis shows positive for medicines and no declaration has been made and the positive result is consistent with undeclared therapeutic medication the result will be recorded by the

laboratory as *'Fail consistent with undeclared medication'*.

If the laboratory confirms illegal drugs, this result will then be confirmed as a positive (failed) test.

## **DISCIPLINARY ACTION**

### **Breach of Policy**

Employees found to be in breach of this Policy will be subject to disciplinary action which may include dismissal without notice on the grounds of gross misconduct.

Employees may be dismissed for any of the following breaches, (not an exhaustive list):

- Failing an alcohol test with a level above those set in this Policy
- Screening positive for drugs
- Refusing to take a drug and / or alcohol test
- Reporting for work when unfit through drugs and alcohol
- Consuming drugs and alcohol whilst on duty (except in the circumstances set out in above)
- Failure to finish completion of a programme of rehabilitation.
- Declining to undertake a prescribed course of treatment for a drug or alcohol related problem
- Tampering or attempting to tamper with the process of specimen collection, transport or analysis.

Employees failing to report taking any medication that may impair their ability to work safely, and or may affect the safety of others, before commencing duty will be subject to disciplinary action. The circumstances of each individual situation will be considered in order to determine the action taken but may be considered to amount to gross misconduct.

### **Right of Appeal**

All employees have the right to appeal as detailed in HR16 Disciplinary Procedure.

If the employee feels that he/she has been unjustly disciplined or wishes to challenge the results of the tests, he/she may appeal in writing to the Senior Group Director within 7 days of the disciplinary action. The Senior Group Director will hear all appeals (usually within [ten] working days of receiving the employee's grounds for appeal) and his/her decision will be final.

The form of the appeal will be at the discretion of the Senior Group Director and will depend on the disciplinary penalty which is the subject of the appeal. An appeal against dismissal will usually involve a further hearing to be attended by the employee and by the person who made the decision to dismiss.

The laboratory will retain all positive results (and reserved samples) for 12 months.

The outcome of the appeal will be relayed in writing as soon as possible after the appeal has been held.

### **Actions Relating to Subcontract, Self-Employed or Agency Employees**

The subcontractor's supervisor or manager, or employing company, must be informed as soon as possible. Subcontract, the self-employed or agency staff in breach of this Policy will be banned from working on any Van Elle Limited project. If any subcontractor or agency fails to comply with the arrangements set out in this document, Van Elle Limited may require the company to immediately cease work and remove all staff from site until such time as full compliance is achieved.

If any person contravenes the requirements of this Policy, they will be required to immediately cease work and leave site. The subcontractor or agency will be required to confirm in writing that the individual concerned will not be engaged in any further work. This will be in addition to any other remedy or

sanction available under the terms of any contract.

## **Rail Competency Certification**

All positive test results will be subject to the Sentinel Scheme Misconduct Process. All documentation related to the process including statements and test results will be submitted to the Network Rail Workforce Safety Team for review.

A positive result will normally lead to a "Scheme Outcome" and the PTS competence being removed, and a ban from working on the railways for five years.

## **GUIDANCE ON THE DETECTION OF DRUG OR ALCOHOL ABUSE PROBLEMS**

### **Early Detection of Symptoms**

It is realised that not all those with an alcohol and drug related problem will voluntarily seek assistance. Managers and supervisors should be aware of signs of abnormalities of behaviour which may indicate there is a problem.

Managers and supervisors should also be aware however, that such signs may not necessarily be related to drug or alcohol abuse but in the absence of an acceptable explanation from the individual concerned, might indicate the need for positive intervention including 'for cause' screening.

Identification of employees with drug or alcohol related problems is considered to be in their own interests and should be a necessary element of the policy of treatment and rehabilitation. Managers must put their responsibility for the safety of operations first and foremost and any action to help individuals must be taken within this context.

If an employee is suspected of having an alcohol or drug related problem because of its characteristic signs, it is essential that tact and diplomacy is used and total confidentiality practised in any approach.

### **Where Suspicious Circumstances are Observed**

Where suspicious circumstances are observed but there is no admission of a problem by the individual the employee should be referred to the HSQE and HR Department, who may subsequently refer the individual for counselling.

### **Where A Specific Problem is Admitted**

If an employee believes they have, or are developing, a problem of drug or alcohol abuse they should, in the first instance, approach their line manager, the HR department, or the HSQE Department. All disclosures will be treated in the strictest confidence.

Line managers must arrange for the employee to be relieved of normal duties pending further discussions, and includes consideration of their ability to drive a car or commercial vehicle. Drivers have a duty themselves to ensure that they are fit to drive.

Any employee who knowingly has, or may be developing, a drug or alcohol related problem should be allowed to approach their line manager, the HR department, or the Van Elle HSQE Department at any time. Where an employee identifies and reports a problem to the company in advance of being asked to submit a test under the terms of this Policy, the company will provide the necessary support and guidance to assist in their general rehabilitation and restoration to good health as can reasonably be expected.

Employees must continue an agreed course of treatment for a drug or alcohol related problem. Where

persistent or heavy drinking or drug abuse is diagnosed, the counsellor / doctor will advise on a course of treatment. The individual's line manager must be advised on the type of work on which the individual should be employed in the interests of safety and efficiency pending restoration to good health. Respect for the individual's right to confidentiality must be maintained and restricted to those who have an absolute need to know.

Self-declaration of a drug or alcohol related problem after involvement in an incident or after selection for drug and alcohol screening will remove the option of involvement in the rehabilitation process for an individual and will lead to disciplinary measures.

## COMMUNICATION OF THIS POLICY

### All employees must be made aware of:

- This Drug & Alcohol Policy and procedures
- The consequences of disciplinary action resulting from a breach of this Policy
- The occasions when drugs or alcohol screening is required

### The Policy must be:

- Available to every employee
- Re-issued after any major revisions

## ARRANGEMENTS FOR SUBCONTRACTORS AND AGENCIES

It is a requirement that any subcontractor or agency engaged by the company co-operates fully with the policy set out within this document.

The subcontractor or agency is required to bring the contents of this document to the notice of all their staff. This will include any direct staff and any person engaged on a self-employed basis. The subcontractor, if further subcontracting the work to another party, will be responsible for ensuring any organisation engaged fully complies with the arrangements set out in this Policy.

Van Elle Limited reserves the right to be informed of any drugs and alcohol screening conducted by subcontractors, agencies or individuals working on Van Elle Limited projects / contracts. Van Elle Limited will permit subcontractors and agencies to conduct 'for-cause' or 'random' drugs and alcohol screening, providing their process for screening is in accordance with the requirements of the Van Elle Limited policy. The results of these tests must be disclosed to Van Elle Limited in the strictest confidence.

The Senior Group Director is responsible for this policy and supported by the other directors.

This policy is reviewed at least annually to ensure its continuing suitability and alignment to our business strategy.



Signed

Mark Cutler - Chief Executive Officer

Date 13.08.2018

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