

Drug and alcohol policy

1. POLICY

Under the Health and Safety at Work Act 1974, companies have a legal requirement and responsibility to provide a safe working environment for all their employees.

This policy applies to all members of staff working within the UK Marine Survey Limited . In addition, before embarking on a working relationship with a third party (e.g. an employment agency), the company will ensure that they agree to compliance with the policy irrespective of their own existing policies and practices.

UKMS will aim to ensure all of its employees are clear about the rules concerning alcohol and drug misuse and the consequences of breaching those rules. However, the company also recognises that many alcohol and drug problems can be resolved successfully with early medical intervention, counselling and treatment, and with commitment and understanding on both sides. In such circumstances, so long as the problem has been identified and/or admitted before serious misconduct issues have arisen, the company will be understanding and may offer the employee help and assistance in making a satisfactory and speedy return to full fitness and work.

2. DEFINITION OF TERMS USED IN THIS POLICY

2.1 **Substances** – includes but is not limited to alcohol, drugs and solvents.

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

2.3 **Drugs** – any psychoactive substance (those drugs that affect mood, thought process or perception), available both legally and illegally. A non-exhaustive list would include all those drugs covered by the Misuse of Drugs Act (1971) and The Medicines Act (1968).

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- 2.4 **Illegal drugs** – all those drugs covered by the Misuse of Drugs Act (1971).
- 2.5 **Dependency / addiction** – where the user has adapted physically and/or psychologically to the presence of a substance and would suffer if it were withdrawn abruptly.
- 2.6 **Company premises** – to include all premises the Company has responsibility for and includes all Company vehicles. This policy also applies to all occasions where employees of the UKMS are on Company business unless prior approval from a Director is obtained in the event of a Company organized function.
- 2.7 **Impaired / intoxicated** – (Alcohol) In terms of this policy, any person who has Breath Alcohol Concentration that exceeds 35 micrograms per 100 milliliters of breath or equivalent in Blood Alcohol Concentration, (to be confirmed by an appropriate test) is deemed to be intoxicated and therefore be impaired.
- 2.8 **Impaired** – (Drugs) In terms of this policy, any person found to have consumed illegal drugs or used drugs in an unsanctioned or reported way (to be confirmed by an appropriate test) is deemed to be impaired through drugs.
- 2.9 **Misuse** (of substances) – this applies to using substances in an unsanctioned way. For example any illegal drug use, or using drugs for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical doctor or pharmacist. It also applies to substances that are harmful or hazardous to the individual or to others and is likely to distort perception and response to the user's environment and can impair normal functioning and development.

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3. RULES

The undernoted rules exist primarily to protect the safety of employees and the public alike, and disregard of them will be treated as serious misconduct and lead to disciplinary action and possibly dismissal (either with or without notice, depending on the merits of the case).

- a) Staff must not report for work under the influence of alcohol as this may lead to impairment in the performance of their duties.
- b) Staff must not consume alcohol during working hours (including whilst on standby) or during lunchtime / other work breaks.
- c) Staff who are representing the Company outwith working hours e.g. by entertaining or being entertained by clients or who have to stay overnight whilst on business will be required to take a sensible approach to social drinking and act in a responsible manner. Any behaviour which is seen to damage the reputation of the Company may be treated as misconduct.
- d) Staff must not use, sell, possess, be under the influence or be impaired by the use of opiates, cocaine, marijuana, heroin, amphetamines, solvents, tranquillisers, or any other drugs for non-medical reasons, whilst on Company premises and work sites or whilst on Company business. Staff found to be selling or in possession of any illegal substance will be reported to the police without exception as these are classed as criminal offences under the Misuse of Drugs Act 1971.

In connection with any of the above, staff may be required to present themselves for examination by one of the Company's Medical Advisers which may include testing.

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4. PRESCRIBED/OVER THE COUNTER MEDICATION

Staff on prescribed or over the counter medication must seek advice from a pharmacist or GP regarding any side effect which could cause impairment before reporting for duty. If an employee is advised that there is likelihood that the impairment will have an effect on their ability to perform their duties, they must inform their Line Manager or if they feel unable to do so, their local HR Manager. Their Manager/Human Resources Manager may seek advice from an Occupational Health Advisor, following which alternative duties may be considered. This information will be kept confidential and held in a secure file with limited access.

5. ASSISTANCE

In cases where an employee admits to having an alcohol or drug dependency before it becomes a serious misconduct issue (which may either be admission without prompting to their own Manager/an HR Manager, or admission following counselling by a Manager who suspects they have a developing problem), the Company will be understanding and will be prepared to offer confidential support and assistance to help them resolve the problem.

The company will initially refer the employee to one of its Medical Advisers. It may also be appropriate (especially if supported by medical advice) to transfer the employee on to alternative duties within their capabilities, or suspend them from work altogether, on safety grounds. Following receipt of the Medical Adviser's report, the company will interview the employee (who may be represented by a fellow employee/accredited representative of a recognised trade union) to discuss the way forward and to specify the terms under which they will be prepared to provide support and assistance.

Support and assistance will be provided in the form of encouragement, access to a company Medical Adviser and the company's confidential counselling service, and time-off for appropriate counselling/doctor appointments. However, this support and assistance will be strictly conditional upon the employee committing to an ongoing

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process of counselling/treatment in accordance with medical advice, and striving to become medically fit to return to substantive work within a reasonable timescale. The employee will also have to accept that the company will need to monitor the situation, and may take reasonable steps (e.g. immediate referrals to a Medical Adviser or further testing) to confirm to their satisfaction that reasonable progress is being made.

The aim of this support and assistance will be to help successfully and permanently rehabilitate the employee back into their normal job, which may require providing them with other temporary substantive duties during the recovery period, within a reasonable timescale. However, where it becomes clear that the employee is not committed to this aim, or relapses, or where it becomes clear that recovery, if it ever does happen, will be over an unreasonably long timescale, then formal action in accordance with the principles of the company's Disciplinary Procedure may be taken. This could lead to dismissal (either with or without notice depending on the merits of the case).

6. TESTING PROCESS

In order to monitor the effectiveness of the policy and ensure compliance, testing will be used as a means to detect any breaches in its rules. Depending on the circumstances, following a positive result, Employees may be given support to help them resolve the problem or dealt with in accordance with the company's Disciplinary Procedure.

6.1 Testing for the use of unauthorized substances as outlined in clause 6.2 will be carried out in the following circumstances:

(i) Pre-employment medical

All prospective Employees will be asked a series of questions to establish if they have a current or past dependency on drugs or alcohol. Depending on the results, they may or may not be offered

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employment with the company. All prospective employees may be randomly tested as part of the screening process. Any person who tests positive for the substances noted in clause 6.2 will have their offer of employment withdrawn. Any candidate who refuses the test will not be offered employment with the company.

ii) With cause or post incident

Where there is a reasonable belief that an employee may be under the influence of alcohol or drugs, “with cause” testing may be used. In all instances, the local HR Manager should be involved. Employees who receive a positive result will be referred to the company’s Medical Adviser for further review. It should be noted that this will require two tests, the first will give a result at the time of testing, and the second will be sent to a laboratory for confirmation. As the second result cannot be produced immediately, the company may suspend an Employee or offer them alternative duties on the grounds of Health and Safety until such time that the test results have been confirmed. In any case, test results should be confirmed within 3 working days unless this is not reasonably practicable.

The same process may be applied following an incident which is subject to a safety/disciplinary fact finding investigation.

iii) Customer requirement

It may be necessary to agree to the provision of testing as part of the tendering process involved in gaining a new contract. As such contracts will be necessary for the continued growth of the business, the customers testing clause will supersede any provision the company may have in their policy.

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Employees will therefore be required to submit themselves for testing (random or otherwise) should it be required under the terms of a customer contract.

Failure to submit to testing in such circumstances will automatically be deemed a fail and dealt with in accordance with the company's disciplinary procedure. The employee may not be able to continue working on the particular contract.

iv) Random

With effect from 1 April 2009, each year the following categories of employees, agency workers and contractors may be subject to random testing. Categories have been based on the register of safety critical positions within the business. Locations would be chosen and names randomly picked from the following categories

Category 1 High (i.e. risk to life) – up to 5% of this group

Category 2 Medium (i.e. risk to business continuity) – up to 2.5% of this group.

Category 3 Low (i.e. risk to performance / customer perception) – up to 1% of this group

Only the Director of HR or their Deputy can authorise random tests to be carried out.

Individuals would not be notified until their test was about to be carried out.

v) Rehabilitation programme

In order to ensure that employees are committed to a rehabilitation programme as a result of disclosing a dependency or alternatively as

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a result of previous positive test results in accordance with ii, iii and iv above, further testing and/or referrals to the company's Medical Advisers will be carried out periodically, the timescales of which will be determined in accordance with an appropriate rehabilitation programme. The rehabilitation process must be carried out and completed within a reasonable timescale which will be determined through advice from the company's Medical Advisers. This will of course also be dependent on individual circumstances. On completion of a rehabilitation programme, Employees will not be continually tested but may be required to present themselves for testing in accordance with ii and iii above.

6.2 A urine or breath sample will be used to detect the following substances:

- a) Alcohol
- b) Stimulants including amphetamines, ecstasy, cocaine and crack cocaine
- c) Barbiturates including high strength tranquilisers
- d) Benzodiazepines including high strength tranquilisers and valium
- e) Canabinoids including cannabis, grass and resin
- f) Hallucinogens including LSD
- g) Opiates including heroin and morphine

6.3 Levels that will determine a positive result/fail in accordance with the list above:

- a) Anything above the Government's legal drink/drive limit (currently 35 micrograms of alcohol per 100ml of breath or 107 milligrams of alcohol per 100ml of urine).
- b-g) In accordance with established legal and medical practice.

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- 6.4 Refusal to submit a specimen of breath or urine for testing will automatically be deemed as a fail and may be dealt with in accordance with the company's Disciplinary Procedure.

- 6.5 Test results will be sent back to the HR department as positive (fail) or negative (pass).

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7. TRAINING AND EDUCATION

7.1 Awareness training will be provided on an ongoing basis to managers which aims to cover the following objectives:

- (i) To provide the necessary information concerning workplace drug and alcohol misuse, including information on drug types and effects
- (ii) Signs and symptoms of drug or alcohol misuse
- (iii) The legal responsibilities for Managers and Supervisors including information on the Human Rights Act
- (iv) How to use the company Policy
- (v) How to deal with an incident relating to drugs and alcohol
- (vi) Information on the testing programme and how it is used
- (vii) Counselling and rehabilitation advice with interview techniques

7.2 The company's Health and Safety department will support the policy with ongoing campaigns which may include posters, team briefs or other informative tools.

7.3 Whilst employees who are not responsible for managing people will not be given the training outlined in 7.1, if they have reason to believe (with cause) that a fellow employee, including managers, may be under the influence of alcohol or drugs, they may report their suspicions to their/another manager or their local HR manager. Such allegations will be dealt with under the company's Public Interest Disclosure Policy.

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8. GENERAL GUIDANCE

As some general advice, the following lists, whilst not exhaustive, may give an indication that an employee is under the influence of alcohol or drugs:

8.1 Signs of current intoxication:

- Smell of alcohol or solvents
- Unsteadiness
- Mood swings including aggressive behaviour
- Appearing to be unaware or detached from reality
- Incoherent speech / slurred words
- Poor communication and inappropriate comments to colleagues
- Anxious and irritable
- Glazed eyes
- Inappropriate giggling

8.2 Signs of long term problems:

- Poor attendance / timekeeping
- Erratic periods of absence with no apparent underlying cause
- Poor work performance including variations in both quality and quantity of work
- Prone to accidents particularly slips, trips and falls
- Overall presentation of employee is deteriorating
- Lack of concentration / poor attention span
- Argumentative and irritable with no rational explanation
- Gradual/dramatic changes in a previously reliable employee

Managers should not rely solely on one particular element and individual circumstances should be taken in to consideration. They should also take any concerns expressed by fellow colleagues seriously as they have more close contact with the individual that may be affected.