



Drug & Alcohol Policy

Introduction

The Health and Safety at Work Act etc 1974 places a duty on employers to provide a safe and healthy working environment, and to ensure the health, safety and welfare at work of their employees or visitors to the company premises, and anyone else who may be affected by the company's actions.

The Bigfoot Group (the Company) are responsible employers and we take our obligations to our employees very seriously. This is why we have set out this policy to help us ensure the health, safety and welfare of our employees and to help us comply with our legal duties. Employees who have or develop drug or alcohol related problems can have their performance at work impaired and as a result can present a danger to themselves and to others, and impair their performance.

Aims of the Policy

This policy aims to:

- Comply with the Company's legal obligations to provide a safe and healthy working environment for all staff
- Comply with all of the requirements imposed by Law
- Set out restrictions on the use of controlled and prescription drugs or alcohol at work
- Raise awareness of the dangers and penalties associated with the use of controlled drugs or alcohol
- Guarantee the right of all staff to work in an environment unaffected by controlled drugs or alcohol
- Provide support to staff whose lives are or who have been affected by the misuse of controlled drugs or alcohol
- Protect Employees from the dangers of controlled drug and alcohol abuse; and
- Support Employees with a drug or alcohol related problem.

Health and Safety – Alcohol

In a social environment the consumption of alcohol in moderation is an accepted part of life. In the workplace however it can impair performance, result in inappropriate behaviour, and can place both the individual and those around them in danger, as well as affect health.

In the workplace alcohol abuse can take two different forms:

- Occasional inappropriate drinking; and
- Consistently inappropriate drinking.

Problems arising from the first category are more likely to be cases of misconduct whilst the second will be more likely to involve long term health and performance issues. In either case, the health of the individual employee will be affected and quite possibly the health and safety of those around them.

Symptoms of alcohol abuse may include:

- Unusually high rates of absenteeism;
- Unkempt appearance/Lack of hygiene;
- Spasmodic work patterns and lower productivity; or
- Poor relations with others.

Restrictions on Drinking Alcohol at Work

Section 4 (1) Road Traffic Act 1988 states:

“A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.”

It is The Bigfoot Group Policy that when reporting for duty your breath alcohol level should not be in excess of 9 micrograms of alcohol in 100 millilitres of breath.

To comply with the above employees should restrict themselves to “light consumption” of alcohol during the 24 hours preceding such duties. “Light consumption” is likely to be less than 6-8 units of alcohol.

- Alcohol must not be consumed in any situation where as a consequence the safety of the individual, colleagues or visitors is put at risk.
- Alcohol must not be consumed in excess [or in sufficient quantities to impinge on the exercise of any individual’s duties] when on Company business outside normal working hours, for example when involved in functions or in providing hospitality.
- Employees are not obliged to work with anyone they consider to be incapable through the consumption of alcohol and should immediately report the matter to their manager or to Matthew Beresford.
- Employees who are incapable of working through the consumption of alcohol should be immediately removed from duty and the matter reported to their manager or to Matthew Beresford.
- Employees will be held to be contributorily negligent in the event that whilst on Company business they cause an accident or damages to anyone or anything, and that the incident occurred due to the Employee’s consumption of alcohol.
- Local area restrictions may be more severe than those laid down by the company and in such a case the area restriction must be complied with.
- Alcoholic drinks must not be consumed by employees whilst at work (note 2)
- Alcoholic drinks must not be consumed by employees wearing uniform, when they are on company property or in public places. In this context “public places” includes employee transport.
- Alcoholic drinks, unsealed bottles, cans or other unsealed containers of alcoholic beverages may not be taken onto company premises at any time.
- Unless it is formally approved by their manager or Matthew Beresford for specific reasons (for example, entertaining outside guests) alcoholic drinks must not be consumed by employees during the eight hours before reporting for work.

This policy applies to employees on standby as well as on operational duties.

In addition, the Railways and Transport Safety Act 2003 states that in the UK on premises or land related to Railway, Maritime or Aviation activity (and on aircraft or ships outside UK territorial waters but registered in the UK) an employee in the Airline, Railway or Maritime industry commits a criminal offence if they are at work at a time when the proportion of alcohol in their breath, blood or urine exceeds the prescribed limit* or their ability to perform the function or activity is impaired by drink or drugs.

Railways and Transport Safety Act Prescribed limits

9 micrograms of alcohol in 100 millilitres of Breath
or 20 milligrams of alcohol in 100 millilitres of Blood
or 27 milligrams of alcohol in 100 millilitres of Urine

Note: The above limits are also implied to be proof of no ingested alcohol in the bloodstream

Health and Safety - Drugs

Controlled substances often possess side effects that could not only adversely affect employees health but also that of their colleagues at work as well as their performance. Employees should be aware that anyone under the influence of drugs whether controlled or prescription, is a risk to everyone around them and should be alert to possible signs of drugs abuse. Such indicators commonly include:

- Sudden changes in behaviour;
- Confusion;
- Irritability;
- Fluctuations in mood and energy;
- Impairment of performance;
- Increase in short term sickness absence;
- Inability to concentrate.

Employees should report any concerns they may have about a colleague displaying any or all of these symptoms to their manager or to Matthew Beresford but should not under any circumstances approach the person displaying the symptoms or discuss their concerns with any other colleagues.

The Law

- Misuse of Drugs Act 1971 (as amended) states - it is an offence to supply, produce, offer to supply or produce, or permit use of controlled drugs. It is also an offence to aid or abet any of these offences.
- Section 2(1) of the Health and Safety at Work etc Act 1974 states - It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.
- Section 3.(1) Health and Safety at Work etc Act 1974 states - It shall be the duty of every employer to conduct his General Duties (s2) undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

Prohibition

- No non-prescription drugs are allowed to be consumed in or brought onto company premises, land or vehicles at any time by any person irrespective of their status in, or business with, the Company.
- The prohibition of non-prescription drugs extends to all activities carried out by staff whilst they are at work. These activities include but are not restricted to driving on Company business, when on call or standby duties or when on trips for Company business, training or social events.
- It is a criminal offence in the United Kingdom to import, export, manufacture, supply or possess "controlled drugs" as defined by the Misuse of Drugs Act 1971 (as amended). Similar, and in some cases, more restrictive legislation, exists in most other countries.
- If, as a result of the effects of drugs, an employee is incapable of discharging his duties, or his ability to carry them out is impaired, or has been convicted in any jurisdiction for a drugs offence the employee will be liable to disciplinary action.
- Furthermore, the employee will also be liable to disciplinary action if involved in the import, export, manufacture, supply or possession of controlled drugs or if taking drugs, even if not convicted of a criminal offence. (e.g. found in unlawful possession of drugs when going through Customs but not prosecuted.)
- Employees operating out of the UK must act as if the United Kingdom drugs laws apply or where local drugs laws are more stringent, in accordance with those local laws.
- Narcotic substances can remain in the body for extended periods of time and have significant long term side effects. Therefore, for the purposes of this policy any employee taking, selling or otherwise involved with illicit drugs during their free time will be subject to disciplinary action.

- In all cases where there is an allegation of misuse of "controlled drugs", the charge is one of gross misconduct. The sanction, if the case is found, is dismissal.

Any reference in this Policy to a non-prescription drug refers only to controlled or illegal substance and does not refer to medicines, supplements and similar substances that are legally and commercially available in the United Kingdom.

Testing and Control

- Testing for compliance with the above policies may be carried out at random, as part of a structured programme of testing or at the request of an employee's manager as a result of reasonable suspicion that an employee may have failed to comply with the requirements of this policy.
- All employees are required to consent to providing a sample of breath (or saliva or urine, as required by the testing process) upon demand by an authorised company official (or contracted official of a company designated to carry out such testing)
- Such testing shall be carried out in accordance with the relevant approved procedures and may be witnessed by any such available independent witness as requested by the employee.

Procedures

- In the event that an employee is diagnosed with a drug/alcohol related problem the Company will treat it as a health matter. However this does not excuse the employee from any of the disciplinary matters that may fall within the scope of the Company disciplinary policy.
- All drug/alcohol related issues will be dealt with in a constructive and sympathetic manner. The individual responsible for all such issues is their manager or Matthew Beresford, who will also provide any interested employees in confidence with details of where to seek more information or help.
- All requests for help or advice will be treated in the strictest confidence and all information gathered as a result will be held in accordance with the Data Protection Act 1998.
- After receiving any appropriate medical reports the Company will provide support to any affected employees. Where an employee agrees to follow a suitable course of action or treatment any disciplinary action may be suspended.
- The Company reserves the right to give affected employees lighter duties at the same rate of pay, or require them to take paid leave if it is deemed appropriate
- Following effective treatment and in the absence of any disciplinary action the Company will endeavour to return an affected employee to the same role previously fulfilled by the employee [and where this is not possible to a suitable alternative].
- In the event that an employee following successful treatment for an alcohol related problem suffers a relapse the Company is under no obligation to make provision for any further treatment and the employee in question may face summary dismissal.
- If it is considered that the working environment or culture is the cause or a contributor to an alcohol related problem, the Company will take all reasonably practical steps to ensure a reduction of such problems.

Disciplinary Action

Employees who are unfit or otherwise incapable for work through the consumption of alcohol will be liable for disciplinary action, may be found guilty of gross misconduct, and may face summary dismissal.

Mitigation and Peer Support

In the event that an employee contacts the company of their own free will in order to receive support or treatment for dependency on any form of alcohol or narcotics this will be taken into account. Disciplinary action may be disregarded or suspended pending satisfactory and successful cooperation with any appropriate treatment and/or rehabilitation programme.

Testing

Alcohol Testing – Equipment Standards

Any equipment used will be UK Home Office certified and calibrated in accordance with the manufacturer's recommended maintenance schedule. In the event that a test is shown positive the employee may request sight of the instruments' calibration records.

Alcohol Interlocks

Where deemed appropriate by the company an interlock may be fitted to either vehicles or equipment. The interlock must be utilised by the employee as directed and any attempt to circumvent, interfere with or otherwise tamper or damage such devices will be subject to disciplinary action for Gross Misconduct.

Narcotics Testing – dual samples

Where appropriate dual samples shall be taken and the employee shall be given the opportunity to have their own sample independently tested by a certified laboratory.

Policy last update 20/11/2018