



Alcohol & Drugs Policy & Procedure

HS14 - Alcohol & Drugs Policy

In compliance with the Health & Safety at Work Act 1974 (Section 2), Forefront Utilities (the Company) is committed to providing a safe working environment. This includes, as far as is reasonably practicable, promoting the good health and wellbeing of all of our employees.

The Company's Commitment

It is the purpose of this Policy to ensure that the use of alcohol and drugs by any employee or any other person(s) associated with the Company does not impair the safe and efficient running of the business or put at risk the health, safety or wellbeing of our employees, customers, suppliers or members of the general public.

The Company is aware that in some instances alcohol and drug dependency can be defined as an illness and therefore actively encourage employees who have or are a developing an alcohol and/or drug dependency to seek our help. When appropriate, we will offer assistance in seeking relevant and evidence-based treatment. In these cases, normal sickness absence procedures will apply. Confidentiality is assured in these cases.

Definitions

- **Alcohol** – Includes, but is not limited to distilled spirits, liquor, beer, wine, malt liquor, or any other intoxicants used for beverage purposes.
- **Drugs** – Any psychoactive substance (those drugs that affect mood, thought process or perception), available both legally and illegally.
- **Illegal Drugs** – All those drugs covered by the Misuse of Drugs Act (1971) and amendments.
- **Dependency** – When the user has adapted physically and/or psychologically to the presence of alcohol and/or drugs and would suffer if there were withdrawn abruptly.
- **Company Premises** – To include all premises the Company has responsibility for and includes all Company vehicles. This Policy also applies to all occasions when Company employees are on Company business, unless suspended with the agreement of a Senior Manager.
- **Impaired (Alcohol)** – In terms of this Policy, any person who has Breath Alcohol Concentration that exceeds 22mcg per 100ml, (to be confirmed by an appropriate test) is deemed to be impaired due to the use of alcohol and therefore in contravention of this Policy
- **Impaired (Drugs)** – In terms of this Policy, any person found to have consumed illegal drugs or misused any drug (to be confirmed by an appropriate test) is deemed to be impaired due to the use of drugs and therefore in contravention of this Policy.
- **Misuse** – This applies to using drugs 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 using alcohol or drugs in a way that is harmful to the individual or to others and which is likely to distort perception and response when at work.
- **Employee** – This means a directly employed person of the Company or any other person who carries out work for the Company both on and off Company premises, and includes but is not limited to agency staff, contractors, sub-contractors and visitors.
- **Biological Testing** –The scientific analysis of urine, blood, breath, saliva, hair tissue, and other specimens of the human body for the purpose of detecting an illegal drug or alcohol.
- **Contraband** – Any article the possession of which on The Company's premises or while on Company business causes an employee to be in violation of this policy or other work rule. Contraband includes, but is not limited, to illegal drugs, alcoholic beverages, and drug paraphernalia.
- **Fit For Work** – An individual is in a physical, mental, and emotional state that enables the worker to perform the essential tasks of his or her work assignment. This fitness ensures the work is completed in a manner that does NOT threaten the safety or health of oneself, co-workers, property, or the public at large.
- **For Cause Situation** – Any situation in which a worker's job performance is in conflict with established job standards relating to safety and efficiency. The term includes accidents, near accidents, erratic conduct, any unsafe performance behaviour, excessive absenteeism and tardiness and unexplained deviations from productivity.
- **Possession** – Includes the presence upon a person or within a person's personal property and in the body system of any detectable amount of an illegal drug.
- **Random Testing** – The testing process in which selection for testing is made by a method employing objective, neutral criteria which ensures that every person subject to testing has a substantially equal statistical chance of being selected. The method does not permit subjective factors to play a role in selection.
- **Reasonable Belief** – A belief based on objective facts sufficient to lead a prudent person to conclude that a particular person performed a particular act



- **Safety Critical Worker** – Those involving activities where, because of risks to the individuals concerned or to others, the employees need to have full, unimpaired control of their physical and/or mental capabilities. Source: Faculty of Occupational Medicine's "Guidance on alcohol and drug misuse in the workplace" 2006.
- **Under The Influence** – A condition in which a person is affected by any legal or illegal drug or alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehaviour, or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion, a scientifically valid test (e.g. urine analysis, blood analysis, breathalyser) and in some cases by the opinion of a lay person.

Purpose and Scope

This Policy applies to all employees, regardless of their job function and includes but is not limited to agency staff, contractors, sub-contractors and visitors.

This Policy shall form part of the terms and conditions of employment for all direct employees but shall be non-contractual.

This Policy is applicable to all Company premises.

Guidelines and Rules

The Company's Policy is that the working environment should be free from the influence of alcohol and drugs. For those reasons the following rules will be strictly enforced.

No employee shall:

- Report or try to report to work whilst impaired due to the use of alcohol or drugs (whether legal or illegal).
- Be in possession of alcohol or illegal drugs on Company premises.
- Consume alcohol, illegal drugs or misuse alcohol or drugs whilst at work or whilst representing the Company.
- Attempt to sell, distribute or supply alcohol whilst on Company premises or whilst representing the Company.
- Attempt to sell, distribute or supply drugs which contravene the Misuse of Drugs Act 1971 and the Medicines Act 1968 whilst on Company premises or whilst representing the Company. Any contravention of this, without exception will be reported to the Police.

Employees may consume alcohol at Company arranged functions when such consumption has been authorised by a Senior Manager. However, if alcohol is consumed employees must not drive a vehicle or return to work on any of the Company's premises whilst over the Company limit.

Employees must remember that they are acting as ambassadors of the Company and their behaviour is appropriate, lawful and does not offend, harass or irritate others present, nor does it in any way, bring the Company into disrepute.

Contravention of these rules is a very serious matter and the Company will take disciplinary action in the event of an infringement under the Company's disciplinary procedures, which may include dismissal.

For employees who are not directly employed by the Company, they will be referred to their own employer when there is a contravention of these rules.

Manager Responsibilities

Within this Policy, there are specific responsibilities to be undertaken by all managers. Action needs to be taken in the event of a suspected contravention of this Policy, when an employee displays signs of impairment due to alcohol or drugs or when an incident/accident occurs. All managers have a responsibility to ensure that the procedures of this Policy are properly enforced and followed.

All Company Directors shall:

- Actively lead and support the implementation and management of this Policy.
- Notify agency companies and contracting companies of this Policy.
- Monitor the effectiveness of this Policy on an ongoing basis.
- Ensure training is carried out to ensure that all managers and employees are aware of their responsibilities.
- Comply with their obligations set out in this Policy.

All Company Directors shall:

- Ensure that this Policy is communicated to those employees under their management.
- Ensure that the health and safety of those employees under their management is not endangered through the misuse of alcohol or drugs at work.
- Take the appropriate action against those employees whose job capability is impaired due to the use of alcohol and/or drugs at work.
- Refer to their HR Department those employees who seek help for an alcohol and/or drug dependency or when they have a concern regarding an employee's possible dependency.
- Comply with their obligations set out in this Policy.

Employee Responsibilities

All employees shall:

- Be aware of their responsibility under the Health & Safety at Work Act 1974 (Section 7a), where they have a duty of care not only for their own health and safety, but the health and safety of others who may be affected by their acts or omissions.
- Familiarise themselves with this Policy and the implications arising from a contravention of this Policy.
- Be aware that prescribed and over-the-counter medicines may cause impairment to their safety at work. It is therefore the employee's responsibility to seek advice from their GP or pharmacist on any medicines they are taking. They must inform their Line Manager of any possible side effects of their medication that could impair them at work. Any medical information will be treated in strictest confidence.
- Seek our help when they have or are developing an alcohol and/or drug dependency and that our help must be sought before a serious misconduct issue has arisen or before a test takes place or when they are proven to be in contravention of this Policy.
- Be aware of their responsibility that when they have a genuine concern about another employee in relation to alcohol and/or drug impairment, misuse or dependency they must take their concerns to their Line Manager, any other Manager or the HR Department immediately. Such concerns will be taken seriously and mechanisms for dealing with them are in place. Any employee working for the Company should feel able to raise genuine concerns appropriately without fear of victimisation however this must be done with proper regard to principles of veracity and confidentiality.
- Comply with their obligations set out in this Policy.

Drug-Test Limits

The Company consider all workers to be potentially at increased risk if they are using certain medicines (Over the Counter(OTC) or Prescribed Medicines), legal drugs (e.g. New Psychoactive Substances(NPS)) or illegal drugs.

The Company have a Zero tolerance for laboratory positive results for which no alternative medical explanation can be found.

The drugs tested for under the standard testing program include, but are not limited to:

- Amphetamines
- Ketamine
- Morphine
- Benzodiazepines
- MDMA
- Tramadol
- Cannabis (THC)
- Methadone
- Cocaine
- Methamphetamine

Medication

It should be recognised that prescribed and over-the-counter medicines may also cause impairment at work. It is therefore the worker's responsibility to seek advice from their GP or pharmacist on any medicines they are taking prior to continuing work activities.

Workers taking medication should inform their line manager of any possible side effects of their medication and assess its impact on their work. Any medical information will be treated in strictest confidence.

Workers are reminded that they should never take medication that is out of prescription date, or take another person's prescribed medication. This will be viewed the same as taking an illegal drug.

It is the responsibility of every employee to inform the company if they are prescribed any medication that may impair their ability to perform everyday tasks. These include but are not limited to:

- Alfentanil
- Alprazolam (Xanax)
- Aspirin With Codeine
- Bupivacaine With Fentanyl
- Buprenorphine
- Buprenorphine With Naloxone
- Co-Codamol
- Co-Proxamol
- Co-Dydramol
- Codeine Phosphate
- Diamorphine Hydrochloride
- Diazepam
- Dihydrocodeine Tartrate
- Dihydrocodeine With Paracetamol
- Dipipanone Hydrochloride With Cyclizine
- Fentanyl
- Flunitrazepam
- Hydromorphone Hydrochloride
- Lorazepam
- Meptazinol
- Methadone
- Morphine

- Morphine With Cyclizine
- Oxazepam
- Oxycodone Hydrochloride
- Oxycodone With Naloxone
- Papaveretum
- Papaveretum With Hyoscine Hydrobromide
- Paracetamol With Buclizine Hydrochloride And Codeine Phosphate
- Pentazocine
- Pethidine Hydrochloride
- Remifentanil
- Sufentanil
- Tapentadol
- Temazepam
- Tramadol Hydrochloride
- Tramadol With Dexketoprofen
- Tramadol With Paracetamol

Alcohol and Drug Testing

Testing is only to be carried out with the express authorisation of the Managing Director. Testing applies to all employees. The purpose of testing is to ensure that due diligence is exercised and to deter and/or detect employees working on Company premises whilst being impaired due to the use of alcohol or drugs.

The Company will use breath testing for alcohol and saliva testing for drugs but reserves the right to use other approved methods of testing if necessary.

Testing will take place in the following circumstances:

- **Induction** of Category 1 & 2 Workers (and certain roles within Category 3 & 4).
- **For-Cause/Reasonable Cause Testing** – When it is suspected that an employee is in contravention of this Policy or when it is suspected that an employee is impaired due to the use of alcohol and/or drugs, testing may be used as part of an assessment process. The employee(s) will immediately be removed from site or stopped from commencing any further works, and required to undergo a drugs and alcohol test.

For-cause/reasonable cause testing can include but not limited to the following:

- **Induction** of Category 1 & 2 Workers (and certain roles within Category 3 & 4).
- **For-Cause/Reasonable Cause Testing** – When it is suspected that an employee is in contravention of this Policy or when it is suspected that an employee is impaired due to the use of alcohol and/or drugs, testing may be used as part of an assessment process. The employee(s) will immediately be removed from site or stopped from commencing any further works, and required to undergo a drugs and alcohol test.

For-cause/reasonable cause testing can include but not limited to the following:

- Underground apparatus damage i.e. electric cables
- Road Traffic Collision (Blameworthy)
- Improper and/or inadequate use of plant or machinery
- Failure to follow agreed safe systems of work and/or procedures
- High accident level at work or elsewhere
- Reasonable belief i.e. Absence record, behaviour, job performance, credible information provided to the company

For-cause/Reasonable cause testing shall be carried out to eliminate the possibility of prohibited substances use being the cause of observed behaviours that lead a supervisor/manager to believe the employee is not fit to perform duties in a safe manner and may potentially put themselves and others at risk.

Intervention

Managers and Supervisors who feel an Employee's or Contractors unsatisfactory performance may be alcohol or drug related should inform their own immediate Manager, or Group Health and Safety Director, to discuss the matter. If thought necessary, that Manager should arrange a meeting with the Employee concerned, or in the case of a Contractor, the Contractor's Manager.

- **Post-Accident/Incident Testing** – in the event of an accident that causes or potentially causes injury, loss of life, or damage to property, the employee, worker, sub-contractor or agency staff may be required to undergo a drugs and alcohol test to determine whether or not alcohol and/or drugs may have been a contributory factor.
- **Random Testing** – Employees will be randomly selected and tested at each of the Company's premises throughout the course of the year. This process is regardless of the employee's job function. This is to ensure fairness within this Policy and give a clear message that the misuse of alcohol and drugs cannot be tolerated by the Company.
- **Help and Support** – If an employee's performance is affected by a dependency to alcohol or drugs or when they are being supported by the Company for an alcohol and/or drug dependency they will be required to undergo monitoring testing.

Should an employee refuse to consent/comply with the testing process or provide a sample for testing they will be suspended immediately on full pay, pending the outcome of a disciplinary investigation. The Company reserves the right to treat a refusal to consent/comply with the testing process or provide a sample for testing the same as a positive result.

A refusal by an employee who is not directly employed by the Company to consent/comply with the testing process or provide a sample for testing will result in that employee being removed from the Company premises. Their employer will be notified of this decision.

If an employee is found during their employment, or in any event if they subsequently leave our employment to have proved positive for the use of alcohol and/or drugs which has resulted from a 'For Cause/Reasonable Cause/Post Accident/Post Incident/Random alcohol and drugs test, the Company reserves the right to deduct from the employees' wages/salary/retention fund any cost incurred by the Company for the engagement of our Occupational Health Provider to provide such services.

The Company will keep a record of all tests conducted, including the date and results of each test and the identity of the employee. This information will be stored confidentially and in compliance with data protection requirements.

Misconduct

An employee's alcohol or drug problem may come to light as a mitigating factor in a disciplinary interview. It should be treated as a mitigating factor for certain "less serious" disciplinary offences, such as poor time keeping or lateness, provided the person is prepared to undergo treatment. In some instances, employees may seek advice and help themselves.

• Intoxicated employees

If an Employee is known to be, or strongly suspected of being intoxicated by alcohol during working hours, the Employee's Manager will be consulted. The Employee will be escorted from the premises or site immediately. Disciplinary action will follow.

• Consumption of alcohol on the site or premises

Employees are expressly forbidden to consume alcohol when at work or to bring it onto Company premises or sites under any circumstances. Any breach of this rule will result in disciplinary action being taken, which is likely to result in summary dismissal for gross misconduct.

• Drug Abuse on Site or Company Premises

Employees who take drugs which have not been prescribed on medical grounds are, in the absence of mitigating circumstances, committing an act of gross misconduct and are liable to summary dismissal without notice. Being in possession of drugs or the passing of drugs to another person on Company premises is also a matter of gross misconduct, the Employee will be liable to summary dismissal and all information relating to any incident will be passed on to the police. There will be no deviation from these courses of action.

Treatment

Where Employees acknowledge that they have a problem and are willing to seek help and treatment the following will apply.

- Whilst they are undergoing treatment, they will be classified as being on sick leave.
- Whilst every effort will be made to ensure that upon successful completion of the recovery programme, subject to medical assessment, employees are able to return to the same or equivalent work although this is not guaranteed.
- Following the employees return to work they will be subject to frequent random drug and alcohol testing at the discretion of the Company.

However, where such a return would jeopardise either a satisfactory level of job performance or the employee's recovery, the Manager will review the full circumstances surrounding the case and agree a course of action to be taken. This may include the offer of alternative employment, the consideration of retirement on the grounds of ill health or dismissal, (before a decision on dismissal is made, it should be discussed with the employee and up-to-date medical opinion obtained).

Progress Monitoring

Where an Employee having received counselling and or treatment fails a further drug and alcohol test, or suffers a relapse, the Company will consider the case on its individual merits. At the Company's discretion, more treatment or rehabilitation time may be given in order to help the employee to recover fully.

Recovery Unlikely

If, the Employee's recovery seems unlikely, the Company may be unable to wait for the Employee any longer and dismissal may result. A clear warning will be given to the Employee beforehand, and a medical investigation will have been undertaken. In certain cases, strictly at the discretion of Management, early retirement may be considered.

Help and Support

The Company will ensure that advice and specialist help are made available to any employee who feels they have or are developing a dependency relating to alcohol and/or drugs and seeks help from the Company.

Any employee who seeks our help for an alcohol and/or drug dependency is assured of their confidentiality being respected. Those employees who are not directly employed by the Company will be referred to their own employer.

Early identification and treatment is essential and therefore any employee who feels that they may have or are developing a dependency relating to alcohol and/or drugs should come forward and seek our help. Employees should contact their Line Manager, any other Manager or the HR Department, who will arrange for the appropriate course of treatment or rehabilitation programme to be made available.

During any period of absence from work for agreed treatment, the Company's normal sick pay arrangements will apply and absence for treatment will be treated as normal sickness.

If an agreed or recommended course of treatment is not followed by an employee or is ineffective and occurs concurrently with lapses in the employee's performance, conduct or attendance then they will be dealt with in accordance with the Company's normal disciplinary or sickness absence procedures as appropriate. This includes any matter arising prior to the disciplinary procedure being suspended.



Testing may be carried out to ensure compliance with the treatment and recovery programme. This option will be agreed with the employee before the commencement of the treatment and recovery programme.

The aim of treatment and rehabilitation is to ensure optimum recovery and return to work. Any employee with an alcohol and/or drug dependency who only declares they have a dependency when a serious misconduct issue has arisen or before a test takes place or when they are proven to be in contravention of this Policy will be subject to the same disciplinary procedures as any other employee who contravenes this Policy.

A handwritten signature in black ink, appearing to read "Ian Fern".

Ian fern, CEO
January 2024