

DRUGS, ALCOHOL & SUBSTANCE MISUSE & TESTING POLICY

**1 Policy Statement**

1.1 This policy on alcohol and drug testing of employees is in addition to the terms and conditions on alcohol and drug testing in employees' contracts of employment. Employees are reminded that, by accepting the terms and conditions of employment, they have expressly agreed to our organisation exercising the right to test them for alcohol and drugs.

The Company is committed to providing a safe and productive work environment and to promote the health, safety, and well-being of its employees. CWM Environmental Ltd has a zero-tolerance approach in relation to employees being under the influence of alcohol or non-prescribed drugs in the workplace. This policy is designed to ensure that employees are aware of the risks associated with drug and alcohol misuse and the consequences, including the legal consequences of their actions.

This policy applies to anyone working for us. This includes employees, workers, contractors, volunteers, interns, and apprentices.

## 2 Rules on Drug and Alcohol Use

2.1 This policy applies to anyone working for us. This includes employees, workers, contractors, volunteers, interns, and apprentices. Failure to follow these rules may lead to disciplinary action being taken.

* Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties and not be under the influence of drugs or alcohol.
* Employees who have consumed alcohol or taken non-prescription drugs, the previous night, must ensure that they are free of alcohol and safe to attend work and carry out their normal duties.
* Employees must not consume **any** alcohol during working hours (this includes lunchtimes).
* Employees must not take **any** illegal drugs including new psychoactive substances (NPS) or legal highs, during working hours (including lunchtimes).
* Under no circumstances must any employee bring any illegal substance/drug onto the Company’s property.
* Employees found providing illegal drugs to others at work will be reported immediately to the Police, without exception.
* Employees found providing alcohol to others at work will be subject to disciplinary procedures, including dismissal.
* Employees who are found to be under the influence of illegal drugs will be liable to dismissal, regardless of the circumstances. Please note that recreational drug use outside of working hours i.e., on rest days/weekends is also unacceptable and deemed gross misconduct as this may also impair an employee’s fitness to undertake their duties in a safe condition.
* Employees on prescribed medication that may affect their ability to perform their duties must notify their Line Manager before commencing work.

2.2 On the grounds of protecting health and safety, the Company reserves the right to carry out random alcohol and drug screening tests on those employees in the workplace whose activities and job duties have/may have a significant impact on the health and safety of others, such as employees who work in safety-critical jobs, including those working with machinery or whose job duties involve driving and/or whose job involves responsibility for the care of others.

2.3 To ensure compliance with this policy, substance abuse screening may be conducted in the following situations whilst on any CWM Environmental sites:

* For Cause: Upon reasonable cause to believe that a substance abuse problem exists, testing may be conducted.
* Random: Unannounced random selection of employees may be performed.
* Post-Accident: Any employee involved in an accident/injury while performing services for our company or client that results in property or damage or bodily injury requiring medical treatment will be required to submit to a substance abuse screening.
* Any new employees will be tested within 14 days of their start date.

2.4 Breathalysing involves providing a specimen of breath for analysis to determine the level of alcohol in a person’s blood. Under this policy, anyone found to be in possession of alcohol or under the influence of alcohol whilst on site, including within the car parks, will be disciplined. The matter will be treated as gross misconduct and could lead to dismissal. As part of this policy and the terms in your contract of employment, you may be required to undergo an alcohol test at any time. Failing an alcohol test or refusing to submit to testing will be considered a disciplinary offence and could lead to dismissal. It should be noted that tests will only be conducted by trained and authorised personnel.

2.5 Drug screening/testing will be undertaken by various accredited methods for analysis to determine the level of drugs, prescription or otherwise, in a person’s system. Under this policy, anyone found to be in possession of drugs or proven to have drugs in their system whilst on site, including within the car parks, or refusing to submit to testing will be considered a disciplinary offence and could lead to dismissal. The use of prescribed drugs when declared and used correctly according to the dosage and instructions will not be disciplined. The policy permits the use of drugs screening for cause, at random and post-accident. It will apply to all employees, agency colleagues, contractors, and visitors to the sites. Please be assured that all tests will be conducted by trained and authorised personnel only.

2.6 The results of all alcohol and drug testing will be treated confidentially and for no purpose other than for CWM Environmental to make employment-related decisions. Please see the company’s Privacy Policy for more information on how your information is stored or contact the Data Protection Officer and/or any Senior Management.

2.7 If an employee receives a non-negative test result, this will be viewed as a gross misconduct offence and renders the employee liable to summary dismissal in accordance with the Company’s disciplinary procedure. The non-negative sample will be sent for further analysis to our chosen laboratory. Unreasonable refusal to submit to an alcohol or drug screening test will also be dealt with through the disciplinary procedure.

## 3 Employee responsibilities

3.1 Employees have several responsibilities in ensuring compliance with this policy. These are listed below:

* Employees are responsible for familiarising themselves and ensuring adherence to the policy and for reporting breaches of the policy.
* The Health and Safety at Work Act 1974 requires employees to take reasonable care of themselves and others who could be affected by what they do, and therefore Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties and not be under the influence of drugs or alcohol.
* Employees must report to their Line Manager if they have any concerns that another employee may be under the influence of drugs and/or alcohol.
* Employees are expected to cooperate with any support and assistance provided to address a drug or alcohol problem.
* Employees who experience side effects as a result of taking prescribed or over-the-counter medicines that impair their ability to perform their duties safely and satisfactorily must notify their Line Manager immediately.

## 4 Next steps and further information

4.1 The Company is keen to assist employees who are concerned that they may have a drug or alcohol-related problem to gain help, support, and treatment where they identify this voluntarily rather than as a result of a random screening test. If you have concerns about drug or alcohol misuse in relation to yourself or another employee, please speak to your Line Manager. All discussions will be treated in the strictest confidence.

## 5 Management of suspected substance misuse

5.1 If your manager has reason to believe that you are suffering the effects of alcohol or drug misuse, for example, due to deterioration in your work or behaviour they will invite you to an investigatory interview. The purpose of the interview is to:

1. discuss the reason for the investigation and seek your views on, for example, the deterioration of your work performance and/or behaviour; and

(b) Where appropriate, offer to refer you to a doctor / occupational health advisor for medical and/or specialist advice.

5.2 If, as the result of the interview, your manager continues to believe that you are suffering the effects of alcohol or drug misuse and you refuse an offer of referral to a doctor / occupational health advisor you may be suspended from work immediately and the matter may be dealt with under our Disciplinary Procedure.

5.3 If you agree to be referred to the doctor / occupational health advisor your Line Manager/HR Manager will request an urgent appointment and prepare a letter of referral, a copy of which will be provided to you.

## 6 Providing support

6.1 Alcohol and drug-related problems may develop for a variety of reasons and over a considerable period of time. Our organisation recognises the importance of supporting an employee who accepts that they have a problem with alcohol or drug misuse and is willing to cooperate in the provision of such support. This means that the outcome of a positive test may be an offer for the employee to undergo a programme of medical treatment, rehabilitation, or counselling.

6.2 We are committed, in so far as possible, to treating these problems in a similar way to other health issues.

6.3 Support will be provided where possible with a view to supporting a full recovery, allowing a return to work and the full range of your duties, where employees identify they have a problem voluntarily, rather than as a result of a random screening test. This may include:

(a) referral through appropriate treatment providers, where necessary in conjunction with your GP.

(b) time off work to attend treatment as recommended by a doctor / occupational health advisor or specialist and recognition of any periods of absence for treatment as periods of sickness absence.

(c) Adjust your duties or other support as recommended by the doctor / occupational health advisor or specialist during treatment and for an agreed period thereafter, subject to operational requirements and feasibility.

6.4 If you do not finish a programme of treatment (either because the treatment provider ceases to support you or because you stop attending) or your recovery and return to work does not happen as anticipated at the outset of a course of treatment, your Line Manager willmeet with you to decide what further action should be taken.

6.5 On returning to work following a substance misuse absence, you may be subject to regular drug and alcohol testing until CWM Environmental is satisfied with your compliance with this policy.

## 7 Confidentiality

7.1 We aim to ensure that the confidentiality of all employees experiencing alcohol or drug-related problems is maintained appropriately by Managers. However, it needs to be recognised that, in supporting employees, some degree of information sharing is likely to be necessary.

## 8 Performance and disciplinary issues

8.1 If having voluntarily identified that you have an alcohol or drug-related problem, you undertake treatment and/or rehabilitation; we may decide to suspend any ongoing action against you for related misconduct or poor performance, pending the outcome of the treatment.

1. **Implementation of the Policy**

9.1 The Managing Director has overall responsibility for the effective implementation of this policy. The HR Manager will periodically advise on the effectiveness of the policy and recommend changes where appropriate to ensure its ongoing relevance. Each Director, Manager and Supervisor also has responsibilities and we expect all of our employees to abide by the policy. The successful implementation of this policy necessitates a contribution from each employee.

To implement this policy, we will ensure that:

* The policy is communicated to all employees through Induction Training, Management Training, Toolbox Talks and displayed on colleague noticeboards;
* Managers and Supervisors are aware of their responsibilities through appropriate and regular training. In particular, all those involved in screening for drugs and alcohol will be trained by an appropriate training provider on how to carry out the testing.
* Adequate resources are available to fulfil the aims of this policy.

If an employee has a complaint about the way in which an alcohol and drug test has been conducted, they can raise this informally with their line manager or the HR department. If an employee prefers to raise a formal complaint, they should refer to our grievance procedure.

If workers believe that our organisation has not complied with their data protection rights, they can complain to the Information Commissioner.

**10 Support and Advice**

<https://www.talktofrank.com/>

[0300 1236600](tel:03001236600)

<https://www.drinkaware.co.uk/>

**Tel:** 020 7766 9900

**Fax:** 020 7504 8217