

7. Drugs and Alcohol

POLICY NAME	Drugs and Alcohol Policy
PURPOSE	Safeguarding Employees
APPLIES TO	All Employees
DATE IMPLEMENTED	July 2015

1. Introduction

1.1 Ellgia Ltd ('the Company') has a responsibility towards its employees and customers concerning the use and misuse of both legal and illegal substances, and has designed and implemented a Drugs and Alcohol Policy, which aims to ensure a safe working environment for all.

1.2 This policy applies to all permanent and temporary staff, agency and contractor staff and visitors to Company and customer premises.

2 Aim

2.1 This policy aims to raise awareness amongst employees and minimise the risks and dangers that can arise from the misuse of alcohol, drugs or solvents. The Company wants to:

- Promote a healthy and safe working environment
- Ensure that the use of alcohol and drugs does not impair the safe and efficient running of the organisation
- Ensure that appropriate standards of behaviour are maintained at all times
- Encourage those who have a problem to seek help

2.2 The Company wishes to create a climate in which:

- Employees are clear that the Company will neither tolerate nor condone alcohol, drugs or solvent misuse
- Employees are clear about the approach which will be adopted by the Company in the event of a drugs or alcohol related incident
- Individual incidents can be dealt with quickly and effectively
- Everyone feels a personal responsibility towards ensuring that the working environment remains free from drug and alcohol misuse.

3 Principles

3.1 The Company has a legal responsibility to provide a safe and healthy environment for employees and customers, and to take appropriate action when the health and safety of such individuals is threatened.

3.2 The Policy relies on the fact that the Company has standards of conduct which employees are expected to adhere to at all times.

These standards apply to work and all work-related events including, for example, away days, conferences and training courses. The Company will not accept breaches of these standards through the excessive or inappropriate use of alcohol.

- 3.3 The Company will take appropriate action if it becomes known that employees are involved on its premises or on customer premises in the misuse of alcohol or other substances, or the possession, supply or production of illegal substances.
- 3.4 Employees are not permitted to consume alcohol during working hours or in the workplace. Employees are expected to undertake their work duties in a safe and responsible manner.
- 3.5 Where an employee is unable to perform their duties responsibly and safely, and this is suspected to be a result of the effects of alcohol, drugs or other substances, the individual may be suspended and made subject to appropriate disciplinary action, up to and including summary dismissal.
- 3.6 In cases of impaired performance of duties or misconduct at work or on Company premises, which is suspected to be a result of the consumption of alcohol or misuse of drugs in social situations, appropriate disciplinary action will be taken.
- 3.7 In the above circumstances, it may not be necessary to carry out a test. Any action taken will be decided after full examination of the facts available and will be reasonable in all the circumstances.
- 3.8 Managers will take appropriate disciplinary action in cases where they have reason to believe the law has been broken. This action may be in addition to referring the offence to the police and/or suspension in line with current disciplinary procedures in place.
- 3.9 The Company will take appropriate disciplinary action against anyone driving a Company vehicle, Company site equipment or their own vehicle whilst on Company business, if they are considered to be unfit to drive due to the influence of alcohol, drugs or other substances.
- 3.10 The individual circumstances surrounding each substance-related incident will be taken into consideration as it is recognised that a variety and flexibility of responses may be required. The Company will seek to balance the interests and concerns of the individual experiencing problems with the interests and needs of the business and other employees.
- 3.11 The Company seeks to provide a caring and supportive environment in respect of the welfare of its employees, and will encourage an employee who it believes has a health problem related to alcohol or drugs misuse to seek appropriate help through medical and other agencies. Employees in need of help or support with drug or alcohol related problems are encouraged to request it. Such help can be made available through their immediate Manager on a discretionary and confidential basis, and the employee is encouraged to talk to their immediate Manager about any concerns or problems. Staff co-operation on a medical referral will not necessarily preclude disciplinary action, but may be one of the factors taken into account in deciding what action to take.

- 3.12 Those organising social events have a legal obligation under the Misuse of Drugs Act not to allow the trade and consumption of illegal substances. Event organisers have a responsibility to manage premises and events responsibly. Under the Misuse of Drugs Act, 1971, it is an offence for the occupier of premises or a person concerned in the management of any premises knowingly to permit or suffer any of several activities to take place in those premises. The activities specified in the Act include the smoking of cannabis or attempting to supply a controlled drug to another person.

4 Drug and Alcohol Testing

- 4.1 At any time whilst on Company premises, or on other premises on Company business, an employee will provide, on request by a person authorised by the Company, or an appropriately trained Manager of the Company, a specimen of breath and/or urine for the purpose of screening for alcohol and prohibited drugs.
- 4.2 Testing will never be conducted without firstly being requested and agreed by the employee. However, failure to agree to tests could result in suspicions being drawn and you may be suspended from the company premises or customer's site on this basis.
- 4.3 Due to the highly industrialised nature of the business, the Company may carry out drugs and alcohol testing following an incident or accident where there could be a possibility that it was caused due to misuse of alcohol, drugs or other substances and to conduct random drug and/or alcohol testing in order to maintain a high standard of health and safety at all times.
- 4.4 Testing will always be carried out by an accredited industry approved trained tester, who is either a Manager of the Company or from a testing Company. Full 'chain of custody' procedures will be adopted to protect the employee.
- 4.5 A trained tester shall not conduct a test if the employee being tested is a family member, close friend or close co-worker. In these cases another independent tester will be used.
- 4.6 In all possible circumstances, Ellgia Ltd will arrange for another employee or third party to act as a witness at such testing. The third party should only act as a silent observer.
- 4.7 The testing will only be conducted in circumstances which respect the dignity and confidentiality of the employee.
- 4.8 Initial tests will be carried out on the day that the required people are notified of the test. However, should an individual show a positive test for drugs misuse then a second test of the same sample may be carried out off site in a laboratory within 5 working days.
- 4.9 If an employee is found to have tested positive on the day of the test for drugs or alcohol, then they will be suspended in line with the Company's Disciplinary Procedure. If the employee has tested positive for either drugs or alcohol then they will not be

permitted to drive themselves. If the employee insists on doing so then they will be reported to the police.

- 4.10 If it is believed that an employee is under the influence of alcohol whilst at work, or if they have been selected for random alcohol testing, the test will only be deemed to be positive if it returns a result which is over that of the legal drink drive limit at that time. However; if it is returned under this limit but there is reason to suspect that the employee has been drinking alcohol whilst on Company premises, during their working day, they may be suspended and liable for disciplinary action.
- 4.11 A full investigation will be carried out into any positive test of drugs or alcohol in line with the Company's disciplinary procedure and the employee may be liable for summary dismissal.
- 4.12 Any failure to comply with a request for a drug or alcohol test will be considered suspicious and the Company reserves the right to suspend the employee in line with the Company's Disciplinary Procedure.

5 Implementation

- 5.1 All new employees will be informed of the Company's Policy when they join the company. This policy is being issued to all existing employees.
- 5.2 The Management team have the responsibility of identifying problems which may exist, and ensuring that these problems are dealt with as effectively and considerately as possible.
- 5.3 Every employee has a responsibility to maintain a safe place of work, and health and safety at work concerns everyone. Where alcohol or drug misuse is evident, it is therefore the responsibility of all employees to report this to their immediate Manager in the first instance.

6 Confidentiality

- 6.1 It is recognised that all matters associated with this Policy will be treated with the utmost confidence unless the employee agrees otherwise.
- 6.2 The keeping of confidential records held by those giving medical support (e.g. Doctors and Occupational Health Advisers) will be governed by their professional ethical guidelines, which may allow, in certain exceptional circumstances, disclosure of confidential information to appropriate persons. Consent will normally be sought before confidential information is requested.
- 6.3 Disclosure in confidential references would not normally take place without first informing the member of staff concerned.
- 6.4 Non-confidential and confidential information may be disclosed to the appropriate Managers in cases where it is necessary to invoke disciplinary or preventative measures.

7 Breach of the Policy

7.1 Disciplinary action, up to and including summary dismissal, may be taken if an employee is found to be in breach of this policy.

8 Complaints

8.1 Should an employee believe that a matter has been dealt with in an inappropriate manner, the grievance procedure should be invoked.