



DRUG & ALCOHOL POLICY

Version 4

November 2020

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## 1. PURPOSE

This Policy is designed to help protect workers and the general public who may be affected by our operations, from the dangers of alcohol, drug and other substance misuse and to encourage those with an alcohol, drugs or other substance problem to seek help.

M.V Kelly Ltd is committed to providing a safe, healthy and productive working environment and to protecting its employees, associates and third parties from the risks associated with the use and misuse of alcohol and drugs. It is recognised that an alcohol or drugs misuse problem may be an illness to be treated in the same way as any other illness. Alcohol and illicit drug problems will be dealt with confidentially (subject to the provisions of the law).

## 2. SCOPE

This Policy applies to all persons working for, or on behalf of M.V. Kelly Ltd in any capacity. This includes but is not limited to employees, directors, and associates, such as agency workers, contractors, external consultants, suppliers and third-party representatives, hereafter referred to as "relevant persons". It applies at any location which a relevant person is required to attend for the purpose of their duties and includes travelling to or from such locations. It applies during working hours, and includes any period of overtime, shift work, breaks/rest periods and periods of standby or emergency call out duty.

This policy covers the use and misuse of intoxicating substances which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could affect work performance and/or health and safety.

The policy will be applied equally, regardless of position.

## 3. DEFINITIONS

For the purposes of this policy the following definitions apply:

**Unfit for duty through drug or alcohol misuse** - A person has drugs or alcohol in their body at a level that would cause them to test positive in the Company's drugs or alcohol test.

**Dismissal** - Termination of employment.

**Drug** - Any substance that affects the way in which the body functions physically, emotionally or mentally. This includes, but is not limited to, solvents, over-the-counter and prescribed medicines, nootropics, new legal highs and illegal substances.

**Alcohol** - Refers to any beverage that contains ethyl alcohol including but not limited to beer, wine, pre-mix drinks and other spirits.

**Employee** - A person directly employed by M.V. Kelly Ltd.

**Incident** - Unplanned, uncontrolled event which could have resulted in or did result in death, ill health, injury or other loss, including commercial loss, damage to reputation and so on.

**Safety-critical** - Refers to tasks or activities that have the potential to import risk onto the Company's premises or vehicles.

**Laboratory** - A testing facility accredited to UKAS 17025 standards where the sample collected is analysed to screen and/or confirm the presence of a specific drug or its metabolite(s).

#### 4. **RULES**

- No relevant person may report for work while unfit to do so through the use or misuse of drugs or alcohol.
- No relevant person may possess (unless for legitimate medical reasons), sell or give away drugs or alcohol whilst at work or during working hours.
- No relevant person may consume drugs (unless for legitimate medical reasons) or alcohol whilst at work or during working hours.
- Relevant persons cannot store alcohol or drugs within works areas or work premises, excluding prescribed drugs for a current condition which need to be taken during work time and stored securely.
- No relevant person undertaking safety-critical tasks should take prescribed or non-prescribed medication that has the potential to affect their ability to work safely, without informing the company.
- Relevant persons involved in Court proceedings arising from a drug or alcohol related offence must report the matter immediately to their Line Manager.
- Relevant persons should be aware that the use of alcohol or drugs at a time or in a quantity that would cause them to test positive at work will be considered a breach of this policy.
- Nothing in this policy or its application shall be construed so as to prevent or inhibit the law.

#### 5. **COMMUNICATION, EDUCATION AND TRAINING**

The Policy will be communicated to all relevant persons through the company handbook, induction, contractor materials, newsletters and site/ office notice boards. Team briefings through toolbox talks, newsletters and notice board displays will provide information regarding the requirements set within this policy.

**Relevant persons** will be given drug and alcohol awareness material to cover:

- Awareness of the policy and policy rules
- The effects drugs and alcohol can have on a user's health and ability to work safely
- How to avoid becoming dependent on drugs and alcohol
- How and where to seek help if you have a drug or alcohol dependency problem
- How to recognise the signs and symptoms of drug and alcohol misuse
- How to ensure your body is free from drugs and alcohol at work

**Managers** will receive drug and alcohol awareness training to cover:

- The principal ways in which drugs and alcohol affect behaviour
- How to recognise the signs and symptoms of drug and alcohol misuse
- The distinction between signs associated with dependency and signs associated with recent substance misuse
- How to utilise the support provided by the policy

- o How to apply the policy in a variety of situations
- o How the drug testing elements of the policy will be managed
- o How the testing processes work

## 6. ASSISTANCE WITH DEPENDENCY ISSUES

Where a relevant person seeks assistance from M.V. Kelly Ltd for a drug or alcohol dependency problem and M.V. Kelly Ltd acknowledges this problem to exist, M.V. Kelly Ltd will treat the problem as a medical condition and offer the relevant person assistance/ advice with rehabilitation. Early identification and treatment is important.

Individual circumstances and safety issues will be taken into consideration to determine whether the relevant person can continue with their normal duties during the period of rehabilitation. If normal duties cannot be continued, the relevant person may be required to undertake non safety critical duties or stay away from the workplace.

## 7. MANAGEMENT SUPPORT

The company understands that managers may from time to time be unsure how best to deal with substance misuse incidents. The company provides managers and supervisors with Director level support and guidance to assist them in dealing with these issues in a sensitive and professional manner. Professional help will be sought when required.

## 8. SUPPORT

We actively encourage individuals to seek support from the Company, however relevant persons may from time to time have concerns relating to drug or alcohol misuse that they feel they are unable to discuss with the company. The company provides the following support resources;

### Employee Assistance Program

A 24-hour helpline **0800 030 5182** which offers confidential support on drug and alcohol issues.

You can also access an online portal <https://healthassuredeap.co.uk/home/> Username; **MV** password **kelly** which has further information and advice.

### Unum-uk.lifeworks.com

User ID; **unumgl** Password; **lifeworks**

Unum Lifeworks is a confidential and easy to access Employee Assistance Programme containing practical information and help you can use whenever you need to. The range of topics includes health and wellness, family, money matters and work. It's available to you and your immediate family at no additional cost. There is a section regarding Alcohol & Drugs/ Addiction and concern about others.

## 9. CONTROL MEASURES

### 9.1 Testing

All relevant persons have the potential to be tested.

The testing process will be carried out by an independent third-party specialist testing agency that use accepted and reliable methods. During the testing process, the safety, health and dignity of the donor will be respected and protected.

A process will be used to maintain and document the chronological history of a sample in order to guarantee the identity and integrity of the sample from collection through to the test result.

### 9.2 Circumstances for testing

**Reasonable suspicion** – Whenever a manager, supervisor or other Company official has reasonable cause to suspect that a relevant person has misused drugs or alcohol and is unfit to continue working, then a reasonable suspicion test may be instigated. Observations will be documented and such documentation shall be kept in a confidential file.

**Post incident** – Drug and alcohol testing of relevant persons may be conducted following an incident where there are reasonable grounds to suspect that the effect of drugs or alcohol may be the cause or a contributory factor.

**Unannounced random** – The Company aims to test between 15-20% of all relevant persons each year on an unannounced random basis. M.V. Kelly Ltd will provide the third-party testing agency with selected sites, including offices, to test and the random selection process will be managed by the approved independent testing agency using a computer-based random number generator that gives all present an equal chance of being selected on each occasion.

**Rehabilitation & Follow up** – As part of a rehabilitation programme, the Company may require the relevant person to consent to a series of drug and alcohol tests, some of which may be unannounced. These tests will be used to monitor the relevant persons progress during and following rehabilitation. The cost of any further tests will be met by the Company.

### 9.3 Refusing a test

Refusing to take a test includes, but is not limited to:

- Failure to consent to a test.
- Failure to cooperate with any part of the testing process.
- Failure to appear for testing at a collection site at the time allotted.
- Leaving the scene of an incident in which a serious injury or fatality has occurred, without just cause and without submitting to a test.

Relevant persons may be requested to leave work following refusal to submit to a test if it is felt that safety or security are an issue.

Refusal to undergo a test may be deemed an act of gross misconduct for employees. For other relevant persons the Company may review the current work arrangements. However, we understand that there may be sensitive reasons to refuse a test. It is not an immediate assumption that the individual may have a positive test result. We would require some substantive and genuine reason for refusal to undertake a test and we would consider all information provided.

#### **9.4 Positive Results of Testing**

**Drugs** – A laboratory confirmed positive drug test result will be recorded if a drug is detected in the donor’s sample for which no legitimate explanation, medical or otherwise, can be found. A relevant person will be in breach of this policy if they receive a laboratory confirmed positive drug test result.

**Alcohol** – A positive alcohol test result will be recorded if alcohol is detected in the donor’s breath sample at a concentration equal to or above 22 micrograms of alcohol per 100 millilitres of breath in two consecutive breath tests. A relevant person will be in breach of this policy if they receive a positive alcohol test result.

#### **9.5 Action following a positive test result**

A relevant person will be considered to be unfit for duty through the misuse of drugs or alcohol if a positive test result is recorded.

##### ***Employees:***

Where employees have received a positive result, we will refer to our Disciplinary Policy. Where an alcohol or drugs problem is a factor (through testing, misconduct or performance) we will deal with this on an informal basis initially.

We may agree to suspend disciplinary action in cases of misconduct, where alcohol or drugs are a problem, on condition that the employee follows a suitable course of action. Where gross misconduct is involved, an alcohol or drugs problem may be taken into account in determining disciplinary action.

Individuals will be entitled to return to the same job after any effective treatment; conditions may apply - such as agreeing to an ongoing testing program for a specified period of time.

Employees may be paid appropriate sick leave for the purpose of a pre-determined and agreed rehabilitation period in accordance with our Absence Policy. This will be subject to the further information presented and discussed in the event of a failure. Employees are expected to comply reasonably with the management of his/ her condition.

Some employees are essential car users and drive for work, others use cars to get to and from work. We aim to assist employee’s, but we would always have to look at individual circumstances.

Whilst the Company aims to support individuals, we must consider the impact of misuse on others. Individuals with benefits under the Car policy may have these suspended or removed. Other drivers may have conditions placed on them during periods of rehabilitation such as only using public transport.

Individuals will be allowed a second course of treatment in the cases of relapse.

It may be necessary to terminate employment under the grounds of ill health where treatment is unsuccessful.

### ***Other relevant persons***

Where an alcohol or drugs problem is a factor (through testing, misconduct or performance) we will deal with this on an informal basis initially.

People other than employees may be removed from company premises/ sites and prevented from undertaking any work for the company in the future. Relevant persons who are not employed may be prevented from driving Company vehicles or may have conditions placed on them during periods of rehabilitation such as only using public transport.

First time breaches may be dealt with more informally and an opportunity for treatment and rehabilitation to take place will normally be given. Due to the nature of work, relevant persons may be unable to undertake work for the Company during this period. The company are unable to financially support time off or rehabilitation for non-employed persons.

## **9.6 Medication**

Many medicines obtained with or without prescription can affect performance at work. These include, but are not limited to, tranquillizers, anti-depressants, painkillers, sleeping pills, some antihistamines, nootropics, and some medicines for cough, colds and indigestion.

All relevant persons undertaking safety-critical tasks must ascertain if they are taking drugs which may affect their work performance. If so, they should declare the use of the medication at the company induction through the Medical History Questionnaire. If medication is prescribed to the person after an induction, this must be reported to their Line Manager or a suitable Company Manager before undertaking such safety critical tasks, so that the Company can ascertain the effects and decide how best to manage those effects.

All discussions with individuals regarding medical information are strictly confidential subject to the provisions of the law.

## **9.7 Searches**

The Company reserves the right to search relevant persons or any of their property held on Company premises at any time if there are reasonable grounds to believe that the prohibitions on alcohol or drugs are being or have been infringed.



If the relevant person refuses to comply with a reasonable search, the Company may draw such inferences as it sees fit from such refusal and that refusal may be treated as amounting to gross misconduct and entitling the Company to take disciplinary action for employees or suitable action for non-employees.

#### 10. GENERAL NOTE REGARDING SITES AND CLIENTS

It must be noted that due to the high-risk nature of work on site, the level of interaction with others, and that the Company's work is usually under the control and direction of a Principal Contractor, that there may be additional rules in place specific to a site or client. All relevant persons working on that site and/ or for that client will be expected to abide by any additional rules.

#### 11. REVIEW

This Policy has the support of the Board of Directors and worker representatives have been consulted. The policy will be kept under regular review to evaluate its effectiveness.

#### 12. CONTACT DETAILS FOR HELP AND GUIDANCE

- Talk to your Line Manager, or a suitable manager such as a Foreman or Contracts Manager.
- Contact the HR Department – email [MVKHR@mvkelly.co.uk](mailto:MVKHR@mvkelly.co.uk) or call 0121 708 5010.
- Employee Assistance Program **0800 030 5182**.
- Unum **Unum-uk.lifeworks.com** User ID; **unumg1** Password; **lifeworks**
- Talk to Frank; a national helpline that offers free confidential advice and information about drugs 0300 1236600 or [talktofrank.com](http://talktofrank.com)
- Release; a confidential helpline offering advice on drug use and legal issues 0845 4500 215.
- Drinkaware; offers confidential advice, support and information for people with alcohol problems and their families, friends and carers. 0300 123 1110 (Weekdays 9am–8pm, Weekends – 11am – 4pm) or [www.drinkaware.co.uk](http://www.drinkaware.co.uk) which has a chat option too.
- Alcohol Change; Call Drinkline 020 3907 8480 or visit the website at [www.alcoholchange.org.uk](http://www.alcoholchange.org.uk)
- Adfam provides support to people working with family members who are affected by drugs and alcohol [www.adfam.org.uk](http://www.adfam.org.uk)
- Alcoholics Anonymous; Offers help and advice to overcome drinking problems. 0800 9177 650 or visit the website at [www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk).

- Narcotics Anonymous; <https://ukna.org/>. Offers on line and regular local meetings to help individuals remove their dependency from drugs. 0300 999 1212
- Betel.uk – Christian addiction residential centres. Free to enter subject to acceptance via admissions. Admissions only accepted when individuals want to attend themselves not being forced to attending. Usually, an 18 month minimum residential - 01564 822356.