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## **STATEMENT**

It is Fox (Owmbly) Limited's Policy:-

- To comply with all current legislation in particular the Health & Safety at Work Act 1974, the Safety, Health and Welfare at Work Act 2005, The Misuse of Drugs Act 1971, The Disability Discrimination Act 1995, the Equality Act 2010 and the Transport and Works Act 1992.
- To not knowingly permit any employee, its' consultants and trade contractors, or anyone engaged directly or indirectly to report for work or attend work premises (this includes the premises of its suppliers and customers) under the influence of alcohol or drugs, whether they are legal highs, prescription, pharmaceutical or medicinal, which may affect concentration and ability to perform their duties, nor to consume these whilst on duty or on the premises.
- To implement control measures to prevent as far as reasonably practicable, such people reporting for work or attending work premises, when affected by drugs or excess alcohol or consuming drugs or alcohol at work.
- These control measures will include pre-employment, post incident, where abnormalities and/or behaviour prompts managerial concern, and unannounced random drug and alcohol screening.
- To provide a positive approach to those employees seeking help or guidance in overcoming alcohol and/or drug related problems but only where their problems are raised at any time prior to being selected for random testing or being asked to provide a test where alcohol and/or drug abuse is suspected.
- To not knowingly employ or retain any employee directly or indirectly who has been justifiably dismissed by any employer for drug and/or alcohol related offences.
- To take suitable action, usually dismissal or termination of contract, against anyone testing positive to alcohol or drugs in breach of this policy.

**ANY PERSON** found to have tested "*non-negative*" after any Alcohol or Drug test will be immediately suspended from the work place in which they are engaged pending a full investigation.

**PERSONS** testing positive for drugs or excess alcohol or refusing to take a test face sanctions up to and including termination of contract. Any refusal to take an alcohol and/or drugs test will be deemed as a positive test result.

## **INTRODUCTION**

Fox (Owmbly) Limited as an employer has developed this policy as a positive strategy to tackling alcohol, drugs and substance related problems at work.

This policy is not intended to intrude upon the privacy of individuals, particularly in health matters, where their condition does not affect their conduct or performance at work. Fox (Owmbly) Limited is however concerned where health or behaviour impairs the conduct, safety or work performance of its employees and contractors, and it recognises that the misuse of alcohol, drugs or substance abuse may be a cause of such impairment.

Accordingly, Fox (Owmbly) Limited's policy involves two approaches:-

- (a) Provision of reasonable assistance to employees who seek help for an alcohol, drugs or substance abuse problem, and are willing to co-operate in treatment for that problem, but only where their problems are raised at any time prior to being selected for random testing or being asked to provide a test where alcohol and/or drug abuse is suspected.
  
- (b) Disciplinary rules, enforced through Disciplinary Procedures, where use of alcohol or drugs affects performance or behaviour at work and where either (1) an alcohol or drug abuse problem does not exist or (2) where treatment is not possible or has not succeeded.

Fox (Owmbly) Limited does not possess the internal resources to provide or arrange treatment or other forms of specialist assistance. Such services are provided by G.P.'s, hospitals and other agencies. Through this policy Fox (Owmbly) Limited will seek to assist employees in obtaining such specialist help and also to protect his/her employment.

Fox (Owmbly) Limited will endeavour to ensure that an employee's use of either alcohol, drugs or substances does not impair the safe and efficient running of the Company or its activities, or the health and safety of its' employees. It is fundamental that this policy is based primarily upon prevention.

The abuse of alcohol, drugs and other substances respects no boundaries of gender, status and occupation and the policy applies equally to all Fox (Owmbly) Limited's employees and contractors without discrimination.

## **AIMS**

The policy aims to:-

- Clarify Fox (Owmbly) Limited's position on drinking/substance abuse at work and to minimise problems at work arising from alcohol, drugs and substances.
- Help those affected with alcohol, drugs and substance related problems by encouraging treatment where possible.
- Support employees in dealing with alcohol, drugs and substance misuse problems by providing a clear procedure.
- Identify the circumstances in which disciplinary action is instigated for alcohol, drugs and substance misuse.
- Meet Fox (Owmbly) Limited's legal obligations to ensure the health and safety of its employees and others at work.

## **ASSISTANCE AVAILABLE TO EMPLOYEES**

- 1. Fox (Owmbly) Limited will, where possible, provide the following assistance to employees:-**
    - (a) Helping employees to recognise the nature of the problem through referral to a qualified diagnostic or counselling service.
    - (b) Employees should recognise that it is their responsibility and in their own best interests to seek help at the earliest possible stage when treatment may be easier and before the problem affects their work sufficiently to become a disciplinary matter.
    - (c) The Company will ensure that their confidentiality remains intact at all times, thereby enabling employees to seek assistance and advice for any alcohol, drug or substance problem whether by self-referral or at the request of the Company.
    - (d) Support during a period of treatment. This may include a period of sick leave or approved other leave, continuation in post or transfer to other work, depending upon what is appropriate in terms of the employee's condition and needs of the Company.
    - (e) The opportunity to remain or return to work following the completion of a course of treatment as far as is practicable in either the employee's own post or an alternative post.
  
  - 2. Fox (Owmbly) Limited's assistance will depend upon the following conditions being met :-**
    - (a) The Occupational Health Service / Approved Doctor diagnosing an alcohol or drug abuse related problem.
    - (b) The employee recognises that he/she is suffering from an alcohol or drug abuse problem and is prepared to co-operate fully in referral and treatment from appropriate sources.
  
  - 3. Employees must recognise the following limits to the assistance that Fox (Owmbly) Limited can provide:-**
    - (a) Where an employee fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the Disciplinary Procedures.
    - (b) If the process of referral and treatment is completed but is not successful and failure in work performance or behaviour occurs these will be dealt with through the Disciplinary Procedures.
    - (c) An employee's continuation in his/her post or an alternative post during or after treatment will depend upon the needs of Fox (Owmbly) Limited at that time.
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## **DISCIPLINARY ACTION**

1. In line with Fox (Owmbly) Limited's disciplinary rules, the following will be regarded as Gross Misconduct :-
  - (a) Attending work and/or carrying out duties under the influence of alcohol or drugs.
  - (b) Attending work and/or carrying out duties whilst impaired by alcohol or drugs.
  - (c) Consumption of alcohol or drugs whilst on duty (other than where drugs are prescribed to that employee or approval in writing has been given).
  - (d) Refusal to take an A&D test, refusal for a none negative test result to be submitted to the lab for further testing, or frustrating a test eg not providing a urine sample for a urine drug test or not providing a urine sample within 4 hours of being requested to provide that sample.

Breach of these rules will normally result in summary dismissal and only in exceptional cases the reduced disciplinary action of a final written warning be applied.

2. Where a breach of these rules occurs, and it is established that an alcohol or drug abuse related problem exists and the employee is willing to co-operate in referral to an appropriate service and subsequent treatment, Fox (Owmbly) Limited may suspend application of the Disciplinary Procedures and may provide assistance as described above. Employees who do not comply with the treatments suggested or continue to abuse alcohol or drugs will be subjected to the application of the Disciplinary Procedures.

Fox (Owmbly) Limited will from time to time review this Alcohol and Drug Abuse Policy in line with changes to legislation and any other subsequent issues.

## **SUMMARY**

It is a requirement that as an employee of Fox (Owmbly) Limited that:-

- You must not report for work if unfit through misuse/abuse of alcohol or drugs including prescription drugs.
- You must not consume alcohol or any drugs which may affect your performance or concentration whilst at work, or any place where you will be working.
- You must not be in possession of any alcohol, drugs (including prescription drugs that have not been prescribed to you) or substances deemed illegal whilst at work or any place where you will be working.

Fox (Owmbly) Limited will not tolerate any departure from the above rules and will take disciplinary action which may result in the employee's dismissal.

A programme of screening has been put in by Fox (Owmbly) Limited which includes procedures to:-

- Undertake unannounced testing of up to 20% of all employees annually.
- Detect the use of alcohol and/or drugs by any person(s) involved in an accident where there are grounds to suspect that the actions of the person(s) led to the incident.
- Detect the use of alcohol and/or drugs where abnormalities or behaviour prompt managerial concerns.
- Detect the use of alcohol and/or drugs by persons where the breathalyser tester has detected alcohol in the air where that the person has been located for example a vehicle or machine cab.
- Detect the use of alcohol or drugs for potential employees.
- Where an employee has returned to work following an Alcohol or Drug related problem, or have been banned from driving by the Courts due to a drink driving offence, the Company reserves the right to test the employee concerned on a regular basis, until such time the Company is satisfied that there is no further problem.

For the purpose of this policy a positive screening result means that screening for alcohol and drugs shows:-

- More than 29 milligrams of alcohol in 100 millilitres of blood, or
- More than 13 micrograms of alcohol in 100 millilitres of breath, or
- More than 39 milligrams of alcohol in 100 millilitres of urine, or
- The presence of drugs, other than prescription (that has been prescribed to the employee), pharmaceutical or medicinal medication which does not affect work performance or concentration.

For the purpose of this policy the use of drugs will be defined by urine, swab and/or hair testing positive for any of the following and will result in the Disciplinary Procedures being activated.

- ☛ Amphetamines
- ☛ Barbiturates
- ☛ Benzodiazepines
- ☛ Buprenorphine
- ☛ Cocaine
- ☛ Ketamine
- ☛ Marijuana, Cannabis
- ☛ Methadone/EDDP
- ☛ Methamphetamines
- ☛ Opiates
- ☛ Phencyclidine (PCP)
- ☛ Propoxyphene
- ☛ Any other drug of abuse including prescription drugs that have not been prescribed to that employee, misuse of prescription drugs, CBD, or derivative products including any legal highs

The Company reserves the right to amend and/or change the panel of drugs to be tested and also the method of testing for such drugs at any time. Where there is concern that a person is under the influence of drugs for example legal highs which may not be included on the initial drug test panel, the Company reserves the right to request a urine sample, be sent to the laboratory for further testing.

Fox (Owmbly) Ltd will take formal disciplinary action which may result in the employee's dismissal if the employee test results report an alcohol reading above the legal UK Drink Drive Limit. Where an employee's alcohol test result shows a reading below the UK Drink Drive Limit, but above the limits detailed in this policy, the Company reserves the right to further test the employee. If these further tests, show consistent readings of alcohol in a persons' system, disciplinary action will be taken which may result in dismissal.

Employees are also confirming that they understand that they may be required by Fox (Owmbly) Limited to undertake an Alcohol and Drug screening test. Non-compliance could result in disciplinary action and dismissal. They also confirm and understand that our customers may require employees to undertake an instant and unannounced alcohol and drugs screening test whilst on their site, and thereby give their consent to the above.

***While on customer sites it is each employee's responsibility to ensure that they are aware of the customer's own site rules on alcohol limits and abide by these.*** If an employee tests positive by a customer under the customer's own Alcohol and Drugs rules, and the customer subsequently removes the employee from their site, Disciplinary Procedures will be activated.

Where there are reasonable grounds for Fox (Owmbly) Limited to suspect that an employee's actions or omissions are contributable to the use of alcohol and/or drugs then they will be screened immediately for alcohol and drugs. Should the results of such testing be "non-negative" for alcohol and/or drugs, or the employee admits there is a problem, Fox (Owmbly) Limited reserves the right to suspend the employee. Fox (Owmbly) Limited will decide during the suspension period on the appropriate action to take.

If an employee is offered rehabilitation Fox (Owmbly) Limited will determine in consultation with its medical adviser an appropriate period of time during which the employee will be required to undergo medical treatment. Any time off during this period will be treated as either unpaid leave, holiday leave or leave of absence under Fox (Owmbly) Limited's sick leave scheme.

If, at any time, the employee disobeys an instruction given to them by Fox (Owmbly) Limited with regard to the rehabilitation, or suffers a relapse during or following treatment, Fox (Owmbly) Limited reserves the right to withdraw support and to proceed with the matter under the terms of the Company's Disciplinary Procedures.

On return to work after being declared fit for work by Fox (Owmbly) Limited's medical advisers there is a recurrence of the original problem or performance has been impaired by the problem and the employee can no longer perform at the required level, the employee will be subject to disciplinary action under Fox (Owmbly) Limited's Disciplinary Procedures.

Fox (Owmbly) Limited reserves the right to search any employee or any of the employee's property held on Fox (Owmbly) Limited's premises or any place where the employee will be carrying out their duties at any time there are reasonable grounds to believe that the prohibition of alcohol, drugs or substance legislation (Misuse of Drugs) is being or has been infringed.

Refusal to comply with the above search procedures will be treated as Gross Misconduct and will entitle Fox (Owmbly) Limited to take disciplinary action against the employee concerned.

Fox (Owmbly) Limited will from time to time review their Alcohol and Drug Abuse Policy in line with changes to legislation and any other subsequent issues.

By signing this document, employees confirm that they have been briefed and fully understand Fox (Owmbly) Limited's Alcohol and Drug Abuse Policy and that they agree to abide by it.

***Compliance with the policy is a condition of employment.***

**This document to be kept by Employee.**

**Authorised by:**  
Managing Director



Date: September 2020

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By signing this document, employees confirm that they have read and fully understand Fox (Owmbly) Limited's Alcohol and Drug Abuse Policy and that they agree to abide by it.

***Compliance with the policy is a condition of employment.***

SIGNED .....

PRINT NAME .....

DATE .....

**Please complete and return page 11 to Fox (Owmbly) Limited**