



## D & M Building Services Ltd

### Drug and Alcohol Policy

#### 1.0 Purpose

D&M Building Services Ltd is committed to ensuring the safety of its workforce and the safety of everyone affected by its operations, and has a moral and legal obligation to provide a safe and healthy working environment across all our offices, worksites and D&M Building Services Ltd vehicles.

Reference to "drugs" throughout this Policy includes legal and illegal drugs, solvents and any other substances of abuse.

Reference to "work" or "workplace" throughout this Policy not only includes working hours but also includes any attempt to report for work, presence at our offices, worksites, any area under D&M Building Services Ltd control or in D&M Building Services Ltd vehicles, using our property/equipment, when on breaks or when otherwise on D&M Building Services Ltd business. It also refers to actions outside of working hours when in possession of D&M Building Services Ltd property/equipment, in its vehicles or in clothing bearing the name or otherwise associated with D&M Building Services Ltd

Failure to comply with this Policy is a serious matter and any employee found to be in breach will be subject to disciplinary action under the D&M Building Services Ltd Disciplinary Procedure, which could lead to Summary Dismissal for Gross Misconduct (even for a first offence). For the avoidance of doubt, D&M Building Services Ltd takes a zero-tolerance approach for employees being under the influence of drugs/alcohol and the sanction normally applied is Summary Dismissal for Gross Misconduct.

Individuals who are not employees shall be immediately removed from the workplace and referred to their employer for disciplinary action, and will not normally be permitted to return to a D&M Building Services Ltd workplace.

This document sets out the Policy on drugs and alcohol testing and is in place to provide a safeguard from the inherent risks associated with drug and alcohol use by:

- Ensuring that D&M Building Services Ltd complies with relevant legislation relating to substance abuse at work (including without limitation the Health and Safety at Work etc. Act 1974, the Transport and Works Act 1992, the Misuse of Drugs Act 1971 and the Railways (Safety Critical Work) Act 1994.
- Taking a proactive approach to ensure that our workplace is a drug free environment as part of our commitment to ensuring a safe and productive workforce.
- Taking a proactive approach to ensure that our workplace is an alcohol free environment (above permissible limits) as part of our commitment to ensuring a safe and productive workforce.
- Ensuring that all Relevant Individuals are aware of this Policy and that any employee who declares (at an appropriate time pre-testing) a drug or alcohol related addiction or habit may be offered appropriate support.
- Undertaking measures to prevent Relevant Individuals attending work under the influence of drugs (other than prescribed levels of prescribed medication or over the counter medication, subject to certain safeguards) or alcohol (above permissible limits), under a testing regime; and provide information,

instruction and awareness training to all Relevant Individuals on the health effects of alcohol and illegal drug use, the principles of this Policy and the repercussions of a breach of it (including disciplinary procedures and dismissal).

- Ensuring that all Relevant Individuals adhere strictly to the requirements of this Policy, and associated Policy Statement. All suspected breaches of the requirements shall be immediately reported to the D&M Building Services Ltd.
- Ensuring that no Relevant Individual shall:
  - be under the influence of drugs at work (other than prescribed levels of prescribed medication or over the counter medication, subject to certain safeguards).
  - use illegal drugs at any time.
  - be under the influence of alcohol at work above the permitted level.
  - be unfit for work due to alcohol and/or drugs.
  - try to, or report for duty while under the influence of alcohol and/or drugs.
  - consume alcohol or drugs whilst at work (other than prescribed levels of prescribed medication or over the counter medication, subject to certain safeguards).
  - be in possession of drugs or alcohol at work (other than prescribed medication or over the counter medication).
  - trade in or supply alcohol or drugs, or permit their presence or use by others.
  - take prescribed or over the counter drugs which may cause side effects that may impair thinking or reactions, without the following safeguards (i) informing their supervisor or manager; or (ii) first gaining confirmation from their doctor that the drugs will not affect their fitness for work or their ability to work safely.
  - accept a call out if in breach of the above, or if there is any doubt as to whether they could be in breach of the above.

Ensuring all Relevant Individuals have a responsibility for advising their line manager if they are taking any over the counter or prescribed medication which may impair their ability to work safely. Their line manager will, if necessary, and after consultation with an HR representative, arrange for the Relevant Individual's responsibilities to be modified while taking this medication.

- Ensuring that failure to comply with the Drugs & Alcohol Policy is taken seriously and that anyone found to be in breach is subject to disciplinary action under the D&M Building Services Ltd Disciplinary Procedure. D&M Building Services Ltd takes a zero-tolerance approach for employees being under the influence of drugs/alcohol and the sanction normally applied is Summary Dismissal for Gross Misconduct.

## **2.0 Scope**

This Policy applies to all Relevant Individuals – that is employees, temporary staff, subcontractors and subcontractors' employees, and anyone else who carries out work on D&M Building Services Ltd behalf.

It is designed to protect such persons, visitors and members of the public from the workplace hazards associated with alcohol and drug use.

This Policy must be implemented in conjunction with the associated D&M Building Services Ltd Drug & Alcohol Policy Statement.

### **3.0 References**

Transport and Work Act 1992

Railway and Other Guided Transport Systems (ROGS) Regulations 2006

GO/RT8070 Drugs and Alcohol

Health and Safety at Work etc. Act 1974

Management of Health & Safety at Work Regulations 1999

Misuse of Drugs Act 1971

Road Traffic Act 1988

D&M Building Services Ltd Procedure Statement on Health, Safety and Welfare

D&M Building Services Ltd Disciplinary Procedure.

Data Protection Act 1998

## **4.0 Drugs and Alcohol**

### **4.1 Alcohol**

4.1.1 The maximum permissible levels for alcohol for a Relevant Individual are: 13 micrograms of alcohol in 100 ml of breath / 29 milligrams of alcohol per 100 ml of blood / 39 milligrams of alcohol in 100 ml of urine.

4.1.2 Relevant Individuals must remember that consuming alcohol outside working hours may still mean they are over the permissible limit during working hours (such as having drinks the night before work).

4.1.3 When drug and alcohol testing is required as part of a third party's the appropriate standard and process will be complied with and more stringent testing limits and regimes will apply. (Where D&M Building Services Ltd testing limits are more stringent these will take precedence). If a more stringent external regime applies than set out in this Policy, the Relevant Individual will be informed that this is the case and that will take precedence.

4.1.4 The only time that alcohol is permitted for consumption on D&M Building Services Ltd premises is when there is an official organised work event after working hours and alcohol is provided as part of the event by D&M Building Services Ltd. Any such events will be in a designated area and with senior D&M Building Services Ltd management's permission. Attendance will be in non-working time and Relevant Individuals will not be permitted to return to work after drinking alcohol.

### **4.2 Drugs**

4.2.1 The substances for which Relevant Individuals may be tested include:  
Amphetamines including Ecstasy

Cocaine

Benzodiazepines

Barbiturates

Opiates including heroin

Methadone

Cannabis

Propoxyphene

Phencyclidine

Ketamine

4.2.2 This list is not exhaustive and may be amended from time to time without notice. For the avoidance of doubt, D&M Building Services Ltd does not tolerate any drug use by Relevant Individuals, regardless of whether such drugs are included on the list above (other than prescribed levels of prescribed medication or over the counter medication, subject to the safeguards set out in this Policy).

### **4.3 Prescription and over-the counter-medication**

4.3.1 Relevant Individuals who are prescribed medicines or are taking over-the-counter purchased legal drugs should bear in mind that they may affect their working performance and in particular their ability to work with machinery safely. It is the responsibility of the worker to enquire with his/her GP or pharmacist whether any medication is likely to affect performance at work. If it is then, the Relevant Individual must immediately D&M Building Services Ltd. It is a breach of D&M Building Services Ltd Drugs & Alcohol Policy for a Relevant individual to take prescribed or over the counter drugs which may cause side effects, that may impair thinking or reactions, without first informing their supervisor or manager, or without first gaining confirmation from their doctor that the drugs will not affect their fitness for work or their ability to work safely.

4.3.2 Relevant Individuals will always be asked to declare any recent medication use prior to the time of testing.

4.3.3 Where a Relevant Individual declares medication use, at any time, or is tested positive during screening for such medication, they will be asked to refrain from their normal duties until the nature and effect of their medication is established and any risk is assessed. Depending on the circumstances, they may either be asked to temporarily undertake alternative duties or may be asked to remain at home.

4.3.4 It is also breach of D&M Building Services Ltd Drugs & Alcohol Policy if a Relevant Individual takes any prescribed medicines or take over-the-counter purchased legal drugs above the prescribed limit.

#### **4.4 Under the influence of drugs**

4.4.1 There are no acceptable levels of drugs in the workplace other than those prescribed by a doctor or obtained from a pharmacist where these are used in accordance with legitimate usage levels and do not affect performance at work, as referred to above.

4.4.2 Being under the influence of drugs refers to any trace of a drug being found in the Relevant Individuals' system (other than prescribed levels of prescribed medication or over the counter medication, subject to certain safeguards). Therefore the Relevant Individual must remember their activities outside of work can affect whether they are deemed to be under the influence of drugs at work.

#### **4.5 Rehabilitation**

4.5.1 D&M Building Services Ltd encourages employees to make an approach for help with a drink or drug related problem and undergo an agreed form of treatment. However, approaches of this nature by an employee will not be considered acceptable when they are made immediately prior to, on the day of or subsequent to, Drug & Alcohol screening.

4.5.2 Rehabilitation may not be considered where the nature of work is deemed safety critical. In such circumstances, an employee will be immediately suspended on full pay pending testing and laboratory results.

4.5.3 Employees may also be suspended without pay whilst undergoing an agreed rehabilitation programme. Should an employee fail to remain within the requirements of any agreed rehabilitation programme, then disciplinary action will be taken.

4.5.4 N.B. Giving notice of a dependency issue after a Relevant Individual has been asked to undergo a test or on the day that random or for cause test takes place will not grant the individual immunity from being tested or from any disciplinary action that may take place in the event of a positive result for either drugs or alcohol.

### **5.0 Responsibilities**

5.1.1 All Relevant Individuals have a responsibility under this Policy with regard to the detection and prevention of the misuse of alcohol and drugs as follows:

**Managing Director & Directors shall:**

- have overall responsibility for the implementation and communication of this Policy (and associated Policy Statement) and testing regimes and will monitor the effectiveness of both on an ongoing basis.
- ensure that this Policy and testing regimes are implemented consistently throughout the D&M Building Services Ltd and that suitable communication of this Policy and Policy Statement is provided to all Relevant Individuals; and
- ensure that any breaches of the Policy are dealt with in accordance with this Policy.

**Managers/Supervisors shall:**

- understand and be familiar with this Policy and Policy Statement and communicate it to relevant individuals under their control;
- monitor work performance, attendance, sickness absence and accidents/incidents and take appropriate action where necessary in line with this Policy;
- report any concerns or suspicions of abuse to a director, or a HSQE representative; and
- ensure that appropriate adjustments are made for Relevant Individuals who have declared the use of a medication which may have an impact on their ability to perform their current tasks.

**All Relevant Individuals (including Directors and Senior Management) shall:**

- not be under the influence of drugs at work (other than prescribed levels of prescribed medication or over the counter medication subject to certain safeguards);
- not use illegal drugs at any time;
- not be under the influence of alcohol at work above the permitted level;
- not be unfit for work due to alcohol and/or drugs;
- not try to, or report for duty while under the influence of alcohol and/or drugs;
- not consume alcohol or drugs whilst at work (other than prescribed levels of prescribed medication or over the counter medication, subject to certain safeguards);
- not be in possession of drugs or alcohol at work (other than prescribed medication or over the counter medication);
- not trade in or supply alcohol or drugs, or permit their presence or use by others;
- not take prescribed or over the counter drugs which may cause side effects that may impair thinking or reactions, without the following safeguards: (i) informing their supervisor or manager; or (ii) first gaining confirmation from their doctor that the drugs will not affect their fitness for work or their ability to work safely;
- not take any prescribed or over the counter drugs above the prescribed limit;
- check with their GP or pharmacist as to whether any prescription or over-the-counter medication may impair their ability to perform their duties and make the required notification pursuant to this Policy;
- not accept a call out if in breach of the above, or if there is any doubt as to whether they could be in breach of the above;
- not attempt to drive or operate any machinery at work if they believe they may be under the influence of any substance, including prescribed or over-the-counter medication, which could impair their abilities;

- undergo testing for drugs and alcohol as described in this Policy. Refusal to undergo testing, attempts to tamper or avoid any part of the testing under the Drug and Alcohol Policy is a breach of this Policy and is considered to be Gross Misconduct for which Summary Dismissal shall normally result;
- in the event a rehabilitation plan is agreed, the employee may not discontinue an agreed course of treatment or rehabilitation for a drug or alcohol related problem without good reason and will notify their manager of such discontinuance; and
- not cover up or collude with any colleague in breach of this Policy.

## **5.2 Exceptions**

5.2.1 The only time that alcohol is permitted for consumption on D&M Building Services Ltd premises is when there is an official organised work event after working hours and alcohol is provided as part of the event by D&M Building Services Ltd or with D&M Building Services Ltd written permission. Any such events will be in a designated area and with senior D&M Building Services Ltd management's permission. Attendance will be in non-working time and individuals will not be permitted to return to work after drinking alcohol. It is the individual's responsibility to arrange their own safe transport home.

5.2.2 D&M Building Services Ltd also recognises that as part of business life at events such as corporate entertaining, alcohol may occasionally be consumed that causes the worker to be beyond the limits described for alcohol in paragraph 4.1 of this Policy. In cases such as these, it is the duty of the Relevant Individual not to go to any workplace whilst under the influence above such permitted limit and to ensure that they comply with the terms of this Policy. It is the individual's responsibility to arrange their own safe transport home.

5.2.3 Relevant Individuals may bring unopened alcohol into the workplace (such as leaving it in a car left in the car park) if it is purchased as normal shopping or provided as a Christmas gift or similar (for a colleague) with no intention of any consumption at work.

## **6.0 Testing**

### **6.1 Testing regime and classifications**

6.1.1 D&M Building Services Ltd also reserves the right to use 'point of care' screening in addition to laboratory testing. Point of Care Testing is carried out on site and will generally be by calibrated alcometer and urine sample, but this may vary depending on the circumstances. An approved outside agency will be employed to conduct tests, which will be carried out in controlled conditions.

6.1.2 Where this approach is adopted, there will be two samples taken with one being a fresh one for laboratory testing purposes which has not been in contact with the point of care device. Where 'point of care' testing is undertaken, Relevant Individuals will be advised that it is possible to have either a false negative or a false non-negative at this stage, and any disciplinary action will only be based on laboratory results. However, in the event a non-negative reading is given (false or otherwise) the Relevant Individual shall be immediately suspended with full pay pending the results of the laboratory test.

6.1.3 All samples will be provided under controlled conditions, and testing will be handled in a formal chain of custody including maintenance of a split sample.

6.1.4 A representative from D&M Building Services Ltd will be present at a testing session wherever possible.

6.1.5 In order to ensure that an unadulterated sample of urine is analysed, certain chain of custody procedures must be followed. Full details of this will be made available by the D&M Building Services Ltd and organising managers will ensure the Chain of Custody process is consistently followed for all testing.

6.1.6 A Relevant Individual will be deemed to have tested positive and therefore failed a drugs test where any trace of the drug is detected. In the case of alcohol, the limits outlined in paragraph 4.1 will be applied.

6.1.7 A Relevant Individual who refuses to undertake a test when requested, attempts to tamper with, or avoids any part of the testing under the Drug and Alcohol Policy is in breach of this Policy and is considered to be Gross Misconduct for which Summary Dismissal shall normally result.

6.1.8 When drug and alcohol testing is required as part of a third party's requirements the appropriate standard and process will be complied with and more stringent testing limits and regimes will apply. (Where D&M Building Services Ltd testing limits are more stringent these will take precedence). The Relevant Individual shall be informed if a more stringent testing limit applies.

## **6.2 Types of Testing**

6.2.1 Pre Employment / Engagement - This is undertaken on commencement of employment/ engagement or at the start of a project.

6.2.2 Routine Bi annual Medical Testing – Drug and alcohol testing takes place at routine Health Surveillance medicals.

6.2.3 For cause - For cause testing can take place at any time while you are at work and is undertaken: 'Where there is suspicion that a Relevant Individual may either be under the influence of drugs or alcohol or has an addiction to drugs or alcohol; or When a Relevant Individual has been involved in an accident or a serious incident at work; or When D&M Building Services Ltd has received information relating to potential alcohol or drug use. In this case, to protect confidentiality, the details of the information, which it reasonably believes has been provided in good faith, will not always be revealed to the Relevant Individual; or Where a Relevant Individual is being transferred to safety critical work or Where a client requires a specific testing regime; or For a purpose reasonably required by D&M Building Services Ltd

### **6.2.4 Random testing**

D&M Building Services Ltd reserves the right to undertake a programme of risk based random testing to ensure compliance with this Policy and will aim to test a minimum of 10% of the workforce annually. Random drug and alcohol testing could take place at any time while you are at work. Refusal to take a test will be treated as a positive result

### **6.2.5 Rehabilitation Testing**

This is carried out as a precautionary practice after an employee, previously affected by the use of drugs or alcohol, has submitted themselves to a period of rehabilitation as part of D&M Building Services Ltd occupational health programme. There will be a series of tests as part of the rehabilitation programme.

## **6.3 Confidentiality**

6.3.1 All results and information in relation to drug and alcohol testing will be dealt with in strict confidence and released only to the line manager of the Relevant Individual tested, the Relevant Individual themselves, and any other person or D&M Building Services Ltd representative where appropriate.

## **6.4 Immediate actions following In-Breath Testing result**

6.4.1 A negative result will be advised to the employer and the Relevant Individual, and a record made.

6.4.2 An alcohol in breath reading above 50% of any of the levels set out in paragraph 4.1 of this Policy will result in the HSQE representative having an informal conversation with the Relevant Individual about the result and informing his/her line manager.

6.4.3 If the alcohol in-breath reading is above the level set out in paragraph 4.1 of this Policy the Relevant Individual will be deemed to be under the influence and above the permissible limit:  
If the Relevant Individual is an employee:



The Relevant Individual will immediately be suspended from work. D&M Building Services Ltd will arrange for the Relevant Individual's safe transport home; he/she will not be permitted to drive away from the workplace and any allocated vehicle will be removed pending investigation.

All test / sample information and documentation will be forwarded to the Manager marked as PRIVATE and CONFIDENTIAL.

The Managing Director will confirm immediate suspension of the Relevant Individual with the line manager, and will subsequently send a confirmation of suspension letter to the Relevant Individual.

Disciplinary Procedures will then be instigated which may result in Summary Dismissal for Gross Misconduct, even for a first offence. Disciplinary Procedures will normally be instigated once the result from the laboratory urine test is received by D&M Building Services Ltd.

If the Relevant Individual is not an employee:

The Relevant Individual will immediately be suspended from work.

The Relevant Individual's employer will be informed of the in-breath reading level.

It shall be the responsibility of the Relevant Individual's employer to arrange for the Relevant Individual's safe transport home; he/she will not be permitted to drive away from the workplace.

All test / sample information and documentation will be forwarded marked as PRIVATE and CONFIDENTIAL

The Relevant Individual will not normally be permitted to return to the workplace and they will be dealt with in accordance with their employer's policy and procedures.

6.4.4 In the event that the D&M Building Services Ltd has reasonable suspicions that the Relevant Individual may be in breach of this Policy the Relevant Individual will be suspended on full pay pending the results of the laboratory test (this may occur even if a negative result was given by the In-Breath test).

## **6.5 Immediate actions following Point of Care result**

6.5.1 A non-positive result will be advised to D&M Building Services Ltd and the Relevant Individual, and a record made. It will be made clear that it is possible to have false non-positive results and that one separate sample of urine will still be analysed by the laboratory for the determinative result.

6.5.2 If a positive result is given, the result will be advised to D&M Building Services Ltd and the Relevant Individual, and a record made. It will be made clear that it is possible to have a false positive result and that one separate sample of urine will still be analysed by the laboratory for the determinative result. In these circumstances:

### **6.5.3**

If the Relevant Individual is an employee:

The Relevant Individual will immediately be suspended from work. D&M Building Services Ltd will arrange for the Relevant Individual's safe transport home; he/she will not be permitted to drive away from the workplace and any allocated vehicle will be removed pending investigation.

All test / sample information and documentation will be forwarded D&M Building Services Ltd marked as PRIVATE and CONFIDENTIAL.

The Managing Director will immediately notify the Manager / Supervisor of any positive results.

The Manager / Supervisor (or other nominated representative) will confirm immediate suspension of the Relevant Individual with the line manager, and will subsequently send a confirmation of suspension letter to the Relevant Individual.

D&M Building Services Ltd shall await the results of the laboratory test to determine whether the Relevant Individual in fact does not have any trace of drugs and so can return back to work, or whether traces of drugs were detected and Disciplinary Procedures are to be instigated.

If the Relevant Individual is not an employee:

The Relevant Individual will immediately be suspended from work.

The Relevant Individual's employer will be informed of the Point of Care reading level. The employer will be reminded that false negatives may occur.

It shall be the responsibility of the Relevant Individual's employer to arrange for the Relevant Individual's safe transport home; he/she will not be permitted to drive away from the workplace.

All test / sample information and documentation will be forwarded to D&M Building Services Ltd HSQE department marked as PRIVATE and CONFIDENTIAL.

D&M Building Services Ltd shall await the results of the laboratory test to determine whether the Relevant Individual in fact does not have any trace of drugs and so can return back to work, or whether traces of drugs were detected. In the event traces of drugs are detected, the Relevant Individual will not normally be permitted to return to the workplace and they will be dealt with in accordance with their employer's policy and procedures.

6.5.4 In the event that D&M Building Services Ltd has reasonable suspicions that the Relevant Individual may be in breach of this Policy the Relevant Individual will be suspended on full pay pending the results of the laboratory test (this may occur even if a negative result was given by the Point of Care test).

## **6.6 Immediate actions – Giving Urine Samples for Laboratory Testing**

6.6.1 Urine samples shall be taken from the Relevant Individual for the detection of drugs and/or alcohol.

6.6.2 Subject to the results of any In-Breath Testing or Point of Care Testing, the Relevant Individual will normally be allowed to continue work pending the result of the laboratory test.

6.6.3 In the event D&M Building Services Ltd has reasonable suspicions that the Relevant Individual may be in breach of this Policy, the Relevant Individual will be suspended on full pay pending the results of the laboratory test (this may occur regardless of the results of any In-Breath or Point of Care has been carried out).

## **6.7 Immediate actions - Laboratory Test Result**

6.7.1 Where the laboratory confirms either a positive drugs result or an alcohol result above the permissible limit:

If the Relevant Individual is an employee:

In the event the Relevant Individual is at the workplace, the Relevant Individual will immediately be suspended from work. D&M Building Services Ltd will arrange for the Relevant Individual's safe transport home; he/she will not be permitted to drive away from the workplace.

All test / sample information and documentation will be forwarded to the D&M Building Services Ltd marked as PRIVATE and CONFIDENTIAL.

D&M Building Services Ltd will confirm immediate suspension of the Relevant Individual with the line manager, and will subsequently send a confirmation of suspension letter to the Relevant Individual.

Disciplinary Procedures will then be instigated which may result in Summary Dismissal for Gross Misconduct, even for a first offence. For the avoidance of doubt, D&M Building Services Ltd takes a zero

tolerance approach for employees being under the influence of drugs/alcohol and the sanction normally applied is Summary Dismissal for Gross Misconduct

If the Relevant Individual is not an employee:

In the event the Relevant Individual is at the workplace, the Relevant Individual will immediately be suspended from work.

The Relevant Individual's employer will be informed of the laboratory test result.

It shall be the responsibility of the Relevant Individual's employer to arrange for the Relevant Individual's safe transport home; he/she will not be permitted to drive away from the workplace.

All test / sample information and documentation will be forwarded to D&M Building Services Ltd marked as PRIVATE and CONFIDENTIAL

The Relevant Individual will not normally be permitted to return to the workplace and they will be dealt with in accordance with their employer's policy and procedures.

6.7.2 If test results are returned from the laboratory showing a negative result or are found to be consistent with prescribed levels of declared prescribed or over the counter medication, individuals and employers will be notified. This will not have a detrimental effect on a Relevant Individual's career or work record.

## **7.0 Re-Employment**

7.1.1 Anyone who is dismissed in accordance with the Company's disciplinary procedure or removed from site will be prohibited from being re-employed or working on a D&M Building Services Ltd project for a minimum period as detailed below, although this may be longer in line with sector norms.

Illegal drugs – 12 months

Alcohol or other substances – 6 months

7.1.2 Re-employment is not guaranteed, with each case being assessed on an individual basis with each case been assessed with the line manager and HR. Where re-employment is offered, pre employment testing will be undertaken and compliance testing will be required for a minimum of 6 months after commencement.